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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.

Almighty God, fill us with Your power and might. Give us pure hearts that will drive out evil thoughts. Give us power to overcome sin and to conquer temptations. Empower the Members of this body with strength for the complex challenges they face. Infuse them with a love that banishes bitterness and creates a servant's heart. Remind them to forgive others as You have forgiven them. Guard their hearts and purify their speech.

We pray in Your loving Name. Amen.

### PLEDGE OF ALLEGIANCE

The PRESIDENT pro tempore led the Pledge of Allegiance, as follows:

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

### RESERVATION OF LEADER TIME

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

### MORNING BUSINESS

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

### RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

### SCHEDULE

Mr. FRIST. Mr. President, we have set aside the first hour for a period of morning business. After that time, there will be 20 minutes allocated to the chairman and the ranking member of the Appropriations Committee for their closing remarks on the emergency supplemental. We will then vote on the Thune amendment on VA medical facilities, to be followed by a vote on passage of the bill. Senators can expect those votes to begin sometime around 11 o'clock this morning.

We are also working to clear some nominations that are on the Executive Calendar, including two district judges that will require rollcall votes this afternoon. I will have more to say on the schedule for this afternoon and tomorrow after discussions with the Democratic leader over the course of the morning.

### NATIONAL DAY OF PRAYER

Mr. FRIST. Mr. President, today marks the 55th National Day of Prayer, as established in 1952 by President Truman. All across America, in homes and churches and small towns and crowded cities, millions of people of many faiths will gather together to pray for the peace, prosperity, and protection of our Nation. They will pray for their leaders—and goodness knows we need those prayers—and they will thank the Creator for blessing us with a nation that recognizes the God-given dignity and worth of each and every person and our basic fundamental right to be free.

America is a nation forged in prayer. The very first official act of the Continental Congress was a call for prayer. Two years later, the fledgling body called for a national day of fasting and prayer.

From the very first settlers who arrived at Jamestown to each morning here—as we just did—in the Senate when the Chaplain opens each and every day with a prayer, faith has al-

ways been at the heart of the American project. That is because at the heart of the American idea of liberty is belief—belief that our freedom springs not from the state or the benevolence of men but from the one true Creator whose love is boundless.

It is so fundamental, so essential to our founding principles that, in the words of the Founding Fathers, it is “self-evident.”

Our first President, George Washington, was a profoundly religious man. He began and ended each day with a prayer. As President, he would go to his library and humbly kneel before an open Bible to ask for guidance and grace. In his Thanksgiving proclamation, President George Washington told his fellow citizens with words that ring out to us today:

It is the duty of all nations to acknowledge the Providence of Almighty God, to obey His will, to be grateful for His benefits, and to humbly implore His protection and favor.

America has faced dark and grave moments, but in these moments, prayer has united us and given us strength.

I recall the startling image of 9/11, those crossbeams being lifted up by the New York City firemen amidst the rubble and ruin of the Twin Towers. All around was destruction. But in that one iconic symbol of hope—hope and a prayer that though the wounds of 9/11 may never heal and though we will always carry with us the grief of that terrible day, as people and as a nation we will endure.

So today, on our National Day of Prayer, we thank our Creator for our liberty. We ask Him for His grace and His guidance.

And on behalf of my Senate colleagues, I thank my fellow Americans for the prayers they are sending out to us. God bless you and God bless America.

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



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# RECOGNITION OF THE MINORITY LEADER

The PRESIDENT pro tempore. The Democratic leader is recognized.

## THE CHAPLAIN

Mr. REID. Mr. President, I very much appreciate the statement of the distinguished majority leader. We are very fortunate in the Senate to have as our Chaplain a man who has certainly earned the right to pray for our country, an admiral in the Navy, head of the chaplain service in the United States Navy, Dr. Barry Black.

I try to be here every day, as the majority leader, to listen to the prayers Dr. Black has prepared for the Senate and the country. They are always very good. I am grateful to him for what he pronounces through his prayers for us. Again I appreciate the statement of the majority leader today.

## STEM CELL RESEARCH

Mr. REID. Mr. President, growing up in the little town of Searchlight, there are a number of things that stand out in my mind. One is I remember so vividly a man by the name of Elwin Kent. Elwin was a friend of my father's. They grew up together. But Elwin as a little boy was stricken with polio. Elwin was very deformed. He walked with a very significant limp, and he had on his back a huge hump. I don't know, but it was at least a foot. It stuck out his back about a foot. He was a very handsome man, but he was terribly handicapped.

I came as a boy to realize how he got sick because when I was growing up, the scourge was Elwin's disease, polio. Infantile paralysis we called it. I worried about that as most young people of my age did. In Searchlight, as I was growing up we had no cases, but that didn't prevent my worrying about the disease.

My wife and I a short time ago—a matter of a month or so ago—were surprised when we got in the mail a letter sent to me in Searchlight, NV. I opened the letter, and it was from a girl I had heard about from my wife, in our conversations, with whom she had spent her early days. That was maybe in the second grade. Two little girls. My wife used to tell me about her red-haired friend Gail and how much she cared about her.

Gail found out where Landra, my wife, had gone. She learned that I was serving in the Senate, and she heard that I was from Searchlight and took a chance and wrote that letter.

The reason I mention that letter, which was such a surprise and made my wife feel so good, is that one of the things Landra remembers about Gail, in addition to her bright red hair, is the fact that as a little girl she had polio and was taken out of school and placed in a hospital, as my wife remembers, in an iron lung. So, of

course, my wife growing up worried about that. But Gail was gone, and she didn't really know how her life turned out.

Without belaboring the point, these two women who had known each other 50 years ago were able to spend time on the telephone. It was as if they had never been separated.

So Elwin Kent and Gail Randolph growing up contracted infantile paralysis. It was there. It was something we worried about, as did all people of our vintage.

Today is different. We have been able, through science, to eradicate polio in most every place in the world, but I still receive letters in my Senate offices from people who are concerned about other issues. I will read three of these letters addressed to me:

... My son 22 years old was in a diving accident just two weeks after graduating from high school and is now a quadriplegic. So instead of heading off to college on a soccer scholarship that autumn, he found himself being fitted for a wheelchair and a life of total dependency on others. ... while they [stem cells] may not cure him to the point of walking again, they will certainly provide him with an opportunity to improve the quality of his life. He wants to be able to feed himself, brush his own teeth, wash his hands and face when he wants to. ... I know you support stem cell research, but I just wanted to give you my support and the support of our entire family as you fight the fight for those who can't fight for themselves. ...

Mr. President, I want the record to reflect that I will use leader time so I don't take time from Senators on this side of the aisle. So I am using leader time.

The PRESIDENT pro tempore. It is so noted.

Mr. REID. Mr. President, I have another letter from Yerington, NV. Here is what it says:

I am asking you again to do your best for my son and the millions of others who need a cure for diabetes. ... My son was in the hospital yesterday. ... I can't tell you how hard and painful it is to see your son like that. ... my wife and I would give our lives to ensure that our son can beat diabetes. ... The Senate will soon vote on the stem cell bill that you still support. Please try to change the minds of those that are not for it.

Then one final letter from a man in Las Vegas:

I have amyotrophic lateral sclerosis (ALS). ... my family doesn't want me to leave them. At the least, my family wants some hope that science will be allowed to use all means available to them, to try to find some treatment that will extend life until a cure is found. I would like to have those people who are opposed to federal assistance for embryonic stem cell research for therapeutic purposes, explain to my family why they are being denied hope that might be available if the federal government funds all reasonable medical research for my illness and those other illnesses that today provide no hope for the future.

Mr. President, these families are not asking for anything except hope—hope—for a better future for them and their loved ones.

Stem cell research holds a promise for medical breakthroughs. As former

First Lady Nancy Reagan said so clearly, vividly, and who watched with great courage as her husband's Alzheimer's overtook this good man, she said:

I just don't see how we can turn our backs on this ... We have lost so much time already. She gave this statement in 2004:

I just really can't bear to lose any more time.

Unfortunately, more than 2 years have passed since Nancy Reagan said this, and this Republican-controlled Congress has been unable and unwilling to reach agreement on how to expand the President's restrictive stem cell policy that is hindering scientific progress toward possible cures and treatments for a wide variety of diseases and conditions.

We are rapidly approaching the 1-year anniversary of the date of the House of Representatives passing H.R. 810, the Stem Cell Research Enhancement Act. This act would expand President Bush's 2001 policy for Federal funding for stem cell research and permit Federal researchers at NIH, the National Institutes of Health, which has the capability of the strongest oversight in the world, to finally explore the many possibilities stem cell research holds for America.

Over the past year, I have repeatedly asked the majority leader to find time to consider this bill which has a bipartisan majority of the Senate supporting it. My request for action has been met by delay and inaction. One year may not seem like a lot to people, especially in the Senate—we seem to have our days, weeks, months, and years run together—but 1 year is an eternity if someone you love is suffering from a condition where stem cell research, according to the experts, can offer help.

There are a number of very important issues this body ought to consider this session. I say, Mr. President, none—none—even though we have deficit problems, problems with our environment, education, health care, the war in Iraq—I say nothing is more important to the American people than legislation that could provide medical breakthroughs that would benefit millions—millions—of Americans. We can certainly do better than what we have done. We can do better for the Nevadans whose letters I have read.

I can see in my mind a man who was the chief executive officer of Nevada Power, the largest power company in Nevada, who contracted Lou Gehrig's disease. This young man lived 18 months—very difficult months. People are counting on the promise of this groundbreaking research. The passage of the House stem cell bill on May 24 of last year was a rare victory for bipartisanship here. It is my hope that we will embrace the same spirit of bipartisanship in the Senate and pass this legislation.

Immediately after the House passed its stem cell bill, I spoke with the majority leader about the need to take up

this crucial legislation as soon as possible. At that time, Dr. FRIST assured me that we would consider the stem cell bill in the Senate by July of last year. By the end of July of last year, the majority leader still hadn't scheduled debate on the stem cell bill. So I moved to take up and pass the House bill by unanimous consent. Dr. FRIST objected to this request but delivered a courageous speech the next day in which he expressed support for Federal funding for expanded embryonic stem cell research.

In that statement, the majority leader said, "The potential of stem cell research to save lives and human suffering deserves our increased energy and focus." Yet when we returned after the August recess of last year, the majority leader still could not find time to debate this important legislation. He found time for the Republicans, as the leaders of American churches have said, for a moral budget, he found time for drilling in the Arctic Wildlife Refuge and more deficit spending, but still no time for keeping hope alive with the promise of stem cell research.

In December, just 5 months ago, the majority leader asked consent to take up and pass the House cord blood bill. Well, these were supposed to be joined together. We reluctantly said OK. We said we will do this and then we will move to the bill that we want, the one that passed the House. Well, at that time he expressed—he meaning Senator FRIST—again his commitment to the stem cell bill. Once again, we were not allowed to move to that bill. Instead, we passed the cord blood bill in exchange for a commitment to consider the stem cell bill early in this session.

Three months after he made that commitment, I raised the issue again, and I asked that he schedule time for the Senate to consider this issue prior to the 1-year anniversary passage of the House bill. Unfortunately, this request met the same fate as my previous requests.

Two months have passed since my last exchange with Senator FRIST, and he has yet to provide the Senate with an opportunity to pass this important legislation. Even as he announced his plans for a Health Week in the Senate sometime this month, he made it clear that stem cell research would not be part of his plan. Today is May 4, and we are fast approaching the 1-year anniversary of the House passing H.R. 810 and the start of Health Week. Still, no stem cell legislation.

For all of these reasons and many more, I am sending the majority leader a letter signed by 40 Democrats asking the majority leader to make H.R. 810 a priority during this Health Week. I ask unanimous consent that this letter be printed in the RECORD.

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

U.S. SENATE,

Washington, DC, May 2, 2006.

Hon. WILLIAM FRIST, M.D.,  
Majority Leader, U.S. Senate,  
Washington, DC.

DEAR DR. FRIST: Nearly a year ago, the House of Representatives approved important legislation to end the restrictions that have kept stem cell research from fulfilling its potential to save lives and alleviate suffering. We understand that you are planning a week of Senate debate on legislation related to health. We urge you to bring the Stem Cell Research Enhancement Act of 2005 (H.R. 810) to the Senate floor for consideration during this "Health Week".

Stem cell research has vast potential for curing diseases and saving lives. We know you recognize the enormous potential of this research for discovering new cures and therapies for diseases such as diabetes, Parkinson's disease and spinal cord injuries, and commend the strong support you have expressed for approval of the House-passed bill. By allowing H.R. 810 to be brought to a vote, you can bring hope and help to millions of American patients and families suffering from these and other serious illnesses.

The House passed H.R. 810 in May 2005—yet the Senate has failed to take action for nearly a year. Further delay will mean more lost opportunities for new cures and new treatments. The Senate should mark the anniversary of the House vote with action, not more inaction. We therefore urge you to bring H.R. 810 to the Senate floor for debate and a vote during "Health Week". Millions of patients and their families across the nation cannot afford to wait any longer for enactment of this urgently needed legislation.

Sincerely,

Harry Reid, Dianne Feinstein, Tom Harkin, Ted Kennedy, Joe Lieberman, Barack Obama, Daniel Inouye, Jack Reed, Tom Carper, Russ Feingold, Herb Kohl, Paul Sarbanes, Frank R. Lautenberg, Debbie Stabenow, Bill Nelson, Maria Cantwell, Mary L. Landrieu, Jeff Bingaman, Max Baucus, Robert Menendez, Chuck Schumer, Byron L. Dorgan, Tim Johnson, Barbara Boxer, Hillary Rodham Clinton, Chris Dodd, John F. Kerry, Patty Murray, Jim Jeffords, Ken Salazar, Barbara A. Mikulski, Joe Biden, Evan Bayh, Patrick Leahy, Carl Levin, Mark Dayton, Dick Durbin, Blanche L. Lincoln, Daniel K. Akaka, Ron Wyden.

Mr. REID. Mr. President, if we are truly committed to lowering the cost of health care in our country, we need to invest in medical research that has the potential to combat life-threatening and chronic diseases. Stem cell research shows tremendous promise. Federal funding of embryonic stem cell research will allow our Nation to lead the world in this research and ensure that stem cell research is conducted with the strongest oversight in the world. When it comes to the possibility of finding cures, we cannot leave our best and brightest researchers with their hands tied, and we cannot deny Americans the hope of eventually finding a cure for a wide range of illnesses.

The House dealt with this issue, and we should do the same. I hope the majority leader will find this legislation important enough to consider as part of Health Week, and I will work with him in any way possible to schedule this to move forward before May 24, the 1-year anniversary of the passage by

the House of this most important bill, a bill which gives hope to millions of Americans who, as indicated in these letters, are losing hope.

The PRESIDENT pro tempore. There is 30 minutes under the control of the minority leader or his designee.

The Senator from Illinois is recognized.

Mr. DURBIN. Mr. President, I thank the Democratic leader, Senator REID, for bringing this issue to the floor. This is something we have talked about a lot in our private meetings: stem cell research. It is a matter of great frustration, frustration because we understand there are literally millions of Americans who are counting on us, the Senate, to assume our responsibility and take up a bill that was passed by the House of Representatives almost 1 year ago.

Senator REID came to the Senate floor and for the last few moments told us of his own personal commitment to this issue, and I share it. He read letters from his constituents and talked about his life experience. He then presented a letter that we have sent to Senator FRIST asking him to use his power to bring this issue to the floor.

This morning across America, people got up, started their day, many of them as healthy as can be but some suffering from illness and others with members of their families suffering from serious illness. Many of the people keep going because there is the hope, just the hope, that something might come along—a treatment, a medicine—something that might give them a chance to have a full life. That is what stem cell research is all about.

When President Bush decided to announce that it would be the policy of the United States of America to restrict scientific research involving stem cells, he ended up closing off opportunities for people to live without fear, without disease, without the shortcomings of the illnesses from which they suffer. It was a Government-mandated decision which would stop that medical research here in the United States. Across the country, some States have said: We are going to lead if the Government won't. The State of California, my State of Illinois, and others have stepped up and said: We will fund stem cell research because we believe it is so critically important. Sadly, this administration refuses. Now it will take congressional action. The House has done its job. It has passed this bill and sent it to the Senate. We have waited.

It has been 346 days since the House of Representatives passed this important stem cell legislation. In just short of 2 weeks, it will be 1 year—1 year—since they sent us this bill. Sadly, in that period of time, despite his promises, as Senator REID has told us, Senator FRIST will not call up the stem cell research bill.

I was so encouraged—and many others were as well—when Senator FRIST came to the Chamber and said publicly

that he was going to support this bill. It gave hope to people, that finally we would have a bipartisan effort that would grow here in the Senate to the point where a majority would pass this legislation. But for reasons I can't explain, so many other things are of greater importance when it comes to the Senate agenda.

Mr. REID. Mr. President, would the Senator yield for a question?

Mr. DURBIN. I would be happy to yield for a question.

Mr. REID. The Senator from Illinois and I are about the same age. Do you remember as a boy being worried about polio?

Mr. DURBIN. Absolutely.

Mr. REID. And do you remember the relief that was given to us as boys, young boys, when a cure was found? They could give us a shot. We knew we wouldn't go into an iron lung or have a hump on our back like my friend Elwin, whom I love almost like an uncle—not almost, like an uncle.

Does the Senator acknowledge that all these people who suffer from Lou Gehrig's disease and Parkinson's and diabetes and all of these other diseases, that they have been told by the foremost scientists around the world that there is hope for them, that they would have the same relief we had when we learned there was a cure for polio?

Mr. DURBIN. Mr. President, I would say in response to the Senator from Nevada the name Jonas Salk, a name no one ever heard of until this great researcher came up with a vaccine for polio. When we were in grade school as children and saw our fellow students crippled by polio, in fear that it could strike us, Jonas Salk, this researcher, came forward with that vaccine and he changed our lives. He took a burden off of our lives and the lives of our parents who worried about whether their kids would contract polio.

Why can't we give the same hope and same promise to a new generation of Americans with stem cell research? Why is our Government, why is this administration, why is the President blocking this research, and why won't the Senate Republican leadership bring this bill to the floor?

If this is about National Health Care Week, shouldn't we be talking about medical research? Shouldn't we be talking about new cures and new opportunities so people can have a better life? Unfortunately, we are not.

Mr. REID. Mr. President, will the Senator yield for another question?

Mr. DURBIN. I am happy to yield.

Mr. REID. Does the Senator acknowledge that Jonas Salk and others doing this research had the full support of the Federal Government every step of the way on this very delicate, deliberate, tough path they followed to find a cure?

Mr. DURBIN. That is exactly the point we should remember when it comes to stem cell research. How much better would our research be if this Government stood behind efforts to

find cures instead of creating these obstacles?

When President Bush made his announcement—and I believe it was in August of 2001—about stem cell research, he did not take an absolute position saying he was opposed to stem cell research because it was immoral or for some other reason; he said he would allow stem cell research to continue along certain stem cell lines that currently exist. But in making that announcement, he restricted the opportunity to expand that research in our country. It was a Government decision to restrict the research into stem cells that could save lives and change lives dramatically. So I would say that what we face in the Senate is a moral imperative. Will we step forward now, 1 year after the House has passed this legislation? Will we put the bill on the floor and vote it up or down?

I can tell you, in the city of Chicago and in the State of Illinois, I have traveled around and met with many people who are counting on us.

I had a little gathering in Chicago at the Chicago Rehab Institute, one of the best in America, and we had people come in who were interested in this issue. We had folks from the American Diabetes Association who believe stem cell research may offer the opportunity for a cure for some forms of diabetes. As more and more people are stricken with this disease, as their lives are compromised and changed, can we deny them this opportunity?

Others came in suffering from Parkinson's. Parkinson's is a disease which I know a little bit about personally because of one of my closest friends in Congress, Lane Evans, the Congressman from Rock Island, IL. He and I came to the Congress in the same year of 1982. In 1996, I was out campaigning with Lane in a parade in Galesburg, IL. I didn't realize it at the time, but Lane felt that day that something was wrong with him. He wasn't sure what it was. He said he had lost the feeling in his hand. He didn't say anything that day, and it wasn't until several years later that the diagnosis was made that he suffers from Parkinson's. He has been a real profile in courage. He has stood up and represented the people of his district, and he has been very honest about his disease and how it has limited his life.

We were all saddened just a few weeks ago when Lane made the public announcement that he couldn't continue, that he would have to withdraw his name from the ballot this year. This young man—this young man—is going to have his life changed dramatically because of Parkinson's. Can we do anything less than push for medical research for those who may be suffering from Parkinson's or threatened by it? Does it make us a better or more moral people to withhold this research that can hold such promise for these people?

The same thing is true with Alzheimer's. As more and more Americans advance in age, Alzheimer's is more

prevalent. We find more instances of people in nursing homes who need special care. There is a chance, there is a good chance, that stem cell research may open some doors and some avenues to at least ameliorating the negative aspects of this Alzheimer's disease and maybe someday find a cure. How long can we wait? How long can we wait for the political leaders in the Senate to wake up to reality? The American people are counting on us.

If we wonder why the American voters are cynical, whether they question if this Congress has any value in their lives, take a look at this issue. For a year we have been sitting on a bill the majority leader in the Senate says he supports. He won't call up the stem cell research bill. I could go through a long list of other bills he has called, some that I consider just plain wrong, and others insignificant. They have taken the place of stem cell research. Why? Next week we are going to deal with Health Care Week. I salute Senator ENZI, the Senator from Wyoming. He wants to talk about health insurance. I don't agree with his approach. I have an alternative. I salute him for coming to the Senate floor and pushing this forward. Why can't we get the same leadership from the Republican leader of the Senate when it comes to stem cell research? How can we have a National Health Care Week and not deal with medical research after we promised over a year to do so?

I take a look at the people who came to that meeting in Chicago and remember so well a young man, a very young man in a wheelchair suffering from Lou Gehrig's disease, a handsome fellow with a beautiful young wife. He broke down in tears because he could barely speak. He was losing control of his body even as he sat there, telling me how critically important medical research was. Anyone who has seen a victim of Lou Gehrig's disease, whether it was the late Senator Jacob Javits of New York or, of course, the late Lou Gehrig himself, as we saw his baseball career come to an end, understands how devastating this can be. The only thing that keeps many going is the hope, the chance that a cure will be found. Where is that hope? Where is that cure? It is buried in the calendar of the Senate. It is buried in the calendar of the Senate because the leadership will not call up stem cell research for a vote.

Instead, Senator FRIST is going to bring the issue of medical malpractice to the floor again next week. It has been brought over and over again. After days have been devoted to debate, it has been stopped because many believe this is an issue of State responsibility and not an issue for the Federal Government. Yet he wants to take up several days on the Senate calendar, several days which may ultimately lead to no conclusion on the issue of medical malpractice. Wouldn't it be better to devote those days, 3 of those days, to stem cell research?

Think about it. As we avoid our responsibility in stem cell research, the medical challenges are still there. All across the United States, loving couples who were unable to conceive a child have turned to in vitro fertilization. Beautiful young babies have resulted, children who are loved and cherished because of the advances of science.

But during the course of this in vitro fertilization, spare fertilized eggs are produced. What will happen to those eggs? In many instances they will be thrown away, destroyed on the spot. Instead of destroying them, wouldn't it be better to take the embryonic stem cells from those same eggs and use them to find a cure for Alzheimer's, for Parkinson's, for diabetes, for Lou Gehrig's disease, to see if we can regenerate spinal cord injuries and give people who are crippled and paralyzed a chance?

Let me tell you the story of one of those people right now. He is from Germantown, IL, which I know pretty well, down around my home area of East St. Louis. His name is Matt Langenhorst. Matt was 31 years old. He was a picture of health, a 6-foot-4-inch police officer. In the year 2001, he and his wife were hit by a car. Matt is now paralyzed from the neck down. His wife is his full-time caregiver.

Today, Matt moves his wheelchair by blowing into a tube. Simple things that we take for granted take Matt minutes and hours to accomplish. Almost everything in his life requires assistance.

When he was injured, Matt and his family were certain that research was promising that he would walk again. They were counting on medical research. That was 5 years ago—5 years paralyzed.

His family was in my office this week asking why we have not done more. They wanted to know what we were doing about stem cell research. This bill passed the House of Representatives with Democrats and Republicans. What are we waiting for?

I can't answer that question. I don't know what could be more important from the Republican majority point of view than to move forward with this critical stem cell research. I think the Senate should pass H.R. 810 as quickly as possible. Perhaps we should set aside some of the other pets and favorites for a few moments and address this issue of medical research. So many people are counting on us.

When we look at the budget that the President has just sent us, sadly I am afraid medical research is not the priority it once was. I was here when, on a bipartisan basis, Congressman John Porter, Republican from Illinois; Senator ARLEN SPECTER, Republican from Pennsylvania; Senator TOM HARKIN, Democrat from Iowa, all agreed we would double the budget for the National Institutes of Health so that they could find more cures, there would be more money to be invested in research.

What happened last year? We froze the budget. We decided not to increase

it. In this year's budget, sadly, the President did the same thing. This year's budget from President Bush to Capitol Hill cuts funding for 18 of the 19 institutes at the National Institutes of Health.

What does that mean? It means 642 fewer research projects will be undertaken, 642 projects trying to find cures for cancer, heart disease, stroke, muscular dystrophy, and so many other terrible disorders. What greater priority is there for this country than medical research? What can we possibly think is more important than advancing research?

I met recently with some scientific investigators who said: You know, I am worried, worried if we don't invest in research the young people who should be developing the expertise will not have the incentive to do it. They will be afraid the NIH won't be able to fund the important projects they can devote their lives to.

The President has decided first to stop stem cell research, to limit it to a very small number of stem cell lines that are inadequate to the task of developing cures for disease, and then to cut the budget for medical research at the National Institutes of Health. The President does this at the same time that he is calling for tax cuts for the most wealthy people in America, people who have not even asked for a tax cut. Why in the world would we build up the debt of America and cut back on essentials such as medical research and education and health care to provide a tax cut for the wealthiest people in America? The priorities are just wrong. The Bush policies, when it comes to medical research, are wrong. They are moving America in a wrong direction. They are moving us away from finding cures and bringing hope to those who are afflicted with disease.

Sadly, we have to change that direction. We have to say to the President we don't accept this Bush policy. It is wrong when it comes to medical research, and that decision and that statement has to be made right here on the Senate floor with 100 men and women elected from across the United States to speak for the people who are waiting in hope, people like those I have described—people like that couple in Germantown, IL, the Langenhorsts, Matt and Erika. I don't know if they are following this debate. I hope they are. More important, I hope this debate leads to something positive.

Next week, when Senator FRIST wants to bring up national health care, we are going to make an effort on the floor of the Senate to bring up stem cell research. It is about time he faces the reality. We can't put this off any longer. He has promised time to deal with so many issues—immigration and so many other things. He said he wants to set aside a certain piece of our schedule and devote it to a debate on gay marriage, a constitutional amendment on gay marriage. We want to spend a week or so talking about gay marriage.

What is more important? Stem cell research and medical research to find cures, that we spend the time to get that done, or 4 or 5 days on gay marriage? Honest to goodness, when it comes down to the priorities and values of the Republican leadership, I don't understand it.

They also want to consider a constitutional amendment on flag burning. You know, I have not noticed an epidemic of flag burning across America. I love our flag like every other American, but we are going to devote 3 or 4 or 5 days to talk about another constitutional amendment to ban flag burning? I would much rather see us put as a first priority medical research and stem cell research.

We are prepared to challenge Senator FRIST. Every time he comes up with a clearly political issue designed strictly for votes in November rather than for the needs of this Nation, we are going to challenge him. We are going to challenge him to bring up the issues that count, issues like stem cell research, issues like the energy costs across America that have to be addressed here and now, issues like the cost of health insurance, which not only threatens families but threatens the future of many businesses, particularly small businesses. Those are the real issues. Those are the things that people care about.

Instead, we fritter away our time, we waste our time on virtually insignificant issues such as this political posturing for the next election. This stem cell research issue is a bipartisan issue. There are Republican and Democratic Senators who support it. It is a chance for us to stand up once as an institution and be proud that we have a bipartisan solution to advance medical research in America. But, unfortunately, we have not been able to prevail. Unfortunately, for 346 days now we have waited for Senator FRIST to call the bill on stem cell research.

That is his responsibility. That is the responsibility of the Republican majority. I hope they accept that responsibility. Senator FRIST, more than any other Member of the Senate, understands the importance of medical research. He is an honored cardio surgeon, a transplant surgeon who brings his special expertise to the floor of the Senate. When he announced he was for stem cell research, it was a breakthrough. It was a breakthrough that on the Republican side, a man of his stature would say that he supports it. Now that he has made that commitment almost a year ago, it is time for us to act, and act now. We need to make sure we restore the budget for the National Institutes of Health. We need to move this bill forward.

If we start cutting the NIH budget, advances that have saved lives in heart disease and Leukemia, cystic fibrosis, and so many other areas, those advances will slow down. It is just that simple. Medical research is slow. It takes time, and it costs money. But it

saves lives. It means a mom or dad with an incurable disease can live long enough so their kids will remember them.

Between the prohibition on stem cell research and the cuts to NIH funding, lifesaving medical research under the Bush administration in this country is sadly on the ropes. We can do something about it. We can pass H.R. 810. We can tell President Bush that his budget priorities are wrong, that we are going to put the money into stem cell research.

There are unused embryonic stem cells in eggs donated voluntarily by couples who no longer need them, which can be used for this valuable research. Otherwise they will be discarded, thrown away. Estimates suggest there are 400,000 of these unused embryonic stem cells currently available for research. What is stopping those cells from moving from storage in these frozen environments to laboratories where they may find cures? The decision of the President of the United States to stop the research. When we lift this restriction on Federal research dollars, it will provide stem cells that medical science tells us have the ability to change lives and save lives and to transform into almost every type of cell and tissue. Research will show us how to harness that ability to heal and repair damage done by disease.

We owe it to the families of those who are affected by disease and disability. The stem cell issue will not go away. I urge Senator FRIST to show the same leadership today that he showed last year when he announced his support for stem cell research by announcing when he will schedule this for a vote, give us a time certain, do not leave the floor of the Senate today without a time certain on a vote on stem cell research. We owe it to the millions of families across America who are counting on us.

Mr. President, I reserve the remainder of my time.

I suggest the absence of a quorum.

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

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. KENNEDY. Mr. President, today I come to the Senate floor to speak briefly about stem cell research and the hope it holds for millions of Americans in the years ahead.

Hope is one of the qualities of spirit that make us human. Hope allows us to dream of a better life for our children, our community, and our world, especially for loved ones now suffering or in pain.

Hope is what stem cell research holds for the parents of children with diabetes, who dream of a day when their constant fears for their children's well-being are things of the past.

Hope is what stem cell research brings to those with Parkinson's disease, who think of the time when the tremors of that disease are banished forever.

Hope is what stem cell research brings to millions of Americans who seek better treatments and better drugs for cancer, diabetes, spinal injury, and many other serious conditions.

Hope cannot be extinguished or destroyed but it can be frozen. And it has now been frozen for 5 long years, ever since President Bush shut down the stem cell research program begun in the Clinton administration, and imposed arbitrary and unwarranted restrictions on this lifesaving research, based on ideology, instead of science.

For 5 years, we have watched as America has abdicated its global leadership in this important new field, by keeping our best scientists on the sidelines.

In those 5 years, we have squandered the opportunity to set strong ethical guidelines for this research through the oversight that NIH funding can bring. Through NIH, we have made progress consistent with our values in new fields of in as recombinant DNA research, which once also seemed strange and controversial. We can do the same for stem cell research but only if NIH is allowed to become a leader in this new field.

Hope soared anew a year ago, when the House of Representatives set aside partisan differences and courageously approved legislation to end those restrictions, and give our scientists the tools they need to make progress in the fight against disease.

The same strong bipartisan support exists in the Senate for ending the unwarranted restrictions on stem cell research.

There is no one in the Senate with stronger pro-life credentials than Senator HATCH, but he knows that supporting stem cell research is the pro-life position to take.

There is no greater supporter of medical research in the Senate than Senator SPECTER, and he feels strongly that stem cell research is one of the great breakthroughs of modern medicine.

There is no one with a greater depth of conscience than Senator SMITH, and he has searched his heart and prayerfully decided that support for stem cell research is the moral choice.

Bipartisan legislation was passed by a vote of 238 to 194 in the House of Representatives on May 24, 2005, a year ago this month. It was ordered placed on the Senate Calendar on June 6, where it has remained stalled ever since. If the House bill was put to a Senate vote today or tomorrow or next week, it would pass by a solid bipartisan majority in the Senate too.

Why? Because the Republican Senate leadership stands in the way. Summer came and went with no action in the Senate, then the winter, then the

spring, and now we are about to reach an anniversary none of us ever wanted to see. On May 24, it will be 1 year since the House acted, and the Senate still refuses to act.

Let us vow that we will not mark this anniversary with yet more inaction and indifference.

The Senate has had a busy schedule, but in that schedule we have found time for all manner of giveaways to those who already have much in the way of wealth and power.

Now, it is time to turn our attention to those who need our help the most. And that includes the millions of Americans who have seen their hopes blocked by the administration's cruel policies and the Senate's shameful inaction.

The Senate leadership has scheduled a Health Week for later this month. Will we use this opportunity to debate the flawed Medicare drug program? Or the soaring number of the uninsured? Will we do what we need to do to unlock the vast potential of stem cell research? Sadly, the answer to each of these questions is probably no. These and many other major priorities for the Nation will remain unaddressed.

I urge my colleagues to join me in asking the Senate leadership to schedule a vote on House Resolution 810, the House-passed stem cell research bill, during the coming Health Week and to do so before May 24, the first year anniversary of its approval by the House of Representatives.

Millions of patients and their families look with hope to stem cell research, and they should not have to tolerate any greater delay or any further failures.

I yield the floor.

Mr. BROWNBACK. Mr. President, how much time remains?

The PRESIDING OFFICER. The majority time is 19 minutes 10 seconds.

#### NORTH KOREAN REFUGEES

Mr. BROWNBACK. Mr. President, I will draw attention to two topics today. I will address the comments made about stem cell research because we have exciting things happening in that field that I will report to my colleagues.

First though, there is breaking news, with Reuters, the Associated Press, and several other outlets reporting that shortly we may have a group of North Korean refugees formally accepted by the United States for the first time since the Korean peninsula was divided by war over half a century ago. This is being reported by a couple of news outlets. I ask unanimous consent to have printed in the RECORD the news report and a related article.

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

[From the Associated Press, May 3, 2006]

OFFICIALS: U.S. ASSISTS N. KOREAN REFUGEES

(By Foster Klug)

WASHINGTON.—The Bush administration is working to bring a group of North Korean



refugees to the United States and could have them in the country within two weeks, a State Department official said Wednesday.

The group would be the first from North Korea given official refugee status since passage of the North Korean Human Rights Act in 2004, officials say.

The State Department official, who spoke on condition of anonymity because of the issue's sensitivity, said the refugees are in a Southeast Asian nation, and if bureaucratic hurdles can be cleared, they could be in the United States soon.

A separate U.S. government source said the six refugees include several women who were sold into sexual slavery or forced marriages. The source, who also spoke on condition of anonymity, has been in contact with a person who helped shepherd the refugees into the Southeast Asian nation and who has had regular contact with them.

Both officials would not identify the nation, saying they were worried the refugees or their families could be harmed by North Korean agents. Officials also worry that publicity could slow down or scuttle the painstaking bureaucratic process that must be completed before the refugees can leave the Southeast Asian nation for the United States.

The issue of North Korean human rights has gained attention in Washington as international diplomatic efforts to rid the North of its nuclear weapons programs have stalled.

Lawmakers and human rights activists have expressed frustration at the State Department's slow pace in helping North Korean refugees settle in the United States; part of the North Korean Human Rights Act specifies that the department make it easier for North Koreans to apply for refugee status.

The U.S. special envoy on North Korean human rights, Jay Lefkowitz, told a congressional hearing last week: "We need to do more—and we can and will do more—for the North Korean refugees."

"We will press to make it clear to our friends and allies in the region that we are prepared to accept North Korean refugees for resettlement here," he said.

President Bush appointed Lefkowitz last year.

North Korea long has been accused of torture, public executions and other atrocities against its people. Between 150,000 and 200,000 people are believed to be held in prison camps for political reasons, the State Department said in a report last year.

Human rights activists have said that U.S. Embassy workers in Asian countries have refused to help North Korean refugees.

Last year, Timothy Peters, founder of Helping Hands Korea, told lawmakers at a hearing that embassy officials in Beijing rebuffed him when he tried to arrange help for a 17-year-old North Korean refugee.

"I thought to myself, 'Is this the State Department's implementation of the North Korean Human Rights Act?'" he said.

#### NORTH KOREA: POLICY CHANGES MAY FOSTER NEW HUNGER

SEOUL, May 4, 2006.—Recent decisions by the North Korean government to suspend the operation of the World Food Programme, ban the private sale of grain, and fully reinstate the discredited Public Distribution System could lead to renewed hunger for North Korea's already poor and destitute people, Human Rights Watch said in a new report released today.

The 34-page report, "A Matter of Survival: The North Korean Government's Control of Food and the Risk of Hunger," examines recent worrisome developments in North Ko-

rea's food policies, its marginalization of the World Food Programme (WFP), its refusal to allow adequate monitoring of food aid, and the implications of the government's new policies. Human Rights Watch noted that only a decade ago, similar policies led to the famine that killed anywhere from 580,000 to more than 3 million, according to independent researchers and nongovernmental organizations (NGOs).

"While most international discussion of North Korea is about nuclear weapons, hunger remains a serious problem," said Brad Adams, Asia director at Human Rights Watch. "Regressive policies from a government that doesn't allow free expression or independent observers to monitor the situation could someday lead to a repeat of the food crisis of the 1990s."

In October 2005, North Korea reversed some of its most applauded economic reforms by banning the private buying and selling of grain, the main source of nutrition for most North Koreans. The government asked the WFP, which had been feeding millions of the nation's most vulnerable people for a decade, to end emergency food aid. The agency believes the request is premature, and proposed a new, considerably smaller aid package. The North Korean government had not formally accepted the offer as of the end of April.

The government also announced in October that it was fully reinstating the Public Distribution System (PDS), which provided coupons for food and consumer goods to North Koreans through their places of work or study. During the food crisis of the 1990s, millions of people who depended on their PDS rations died from starvation. Many more suffered severe malnutrition and hunger as the system broke down. The crisis ended by massive amounts of international food aid and the tolerance of private markets, helped in recent years by improved harvests.

"Forcing the World Food Programme to radically reduce its food shipments and monitoring, and making it illegal for ordinary North Koreans to buy and sell grain, is a recipe for disaster," said Adams.

Recent news reports suggest that North Koreans in many parts of the country were not receiving rations, six months after the authorities announced they were fully reinstating the PDS. A Chinese man of Korean descent who recently visited his relatives in the northeastern part of North Korea told Human Rights Watch that none of the five homes he visited had received any rations since November 2005. "They received half a month's worth of corn for the months of October and November, but that was it," he said. "And that, I heard, was only for working men, and nobody else in the families."

The South Korean NGO Good Friends also reported in the April edition of its monthly newsletter, North Korea Today, that residents of Pyongyang received only 10 days of food rations in April. Citing an unnamed official at Pyongyang's food management administration, the report said that in May there would be no rations at all.

North Korea has a long history of providing food on a priority basis, feeding the preferred class, such as Workers' Party members and high-ranking military, intelligence and police officers, while discriminating against the so-called hostile class. If past patterns hold true this year, the government will first send food to "war-preparation storage" and preferred citizens, and only then to the general public through the PDS, leaving many North Koreans hungry.

Until the famine in the 1990s, food rationing was perhaps the single most important way of controlling the population in North Korea. As people could receive rations only from their place of work or study, the sys-

tem largely kept the population immobile and obedient, so that they wouldn't risk losing their only source of food.

"The government is apparently trying to turn back the clock to regain some of the control lost when it allowed people greater freedom to move around and buy grain," said Adams. "The government should reverse its new policies, which make it harder for hungry people to find the food they need to survive and stay healthy."

The government should prioritize assisting the vulnerable population by providing aid to those who can't obtain food through their work. North Korea should allow international monitors unfettered access to beneficiaries. Major food donors, including China and South Korea, should monitor distribution of their aid in a way that meets international standards as employed by the WFP. Human Rights Watch urged the North Korean government to:

Allow international humanitarian agencies, including the WFP, to resume necessary food supply operations and to properly monitor aid according to normal international protocols for transparency and accountability;

Ensure its distribution system is both fair and adequately supplied, or permit citizens to obtain food in alternative ways, through direct access to markets or humanitarian aid; and

End discrimination in the distribution of food in favor of high-ranking Workers' Party officials, military, intelligence and police officers, and against the "hostile" class deemed politically disloyal to the government and Party.

Human Rights Watch takes no position on whether countries should have market or command economies. But it is clear from the devastating famine and pervasive hunger of the past—well documented by the United Nations and NGOs—that the PDS and the country's official food industry have miserably failed North Korea.

"Millions of North Koreans died painful deaths from starvation while the rationing system was in place," said Adams. "There is little reason to believe the North Korean government is now capable of providing enough food to all its citizens."

Mr. BROWNBACK. I certainly hope and pray the reports are true. I hope that the six to eight refugees being referred to in the articles will soon have a chance to be welcomed by thousands of Americans who have worked hard for their freedom, especially those of Korean heritage in this country.

I particularly recognize the Korean Church Coalition and a number of people who risked their own lives to form an underground railroad of sorts—reminiscent of what happened in my State and many other places across this country years ago—along the Korean-Chinese border. We have a fairly open border between Korea and China. You can get from North Korea into China, but you cannot get out of China. The Chinese have, to date, not been very cooperative in allowing North Korean refugees to pass. They have even captured North Korean refugees and sent them back to North Korea to an uncertain future and possible death, and in many cases, as well as a lot of persecution and mistreatment in a North Korean gulag, of which we have satellite photographs. I have held hearings on gulags containing, we believe, around 200,000 North Koreans. We also

believe, over the last 15 years, approximately 10 percent of the North Korean population has died, primarily of starvation, although also from the gulags and at political prisoner camps.

The people are walking out of North Korea. They are walking into China. We do not know how many, but the estimates have been as many as 100,000 to 300,000. They are now living off the land there in an illegal status, in great difficulty, and in harm's way in China.

If we get these refugees coming into the United States, they will be the first refugees coming into the United States. It is built on the North Korean Human Rights Act, which this Senate and this Nation passed a year and a half ago, allowing these refugees from North Korea to enter into the United States.

The act basically builds on what took place toward the Soviet Union before it had collapsed where we were in negotiations on nuclear talks, we were not getting anywhere, and we raised human rights issues of what took place regarding two Soviet dissidents in the Soviet Union.

We said it was not fair how they are treating their own people. The same thing is happening in North Korea in how North Korea is treating their own people, to the point this oppressive regime of Kim John is trying to build weapons of mass destruction; they are a weapon of mass destruction on their own people, killing, as I noted, we believe around 2 million North Koreans through starvation. This is abhorrent.

If the refugees do come to the United States, this is a moment of celebration, even though it is only a few. It is a statement by this country that we will not tolerate the mistreatment of people taking place in North Korea. I applaud this effort.

I applaud the administration for working on this particular topic, and particularly Jay Lefkowitz, the special envoy from the administration on human rights in North Korea.

If reports this morning from Reuters and the Associated Press as well as various other news outlets prove to be accurate, we may shortly have a group of North Korean refugees formally accepted by the United States for the first time since the Korean peninsula was divided by war over half a century ago.

I hope and pray that these reports are true, and I hope that the six to eight refugees referred to in the articles will soon have a chance to be welcomed by the thousands of Americans who have worked so hard for their freedom, especially by those of Korean heritage.

A year and a half ago, Congress passed and President Bush signed into law the North Korean Human Rights Act. It was the first significant piece of legislation dealing with that nation's dictatorial regime since the cessation of hostilities in July 1953. The act called for a U.S. policy on North Korea based on a commitment and respect for

human rights and human dignity, and fundamental freedoms, including the freedom of thought, conscience religion or belief. By referring in the act to core Helsinki principles adopted in 1975 that informed and animated our dealings with then Soviet Union and its eventual dissolution and the resulting freedom for millions without a single shot being fired, the act similarly commits the United States to pursue in North Korea the same devotion to human dignity and human rights.

Yet since the passage of the North Korean Human Rights Act, the negotiating approach has been to subordinate the human rights and human dignity of the North Korean people. Instead, what we have done is to pin our hopes on the possibility of another framework agreement in which the parties would be coerced yet again into tossing more lifelines to a fragile but oppressive regime in Pyongyang in exchange for the possible exchange of yet another promise not to use weapons of mass destruction.

In none of these negotiations have we been able to engage in talks—either in the multiparty context or even unofficial bilateral discussions—on issues that promote and do justice to both American and universal ideals. Rather than focusing the debate on the regime's policies of persecution and starvation and to the massive failure of its economic policies that in the mid-90s directly resulted in the deaths of millions of North Koreans, the parties have done little to strengthen democracy and promote human rights in North Korea.

I appreciate that there are strong political pressures especially from our allies to negotiate over the North Korean regime's so-called "peace for security" demand. And in the interest of searching for a diplomatic solution, the President and Secretary Rice have done precisely that. In fact, the recent rounds of six party talks were the most sustained effort by the United States.

But the President himself has also done much more, in both word and deed. In the past 2 months, the President released two of the most remarkable statements of his presidency. Last month, the President called to attention China's treatment of a North Korean refugee named Kim Chun Hee. Missing since December, when Miss Kim was arrested in China and deported back to North Korea, it isn't known whether she is dead or alive. As the President's envoy for North Korean Human Rights Jay Lefkowitz said of Miss Chun in a Wall Street Journal editorial, "Every movement needs heroes. . . . Either she will be a living figure in a jail somewhere or, God forbid, she'll be a martyr." As far as I know, we have no word from the Chinese Government and certainly not from the North Koreans on the fate of Miss Chun.

The President also issued a statement after a meeting that he himself called one of the most moving of his

presidency. He spoke of a grieving mother and brother who yearned to be united with her daughter and his sister, Megumi, who was only 13 when she was abducted by the North Korean regime more than 30 years ago; he met with a young child of 6 named Han Mee Lee who with her family were at the center of an international controversy created by vivid video footage of their valiant struggle for freedom at the gates of an embassy in China; and he met with a former North Korean soldier who defected to South Korea in pursuit of what his conscience and his heart told him were his inalienable and God-given right to liberty and freedom.

I ask unanimous consent at this time that this statement by the President be printed in the RECORD.

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

STATEMENT ON CHINA'S TREATMENT OF KIM CHUN-HEE BY THE PRESS SECRETARY

The United States is gravely concerned about China's treatment of Kim Chun-Hee. Despite U.S., South Korean, and UNHCR attempts to raise this case with the Chinese, Ms. Kim, an asylum seeker in her thirties, was deported to North Korea after being arrested in December for seeking refuge at two Korean schools in China. We are deeply concerned about Ms. Kim's well-being. The United States notes China's obligations as a party to the U.N. Convention relating to the Status of Refugees and its 1967 Protocol, and believes that China must take those obligations seriously. We also call upon the Government of China not to return North Korean asylum seekers without allowing UNHCR access to these vulnerable individuals.

Mr. BROWNBACK. Last July, the President also met with Kang Chol Hwan, whose book the *Aquariums of Pyongyang*, chronicled Mr. Kang's life as a 9-year-old gulag inmate to his eventual freedom. Just as Natan Scharansky was Reagan's symbol of what freedom from the Soviet communist system meant to free people everywhere, Kang is Bush's symbol of what freedom means to North Koreans.

History will record these acts by President Bush to unilaterally broaden the narrow agenda of the Six-Party Talks as among the wisest and humane—acts that trump and negate the false perception that the President is indifferent to concerns about human rights in North Korea. These bold and compassionate acts will figuratively place on the bargaining table—if the Six Party Talks are to ever resume—the faces and names of North Koreans who have suffered and continue to do so.

By so publicly raising human rights issues to the highest level, the Oval Office of the President no less, President Bush is merely following the examples set by President Reagan and Pope John Paul during their struggles with a much larger and more threatening nuclear power.

We may now have an opportunity—if the press reports are accurate—to take an additional but necessary step to demonstrate not just by words but by



action what human rights mean. We need to accept North Korean refugees into the United States as provided by the North Korean Human Rights Act.

That it appears to have taken more than a year and half for the possibility of officially accepting North Korea refugees has been troubling to Members of Congress on both sides of the aisle. In a bipartisan letter to Secretary Rice, Congressman FRANK WOLF and others called on the administration to do more. And last year, both Congressman WOLF and I wrote to Secretary General Kofi Annan to pressure China into allowing UNHCR, the U.N. agency for refugees, into Yanji Province near the North Korean border and other affected areas to assess the situation with respect to the North Korean refugees.

I was disappointed to learn that the first report required under the North Korean Human Rights Act was issued with the statement that no progress had been made on accepting refugees. As the act makes clear, admission would be conditioned upon a thorough vetting process by DHS and other appropriate agencies. But without any

action by us, it is difficult for us to demand that the Chinese should also change its policies, and it presents a problem for us in asking other countries to do the right thing if we have not been able to do the same. If the U.S. cannot admit what may be less than 10 refugees in total if the press reports are correct, then the whole premise of the act itself is unsustainable.

I am hopeful that this may be changing and I hope it is changing. The hopes and prayers of thousands in the faith community and among Korean American communities are vested in this possibility of the first admission of North Korean refugees into the United States.

If and when these people come, it will offer hope to millions and put American on the right side of history. Such an act is consistent with the bold steps that Ronald Reagan took and Pope John Paul urged during the years of the cold war, and in the process made the world a better place.

If ever there were huddled masses yearning to be free, it's the North Ko-

reans, whether hiding out in the forests of China or working as trafficked victims in brothels or as orphans prowling marketplaces for crumbs.

If these refugees are granted refuge in the United States, it would constitute one of the great acts of compassion by this nation.

And I hope we take this opportunity to lift our lamps and show a way out of the darkness for the North Korean refugees.

## STEM CELLS

Mr. BROWNBAC. Mr. President, another topic I will discuss is embryonic stem cell and adult stem cell research. I will show two books because we have a lot going on regarding stem cells and in stem cell research.

I ask unanimous consent to have printed in the RECORD a chart on Federal funding of stem cell research.

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

### U.S. FEDERAL TAXPAYER FUNDING TOTAL NIH STEM CELL RESEARCH FY 2002–FY 2006

(Dollars in millions)\*\*

	FY 2002 Actual			FY 2003 Actual			FY 2004 Actual			FY 2005 Actual		
	Non embryonic	Embryonic	Total	Non embryonic	Embryonic	Total	Non embryonic	Embryonic	Total	Non embryonic	Embryonic	Total
Human, subtotal .....	170.9	10.1	181.0	190.7	20.3	211.0	203.2	24.3	227.5	199.4	39.6	239.0
Nonhuman, subtotal .....	134.1	71.5	205.5	192.1	113.5*	305.6	235.7	89.3*	325.0	273.2	97.0	370.2
NIH, total .....	305.0	81.6	386.6	382.9	133.8*	516.6	439.0	113.6*	552.5	472.5	136.7	609.2

\*Decrease from FY03 to FY04 is the result of a change in methodology used to collect nonhuman embryonic funding figures. This methodology change also contributed to an increase in nonhuman non-embryonic.

\*\*Numbers may not add due to rounding.

Mr. BROWNBAC. Mr. President, noting for the record the actual spending in 2005 on embryonic stem cell research, the U.S. Federal Government spent nearly \$40 million on human embryonic stem cell research. We spent \$97 million on nonhuman embryonic stem cell research, for a total of \$136 million the Federal Government spent on embryonic stem cell research.

That is a fair investment. We also spent \$472 million in nonembryonic. What did we get for \$136 million in embryonic stem cell research? Here is the folder that contains the human clinical trials of embryonic stem cell research in humans, treating and healing humans. This is the list of research results we have from a nearly \$40 million Federal investment last year of human clinical trials with embryonic stem cell research. This is research where a young, embryonic human life is destroyed and stem cells harvested and taken out and applied.

I note that this folder is empty. This is the list of research results we have from embryonic stem cell research on humans.

We also invested in adult and cord blood stem cell research. The cord between the mother and child is rich in stem cells that can be used in a lot of treatment areas, along with adult stem cells. You have stem cells in your body and I have them in my mine. They are akin to a repair kit.

I ask unanimous consent to have printed in the RECORD the listing of 69 different human illnesses being treated by adult and cord blood stem cells.

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

#### 69 CURRENT HUMAN CLINICAL APPLICATIONS USING ADULT STEM CELLS

##### ANEMIAS & OTHER BLOOD CONDITIONS

Sickle cell anemia, sideroblastic anemia, aplastic anemia, red cell aplasia (failure of red blood cell development), amegakaryocytic thrombocytopoiesis, thalassemia (genetic [inherited] disorders all of which involve underproduction of hemoglobin), primary amyloidosis (a disorder of plasma cells), diamond blackfan anemia, Fanconi's anemia, chronic Epstein-Barr infection (similar to mono)

##### AUTO-IMMUNE DISEASES

Systemic lupus (auto-immune condition that can affect skin, heart, lungs, kidneys, joints, and nervous system), Sjogren's syndrome (autoimmune disease w/symptoms similar to arthritis), myasthenia (an autoimmune neuromuscular disorder), autoimmune cytopenia, scleromyxedema (skin condition), scleroderma (skin disorder), Crohn's disease (chronic inflammatory disease of the intestines), Behcet's disease, rheumatoid arthritis, juvenile arthritis, multiple sclerosis, polychondritis (chronic disorder of the cartilage), systemic vasculitis (inflammation of the blood vessels), alopecia universalis, Buerger's disease (limb vessel constriction, inflammation)

##### CANCERS

Brain tumors—medulloblastoma and glioma, retinoblastoma (cancer), ovarian

cancer, skin cancer: Merkel cell carcinoma, testicular cancer, lymphoma, non-Hodgkin's lymphoma, Hodgkin's lymphoma, acute lymphoblastic leukemia, acute myelogenous leukemia, chronic myelogenous leukemia, juvenile myelomonocytic leukemia, cancer of the lymph nodes: angioimmunoblastic lymphadenopathy

Multiple myeloma (cancer affecting white blood cells of the immune system), myelodysplasia (bone marrow disorder), breast cancer, neuroblastoma (childhood cancer of the nervous system), renal cell carcinoma (cancer of the kidney), soft tissue sarcoma (malignant tumor that begins in the muscle, fat, fibrous tissue, blood vessels), various solid tumors, Waldenstrom's macroglobulinemia (type of lymphoma), hemophagocytic lymphohistiocytosis, POEMS syndrome (osteosclerotic myeloma), myelofibrosis

##### CARDIOVASCULAR

Acute heart damage, chronic coronary artery disease

##### IMMUNODEFICIENCIES

Severe combined immunodeficiency syndrome, X-linked lymphoproliferative syndrome, X-linked hyper immunoglobulin M syndrome

##### LIVER DISEASE

Chronic liver failure

##### NEURAL DEGENERATIVE DISEASES & INJURIES

Parkinson's disease, spinal cord injury, stroke damage

##### OCULAR

Corneal regeneration

##### WOUNDS & INJURIES

Limb gangrene, surface wound healing, jawbone replacement, skull bone repair

## OTHER METABOLIC DISORDERS

Sandhoff disease (hereditary genetic disorder), Hurler's syndrome (hereditary genetic disorder), osteogenesis imperfecta (bone/cartilage disorder), Krabbe leukodystrophy (hereditary genetic disorder), osteopetrosis (genetic bone disorder), cerebral X-linked adrenoleukodystrophy

## ADULT &amp; NON-EMBRYONIC

## STEM CELL RESEARCH

## ADVANCES &amp; UPDATES FOR APRIL 2006

Highlight of the Month—Stem Cell Hope for Liver Patients: British doctors reported treatment of 5 patients with liver failure with the patients' own adult stem cells. Four of the 5 patients showed improvement, and 2 patients regained near normal liver function. The authors noted: "Liver transplantation is the only current therapeutic modality for liver failure but it is available to only a small proportion of patients due to the shortage of organ donors. Adult stem cell therapy could solve the problem of degenerative disorders, including liver disease, in which organ transplantation is inappropriate or there is a shortage of organ donors."—Stem Cells Express, Mar. 30, 2006

## ADVANCES IN HUMAN TREATMENTS USING ADULT STEM CELLS

Buerger's Disease: Scientists in Korea using adult stem cell treatments showed significant improvement in the limbs of patients with Buerger's disease, where blood vessels are blocked and inflamed, eventually leading to tissue destruction and gangrene in the limb. Out of 27 patients there was a 79% positive response rate and improvement in the limbs, including the healing of previously non-healing ulcers.—Stem Cells Express, Jan. 26, 2006

Bladder Disease: Doctors at Wake Forest constructed new bladders for 7 patients with bladder disease, using the patients' own progenitor cells grown on an artificial framework in the laboratory. When implanted back into the patients, the tissue-engineered bladders appeared to function normally and improved the patients' conditions. "This suggests that tissue engineering may one day be a solution to the shortage of donor organs in this country for those needing transplants," said Dr. Anthony Atala, the lead researcher.—The Lancet, Apr. 4, 2006; reported by the AP, Apr. 4, 2006

Lupus: Adult Stem Cell Transplant Offers Promise for Severe Lupus—Dr. Richard Burt of Northwestern Memorial Hospital is pioneering new research that uses a patient's own adult stem cells to treat extremely severe cases of lupus and other autoimmune diseases such as multiple sclerosis and rheumatoid arthritis. In a recent study of 50 patients with lupus, the treatment with the patients' adult stem cells resulted in stabilization of the disease or even improvement of previous organ damage, and greatly increased survival of patients. "We bring the patient in, and we give them chemo to destroy their immune system," Dr. Burt said. "And then right after the chemotherapy, we infuse the stems cells to make a brand-new immune system."—ABC News, Apr. 11, 2006; Journal of the American Medical Assn, Feb. 1, 2006

Cancer: Bush policy may help cure cancer—"Unlike embryonic stem cells . . . cancer stem cells are mutated forms of adult stem cells. . . . Interest in the [adult stem cell] field is growing rapidly, thanks in part, paradoxically, to President George W. Bush's restrictions on embryonic-stem-cell research. Some of the federal funds that might otherwise have gone to embryonic stem cells could be finding their way into cancer [adult]-stem-cell studies."—Time: Stem Cells that Kill, Apr. 17, 2006

Heart: Adult stem cells may inhibit remodeling and make the heart pump better and more efficiently. Researchers in Pittsburgh have shown that adding a patient's adult stem cells along with bypass surgery can give significant improvement for those with chronic heart failure. Ten patients treated with their own bone marrow adult stem cells improved well beyond patients who had only standard bypass surgery. In addition, scientists in Arkansas and Boston administered the protein G-CSF to advanced heart failure patients, to activate the patients' bone marrow adult stem cells, and found significant heart improvement 9 months after the treatment.—Journal of Thoracic and Cardiovascular Surgery, Dec. 2005; American Journal of Cardiology, Mar., 2006

Stroke: Mobilizing adult stem cells helps stroke patients—Researchers in Taiwan have shown that mobilizing a stroke patient's bone marrow adult stem cells can improve recovery. Seven stroke patients were given injections of a protein—G-CSF—that encourages bone marrow stem cells to leave the marrow and enter the bloodstream. From there, they home in on damaged brain tissue and stimulate repair. The 7 patients showed significantly greater improvement after stroke than patients receiving standard care.—Canadian Medical Association Journal Mar. 3, 2006

Mr. BROWNBACK. What did we get for our research investment in adult and cord blood in human clinical trials? This is the folder—it is getting heavy—of what we have discovered in human clinical trials with adult and cord blood stem cell research; real people being treated for real diseases such as bladder disease, lupus, cancer, heart, strokes, immunodeficiency areas, liver disease, neuro degenerative diseases, ocular, wounds and injuries, autoimmune diseases, anemias and other blood conditions, metabolic disorders, 69 human diseases being treated with adult and cord blood stem cells.

For my money on this, I would rather treat people—get real human treatments—than in this area of embryonic stem cell research where we are getting no cures. We are seeing a lot of cancer cells growing out of the embryonic stem cell areas and treatments.

Let's go for what is real. And let's do what is real. I further note, as I close, there is no prohibition in this country on embryonic stem cell research. None. No prohibitions. Yet why do the private companies not go into funding more embryonic stem cell research? It is because they are getting no results with embryonic stem cells. Nothing is happening results wise. Let's invest our money in adult stem cell research where we can actually treat people. That is important.

I yield the floor.

## GASOLINE

Mr. BURNS. Mr. President, there has been a lot of concern around the country about the escalating fuel prices. Americans get concerned whenever we see spikes in energy costs. No one is more concerned than we are in agriculture. We have a unique situation in agriculture. We sell wholesale, buy retail, and pay the freight both ways.

Every one of those stages involves energy, drives energy and drives prices.

It seems to me we are concerned about the traffic around Washington, DC, trying to get into work. I could take care of the gas prices and the traffic all in one fell swoop. All we have to do is pass a law that you cannot cross the 14th Street bridge with a car that is not paid for. That would help a lot. There would be a lot of folks finding other means.

This has been a wakeup call to all in this country. We are dealing with a worldwide commodity that is driven by emerging economies as well as our own demand for transportation fuels. The demand has outstripped our ability to move crude, natural gas or coal to the processing plants and refineries.

I tell my colleagues that in Montana we are producing more oil than in the history of our State. Yet we cannot get it on a pipeline because we have not built a pipeline for quite a while. We have also not built a new refinery in this country for over 30 years. There are a variety of reasons, the majority of which is the ability to permit and to site a plant. So we find ourselves not being able to produce enough product for the market. Anybody who took economics 101 will tell you, when demand outstrips production, then you are going to have the price go up.

Now, I would imagine this will drive us in another direction. It will drive us in the direction of alternative fuels and, of course, renewable energy. No other administration in our Government's history has spent more money on research as far as alternatives and renewables. We are on the cusp of cellulosic ethanol, which helps my State. Also in this business of alternative fuels is biodiesel, which will be one of the great renewables. Coal to liquids or coal to diesel will also be one of our great fuels. This technology is as old as World War II. Since then it has been refined and affords another source for developing resources where we have great deposits of coal. In Montana we are the "Saudi Arabia" of coal and we have the process and technology to easily get this done.

Now, if we can do that, and we can also increase farm income, and solve the problem of being dependent on foreign oil, who can oppose that?

Does that give us relief in the near term? No, it does not. There is nothing the Government or anybody else can do in the near term to prevent these kinds of spikes in a time of high demand.

So we will say that necessity is the mother of invention. We will be forced to drive less, to drive slower. We will not jump in our car and go down and buy a loaf of bread. The trip has to be necessary. And you will probably have a little sticker in the middle of your steering wheel saying: Is this trip necessary? The necessity will also drive us to alternatives and other ways of powering our car.

The demand for oil seems little affected by high prices. If it doesn't

change our behaviors, then it is wrong to say prices are too high. Maybe we do not like it, but we all like to sell our product for as much as we can get for it. And that is how the market actually works and sometimes it becomes very painful.

No, it is not good. It is not good for my agriculture because that affects the price you are going to pay for food in the grocery store. There is no part of our economy that is not affected by what we are experiencing in this country right now.

But Americans have imagination. They have great ingenuity. And I am satisfied we will take this little spike in the market and make good use of it and start using our brains to power America.

If anybody thinks if you beat up on the companies—beat up all you want to—but part of the problem lies within this body because we have said “no”—resoundingly no—to a multitude of programs and projects that could have partly prevented this.

Mr. President, I yield the floor.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. COCHRAN. Mr. President, what is the regular order?

The PRESIDING OFFICER. There is 1 minute remaining in morning business, at which time it will end and we will proceed under the regular order.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

#### CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

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

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of H.R. 4939, which the clerk will report.

The assistant legislative clerk read as follows:

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

Pending:

Thune amendment No. 3704, to provide, with an offset, \$20,000,000 for the Department of Veterans Affairs for Medical Facilities.

Vitter/Landrieu modified amendment No. 3728, to provide for flood prevention in the State of Louisiana, with an offset.

The PRESIDING OFFICER (Mr. ENSIGN). Under the previous order, the Senator from Mississippi, Mr. COCHRAN, and the Senator from West Virginia, Mr. BYRD, will be recognized for up to 10 minutes each.

The Chair recognizes the Senator from West Virginia.

Mr. BYRD. Mr. President, I thank the Chair.

I thank the distinguished and very able chairman of the Senate Appropriations Committee, Mr. COCHRAN, for all of his hard work on this bill. He has worked hard. He has again proved himself to be a very able chairman, very knowledgeable of the contents of the bill.

The President has asked the Congress to approve over \$92 billion of emergency spending—man, that is a lot of money; \$92 billion of emergency spending—including \$72.5 billion for the wars in Iraq and Afghanistan and \$19.8 billion for the Federal response to the terrible hurricanes that struck the Gulf States in August and September of 2005.

The Appropriations Committee held several hearings on the request, and we have now debated the bill for nearly 2 weeks. It is a good bill. It is a good bill. I am proud to recommend it to the Senate.

But, regrettably, the President has threatened to veto the bill based on his assertion that it is too expensive. In a Statement of Administration Policy that has been made a part of the RECORD, the administration threatens that the President will veto the bill if it exceeds \$94.5 billion. OK. Have at it. Have at it, Mr. President. Currently, the bill totals \$108.9 billion. The President complains that the Senate has added funding for purposes other than the wars in Iraq and Afghanistan and for assisting the victims of Hurricanes Katrina and Rita.

Nowhere—nowhere—is it written in stone, nowhere is it etched in brass, on golden pillars, that this supplemental—which is likely to be the only supplemental considered for this fiscal year—has to be limited to the costs of the war and Hurricane Katrina. Nor is it etched in stone that the Congress must approve a bill that is below \$94.5 billion.

The Senate has added funding for a number of critical programs. Despite the administration's rhetoric about securing our borders and providing a layered defense of our ports, the President did not request a dime—not one thin dime—for border security or port security. He did not request a dime for making the coal mines safer for our coal miners. He did not request a dime for our farmers who have been hit with drought and hurricanes, despite the

fact that 78 percent of all U.S. counties were designated as primary or contiguous disaster areas by the Secretary of Agriculture or the President in 2005. He did not request a dime for compensating potential victims of pandemic influenza vaccines. The President's request for Katrina victims is inadequate and leaves critical gaps in housing and education.

The Senate recognized the weaknesses of the President's request in these areas and judiciously added funds. When the bill is in conference, I will urge the conferees to approve these items. You bet.

The conferees should send to the President a bill that meets the needs of this country. That is our duty. If the President wants to veto a bill that funds the troops, if he wants to veto a bill that funds victims of Hurricane Katrina, if he wants to veto a bill that provides critical resources for combating a potential avian flu, if he wants to veto a bill that secures our borders and our ports and helps our farmers to recover from disaster and makes our coal mines safer, have at it, have at it. That is his right under the Constitution. But the Congress should not be bullied by the President into neglecting its responsibility, our responsibility, to provide required funds to meet priority national needs.

Because my State of West Virginia is often hit by floods and other damaging disasters, such as the recent accidents in our coal mines, I am quite sensitive to the ability of our Federal Government to prepare for—and respond to—disasters promptly and with competence, which is what our citizens need and what our citizens deserve. Sadly, many of our Federal agencies are no longer up to these fundamental tasks. But this bill includes resources to help Federal agencies restore their capabilities.

I am especially grateful to and I especially thank the chairman for including, at my request and the request of others, an amount of \$35.6 million for improved mine safety and health programs. In the wake of 18 coal-mining deaths in the State of West Virginia this year—18 coal-mining deaths in the State of West Virginia this year—and another 16 mining deaths in other States, it is imperative that the Congress act immediately to ensure that an adequate number of safety inspectors will be provided for our Nation's mines and to expedite the introduction of critical safety equipment.

This week, we have heard testimony from the families of those killed in the Sago explosion in January. We have heard from the coal operators. We have heard from experts. In all of this testimony, one truth is clear: Lives can be saved when the Federal Mine Safety and Health Administration places miners' safety and health at the very top of its priority list. We must have more inspectors on the job, yes. We must have better rescue teams trained and

equipped and ready to go at a moment's notice. We must have pre-positioned oxygen and emergency supplies in our coal mines. And we must have ways to communicate with trapped miners. It just has to be. We have to do these things. It is simply inexcusable that our miners have oxygen canisters that last only 1 hour, only 60 minutes, when miners may be trapped under the ground for several days, or that the miners may not have emergency communications equipment that can reach the surface in the event of an extended rescue effort. The chairman has my genuine appreciation for including these funds in the committee-reported bill. I also thank Senator SPECTER, Senator HARKIN, and Senator JAY ROCKEFELLER for their support of the initiative.

The bill before the Senate also includes a provision to extend the Abandoned Mine Land authority through fiscal year 2007. The AML Program and combined benefits fund are very important programs that are needed by retired coal miners and their families and coalfield communities throughout this country. I thank Chairman COCHRAN and I thank Senator SPECTER and I thank Senator DOMENICI for supporting me in this effort.

Finally, the Senate, by a vote of 94 to 0, approved my amendment encouraging the President to budget for the cost of the wars in Iraq and Afghanistan. You can't fund these wars on the cheap. Upon passage of this supplemental bill, the total amount appropriated for the war in Iraq, including the cost of reconstruction, will be approximately \$320 billion—that is \$3.20 for every minute since Jesus Christ was born; think of it, that is a staggering figure—virtually all of it funded through ad hoc emergency supplemental appropriations. And the costs continue to grow and grow.

The President refuses to include a realistic estimate of the cost of the wars in his annual budget request.

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

Mr. BYRD. Would the Chair repeat?

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

Mr. BYRD. I ask unanimous consent to proceed for not to exceed 3 minutes.

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

Mr. BYRD. He continues to rely on ad hoc, poorly justified emergency supplemental requests that he expects the Congress to rubberstamp. As a result, there is virtually no debate about how our country is going to pay for these massive bills. Nobody seems to be minding the store when it comes to controlling the escalating costs of the wars in Iraq and Afghanistan. The failure of the President to heed the repeated calls by the Senate to budget for the wars in Iraq and Afghanistan has resulted in more unnecessary spending that is hidden from public view. Until the President begins to include a real estimate of the cost of the

wars in his annual budget, American taxpayers will continue to see billions of dollars spent without any true measure of accountability.

The Senate has given its strong support to this amendment five times, and the President continues to disregard this direction by the Senate. I hope the 94-to-0 vote on an amendment that encourages the President to include the full cost of the wars in the budget finally, finally, finally gets his attention.

I urge adoption of the bill, and I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, I first thank very sincerely the distinguished Senator from West Virginia for his good help and assistance, his guidance and his leadership in the development and passage of this bill. We have been called upon, as he points out, to provide emergency supplemental funding for war costs, providing the Department of Defense and the Department of State with funding in accounts that have been devoted to that cause and that effort. It is very important to the protection of the security interests of the people of the United States. So this is an important measure we are taking up today and moving to final passage.

Under the order that was entered last evening, there would be 10 minutes allocated to the Senator from West Virginia and to this Senator, and then there would be consecutive votes on or in relation to two amendments, one which is being offered by the Senator from South Dakota, Mr. THUNE, the other by the Senator from Louisiana, Mr. VITTER, as modified, without intervening action or debate, and that following those votes, the bill be read a third time and the Senate proceed to a vote on passage of the bill without intervening action or debate. So the order provides for no debate today but just votes on the final two amendments that have been held for votes now.

There have been several other amendments which have been cleared, but I am going to ask unanimous consent that each Senator who has an amendment that has not been considered—Senator THUNE and Senator VITTER—be given 2 minutes each to describe their amendments and that the managers of the bill likewise be given 2 minutes each on each amendment, if comments are needed, by the managers of the bill.

The PRESIDING OFFICER. Is there objection?

Mrs. MURRAY. Mr. President, reserving the right to object, if I understand the chairman's request, it is to get 4 minutes of additional time on their side. I ask unanimous consent, then, for an additional 4 minutes on our side for comment only.

Mr. COCHRAN. I have no objection to that.

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

Mr. COCHRAN. I thank the Senator for her comments. Let me also point

out how helpful Senator MURRAY has been in the handling of this legislation. She has served at the request of the Senator from West Virginia as the floor manager during much of the consideration of this bill and has done a truly outstanding job in helping to explain the provisions of the bill, as reported by the committee, and debating amendments and helping guide this measure to the point of passage where it is right now.

Before yielding the floor to those who have amendments, let me use the remainder of my 10 minutes by presenting to the Senate some amendments that have been cleared on both sides of the aisle.

AMENDMENT NO. 3753

I ask unanimous consent that it be in order to call up and consider amendment No. 3753 on behalf of Ms. LANDRIEU regarding hurricane disaster-related housing assistance.

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

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Mississippi [Mr. COCHRAN], for Ms. LANDRIEU, proposes amendment numbered 3753.

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

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

The amendment is as follows:

(Purpose: To provide project-based housing assistance to repair housing damaged as a result of Hurricane Katrina and other hurricanes of the 2005 hurricane season)

On page 198, line 18, strike "Provided further, That" and all that follows through "assistance:" on page 199, line 1, and insert the following: "Provided further, That no less than \$100,000,000 shall be made available as project-based assistance used to support the reconstruction, rebuilding, and repair of assisted housing that suffered the consequences of Hurricane Katrina and other hurricanes of the 2005 season or new structures supported under the low income tax credit program: Provided further, That previously assisted HUD project-based housing and residents of such housing shall be accorded a preference in the use of such project-based assistance, except that such funds shall be made available for 4,500 project-based vouchers for supportive housing units for persons with disabilities, as that term is defined in section 422(2) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11382(2)), elderly families, or previously homeless individuals and families: Provided further, That the limitation contained in section 8(o)(13)(B) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)(13)(B)) shall not apply to such funds:"

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to amendment No. 3753.

The amendment (No. 3753) was agreed to.

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

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

The motion to lay on the table was agreed to.

## AMENDMENT NO. 3677

Mr. COCHRAN. I ask unanimous consent that it be in order to call up and consider amendment No. 3677 on behalf of Mr. VOINOVICH regarding Rickenbacker Airport in Ohio.

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

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Mississippi [Mr. COCHRAN], for Mr. VOINOVICH, proposes an amendment numbered 3677.

Mr. COCHRAN. I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To make a technical correction to a project for Rickenbacker Airport, Columbus, Ohio)

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

RICKENBACKER AIRPORT, COLUMBUS, OHIO

SEC. \_\_\_\_\_. The project numbered 4651 in section 1702 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1434) is amended by striking "Grading, paving" and all that follows through "Airport" and inserting "Grading, paving, roads, and the transfer of rail-to-truck for the intermodal facility at Rickenbacker Airport, Columbus, OH".

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

The amendment (No. 3677) was agreed to.

Mr. COCHRAN. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

## AMENDMENT NO. 3819

Mr. COCHRAN. Mr. President, I ask unanimous consent that it be in order to call up and consider amendment No. 3819 on behalf of Mr. VITTER regarding fishery finance program loans.

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

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Mississippi [Mr. COCHRAN], for Mr. VITTER, proposes amendment numbered 3819.

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

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

The amendment is as follows:

On page 140, strike from line 8 "\$10,000,000" through line 15 "years:", and insert in its place on page 140, line 8, after "appropriated" the following: "\$30 million shall be provided for the fishery finance program loans under title XI of the Merchant Marine Act, 1936, (46 U.S.C. App. 1271 et seq.) to satisfy loan obligations for loans used to make expenditures, guarantee or finance to repair, replace or restore fisheries infrastructure, vessels, facilities, or fish processing facilities

home-ported or located within the declared fisheries disaster area."

## AMENDMENT NO. 3819, AS MODIFIED

Mr. COCHRAN. Mr. President, a modification has been sent to the desk.

The PRESIDING OFFICER. Is there objection to the modification?

The amendment is so modified.

The amendment (No. 3819), as modified, is as follows:

(Purpose: To provide hurricane assistance to certain holders of fishery finance program loans)

On page 140, strike from line 8 "\$10,000,000" through line 16 "\$50,000,000", and insert in its place on page 140, line 8, after "appropriated" the following: "\$66 million shall be provided for the fishery finance program loans under title XI of the Merchant Marine Act, 1936, (46 U.S.C. App. 1271 et seq.) to satisfy loan obligations for loans used to make expenditures, guarantee or finance to repair, replace or restore fisheries infrastructure, vessels, facilities, or fish processing facilities home-ported or located within the declared fisheries disaster area: *Provided further*, That of the total amount appropriated, \$14,000,000".

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment, as modified.

The amendment (No. 3819), as modified, was agreed to.

Mr. COCHRAN. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

## AMENDMENT NO. 3860

Mr. COCHRAN. Mr. President, I ask unanimous consent that it be in order to call up and consider an amendment on behalf of Mr. BYRD regarding the availability of previously appropriated funds to the Health Resources and Services Administration. The amendment has been sent to the desk.

The PRESIDING OFFICER. Is there objection? Without objection, the clerk will report.

The assistant legislative clerk read as follows:

The Senator from Mississippi [Mr. COCHRAN], for Mr. BYRD, proposes amendment numbered 3860.

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

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

The amendment is as follows:

(Purpose: To extend the availability of certain funds appropriated in Public Law 106-554)

At the appropriate place, insert the following: *Provided further*, that unexpended balances for Health Resources and Services Administration grant number 7C6HF03601-01-00, appropriated in P.L. 106-554, shall remain available until expended.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

Mr. BYRD. Mr. President, this is a technical amendment. It costs no additional funds. It simply fixes a mistake in a grant notice. The fiscal year 2001

Labor-HHS bill included funding for West Virginia University for construction of the neurosciences building. The HHS grant documents sent to the university mistakenly stated that the funds would be available until September 30, 2009, and that was incorrect. The money is expiring on September 30, 2006. This amendment would make the funds available consistent with the grant documents.

Mr. COCHRAN. Mr. President, I urge adoption of the amendment.

The PRESIDING OFFICER. Is there further debate on the amendment?

If not, the question is on agreeing to the amendment.

The amendment (No. 3860) was agreed to.

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

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

The motion to lay on the table was agreed to.

## AMENDMENT NO. 3592

Mr. COCHRAN. Mr. President, I ask unanimous consent that it be in order to call up and consider amendment No. 3592 on behalf of Mr. REED regarding Fox Point Hurricane Barrier, RI.

The PRESIDING OFFICER. Is there objection?

Without objection, the clerk will report.

The assistant legislative clerk read as follows:

The Senator from Mississippi [Mr. COCHRAN], for Mr. REED, proposes amendment numbered 3592.

Mr. COCHRAN. I ask unanimous consent that further reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To provide emergency funding to upgrade the Fox Point hurricane barrier in Providence, Rhode Island)

On page 162, between lines 12 and 13, insert the following:

## FOX POINT HURRICANE BARRIER

For an additional amount for the Secretary of the Army, acting through the Chief of Engineers, for use in upgrading the electro-mechanical control system of the Fox Point hurricane barrier in Providence, Rhode Island, \$1,055,000, to remain available until expended: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress).

Mr. REED. Mr. President, two important lessons we learned from Hurricane Katrina are that our Nation's infrastructure to protect Americans from flooding and hurricanes is inadequate and upfront investment in this infrastructure can save lives and is a sound investment of taxpayers' money in order to prevent costly reconstruction.

The Fox Point Hurricane Barrier in Providence, RI protects the city and adjoining communities from the catastrophic effects of hurricane storm surge in Narragansett Bay and torrential rains with the Providence River basin. Built in the 1960s, as a joint

flood control project by the city and the Army Corps of Engineers, the barrier employs three 35-foot high gates, an electrically driven pumping station, and dikes to protect tens of thousands of people and approximately \$5 billion worth of property. The hurricane barrier is a one-half mile long structure that extends from Allens Avenue to India Point Park. It was the first structure of its type in the United States to be approved for construction.

The Hurricane of 1938 and Hurricane Carol in 1954 devastated communities in Rhode Island. The Hurricane of 1938 generated a storm surge of 16 feet that traveled up Narragansett Bay and flooded downtown Providence under 10 feet of water. Two hundred and seven Rhode Islanders were killed, and damage totaled \$125 million—more than \$1 billion in today's dollars. Hurricane Carol in 1954 flooded Providence, leaving the city under 8 feet of water and destroying 4,000 houses.

The Corps and city built the Fox Point Hurricane Barrier to keep a storm surge from flowing into downtown Providence. Since its construction, sea levels have risen 9 to 10 inches. In addition, Rhode Island has lost wetlands and tidal flats that could help mitigate a storm surge. According to Jon Boothroyd, a geologist at the University of Rhode Island, the filled land will force water into a narrower area, causing a higher storm surge. The loss of marshes and fields behind the barrier will further exacerbate the problem as water could also move faster downstream to the barrier. For these reasons, it is imperative that the barrier and pumps work if and when they are needed.

In recent years, the Army Corps of Engineers and the city of Providence have evaluated the barrier and determined that the electromechanical control system for the barrier's pumps must be replaced. The Corps has reported that during several inspections, the pump motors have occasionally failed to start because of faulty relays or other related electrical problems. In a letter dated December 7, 2003, Richard C. Carlson with the New England Director of the Army Corps of Engineers stated that "During the past several inspections the pump motors have occasionally failed to start because of faulty relays or other electrically related problems. This is symptomatic of the age and condition of the electrical components, most of which are original." The electromechanical control system has been in service for 40 years, and due to its age repair parts are nearly impossible to obtain.

We have been lucky as New England has not had a strong hurricane in 50 years, but that could mean that our luck is running out. The city and I are concerned that failure of the system during an actual storm could result in the flooding of Providence's downtown business district and thousands of residences. The Fox Point Hurricane Barrier is a project authorized by the

Water Resources Development Act, and the Federal Government should fulfill its obligation to provide a safe, structural sound barrier that operates when necessary. For this reason, I filed an amendment to the supplemental appropriations bill, H.R. 4939, to provide \$1,055,000 to complete upgrades to the Fox Point Hurricane Barrier. I am pleased that the Senate accepted my amendment for this funding. Senator CHAFEE and I also sponsored an amendment to the bill to turn over responsibility for the annual operations and maintenance of the hurricane barrier to the Army Corps of Engineers. I am glad that the Senate also decided to accept this amendment. I will work with my colleagues to maintain these amendments as this bill moves through conference.

#### AMENDMENT NO. 3592, AS MODIFIED

Mr. COCHRAN. Mr. President, a modification has been sent to the desk.

The PRESIDING OFFICER. Is there objection to the modification?

The amendment is so modified.

The amendment (No. 3592), as modified, was agreed to.

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

#### SEC. . FOX POINT HURRICANE BARRIER.

The Secretary of the Army, acting through the Chief of Engineers, for use in upgrading the electro-mechanical control system of the Fox Point hurricane barrier in Providence, Rhode Island, \$1,055,000, to remain available until expended: from within available funds of "OPERATIONS AND MAINTENANCE" under the heading "CORPS OF ENGINEER: CIVIL" of Title I of the Energy and Water Development Act, 2006 (Public Law 109-103).

The PRESIDING OFFICER. Is there further debate?

If not, the question is on agreeing to the amendment.

The amendment (No. 3592), as modified, was agreed to.

Mr. COCHRAN. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

#### AMENDMENT NO. 3729

Mr. COCHRAN. Mr. President, I ask unanimous consent that it be in order to call up and consider amendment No. 3729 on behalf of Mr. CHAFEE regarding Fox Point Hurricane Barrier, RI.

The PRESIDING OFFICER. Is there objection?

Without objection, the clerk will report.

The assistant legislative clerk read as follows:

The Senator from Mississippi [Mr. COCHRAN], for Mr. CHAFEE, proposes an amendment numbered 3729.

Mr. COCHRAN. I ask unanimous consent that further reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To direct the Secretary of the Army to assume responsibility for the annual operation and maintenance of the Fox Point Hurricane Barrier, Providence, Rhode Island)

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

#### FOX POINT HURRICANE BARRIER, PROVIDENCE, RHODE ISLAND

SEC. 7 \_\_\_\_\_. (a) In this section:

(1) The term "Barrier" means the Fox Point Hurricane Barrier, Providence, Rhode Island.

(2) The term "City" means the city of Providence, Rhode Island.

(3) The term "Secretary" means the Secretary of the Army, acting through the Chief of Engineers.

(b) Not later than 2 years after the date of enactment of this Act, the Secretary shall assume responsibility for the annual operation and maintenance of the Barrier.

(c)(1) The City, in coordination with the Secretary, shall identify any land and structures required for the continued operation and maintenance, repair, replacement, rehabilitation, and structural integrity of the Barrier.

(2) The City shall convey to the Secretary, by quitclaim deed and without consideration, all rights, title, and interests of the City in and to the land and structures identified under paragraph (1).

(d) There are authorized to be appropriated to the Secretary such funds as are necessary for each fiscal year to operate and maintain the Barrier (including repair, replacement, and rehabilitation).

The PRESIDING OFFICER. Is there further debate?

If not, the question is on agreeing to the amendment.

The amendment (No. 3729) was agreed to.

Mr. COCHRAN. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

#### AMENDMENT NO. 3761

Mr. COCHRAN. Mr. President, I ask unanimous consent that it be in order to call up and consider amendment No. 3761 on behalf of Mr. BAUCUS regarding transportation contract authority.

The PRESIDING OFFICER. Is there objection?

Without objection, the clerk will report.

The assistant legislative clerk read as follows:

The Senator from Mississippi [Mr. COCHRAN], for Mr. BAUCUS, proposes amendment numbered 3761.

Mr. COCHRAN. I ask unanimous consent that further reading of the amendment be dispensed with.

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

The amendment is as follows:

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

#### CONTRACT AUTHORITY

SEC. 70 \_\_\_\_\_. (a) Section 1940 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (Public Law 109-59; 119 Stat. 1511) is amended—

(1) in subsection (a)—

(A) by striking paragraph (1);

(B) by redesignating paragraphs (2) through (5) as paragraphs (1) through (4), respectively; and



(C) by striking “\$10,000,000” each place that it appears and inserting “\$12,500,000”; and

(2) by adding at the end the following:

“(c) CONTRACT AUTHORITY.—Except as otherwise provided in this section, funds authorized to be appropriated under this section shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code.”.

(b) Of the unobligated balances of funds apportioned to each State under chapter 1 of title 23, United States Code, \$50,000,000 is rescinded.

Mr. COCHRAN. I ask unanimous consent that Senator BURNS be added as a cosponsor of that amendment.

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

Mr. COCHRAN. I thank the Chair.

The PRESIDING OFFICER. Is there further debate on the amendment?

The question is on agreeing to the amendment.

The amendment (No. 3761) was agreed to.

Mr. COCHRAN. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

#### AMENDMENT NO. 3805

Mr. COCHRAN. Finally, I ask unanimous consent that it be in order to call up and consider amendment No. 3805 on behalf of Mr. BENNETT regarding sign repair and replacement.

The PRESIDING OFFICER. Is there objection?

Without objection, the clerk will report.

The assistant legislative clerk read as follows:

The Senator from Mississippi [Mr. COCHRAN], for Mr. BENNETT, proposes an amendment numbered 3805.

Mr. COCHRAN. I ask unanimous consent that further reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To allow nonconforming signs damaged by an act of God to be repaired or replaced under certain conditions)

At the appropriate place insert the following:

#### SIGN REPAIR OR REPLACEMENT

SEC. \_\_\_\_\_. Notwithstanding part 750 of title 23, Code of Federal Regulations (or a successor regulation), if permitted by State law, a nonconforming sign that is damaged, destroyed, abandoned, or discontinued as a result of an act of God (as defined by State law) may be repaired, replaced, or reconstructed if the replacement sign has the same dimensions as the original sign.

#### AMENDMENT NO. 3805, AS MODIFIED

Mr. COCHRAN. Mr. President, a modification has been sent to the desk.

The PRESIDING OFFICER. Is there objection to the modification? Without objection, the amendment is so modified.

The amendment (No. 3805), as modified, is as follows:

In lieu of the matter proposed to be inserted, insert the following:

#### SIGN REPAIR OR REPLACEMENT

SEC. \_\_\_\_\_. Notwithstanding part 750 of title 23, Code of Federal Regulations (or a successor regulation), if permitted by state law, a nonconforming sign that is or has been damaged, destroyed, abandoned, or discontinued as a result of a hurricane that is determined to be an act of God (as defined by state law) may be repaired, replaced, or reconstructed if the replacement sign has the same dimensions as the original sign, and said sign is located within a state found within FEMA Region IV or VI. The provisions of this section shall cease to be in effect thirty-six months following the date of enactment of this Act.

The PRESIDING OFFICER. Is there further debate?

If not, the question is on agreeing to the amendment.

The amendment (No. 3805), as modified, was agreed to.

Mr. COCHRAN. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Mr. COCHRAN. Mr. President, that concludes the requests for consideration of amendments by the Chair. There are two remaining amendments to be considered, one by Senator THUNE and one by Senator VITTER. I am happy to yield the floor to them to describe their amendments. I will have a comment about Mr. THUNE's amendment. It is my hope that we can adopt the Vitter amendment on a voice vote. I know of no objection to it. The Thune amendment does have objections and will require a recorded vote. So that is for the information of Senators.

I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

#### AMENDMENT NO. 3728, AS MODIFIED

Mr. VITTER. Mr. President, I ask unanimous consent to call up amendment No. 3728, as modified, for consideration.

The PRESIDING OFFICER. The amendment is now pending.

#### AMENDMENT NO. 3728, AS FURTHER MODIFIED

Mr. VITTER. Mr. President, I ask unanimous consent that this amendment be further modified to reflect the changes which have been submitted to the desk.

The PRESIDING OFFICER. Is there objection to the modification? The amendment is so further modified.

(The amendment (No. 3728), as further modified, is as follows:

Strike line 22, page 160 through line 23 on page 165 and insert:

#### FLOOD CONTROL AND COASTAL EMERGENCIES

For an additional amount for “Flood Control and Coastal Emergencies”, as authorized by section 5 of the Act of August 18, 1941 (33 U.S.C. 701n), for necessary expenses relating to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, \$3,299,000,000, to remain available until expended: *Provided*, That the Secretary of the Army is directed to use the funds appropriated under this heading to modify, at full Federal expense, authorized projects in southeast Louisiana to provide hurricane and storm damage reduction and flood damage reduction in the greater New Orleans and

surrounding areas; of the funds appropriated under this heading, \$200,000,000 shall be used for section 2401; \$530,000,000 shall be used to modify the 17th Street, Orleans Avenue, and London Avenue drainage canals and install pumps and closure structures at or near the lakefront; \$250,000,000 shall be used for storm-proofing interior pump stations to ensure the operability of the stations during hurricanes, storms, and high water events; \$170,000,000 shall be used for armoring critical elements of the New Orleans hurricane and storm damage reduction system; \$350,000,000 shall be used to improve protection at the Inner Harbor Navigation Canal; \$215,000,000 shall be used to replace or modify certain non-Federal levees in Plaquemines Parish to incorporate the levees into the existing New Orleans to Venice hurricane protection project; and \$1,584,000,000 shall be used for reinforcing or replacing flood walls, as necessary, in the existing Lake Pontchartrain and vicinity project and the existing West Bank and vicinity project to improve the performance of the systems: *Provided further*, That any project using funds appropriated under this heading shall be initiated only after non-Federal interests have entered into binding agreements with the Secretary to pay 100 percent of the operation, maintenance, repair, replacement, and rehabilitation costs of the project and to hold and save the United States free from damages due to the construction or operation and maintenance of the project, except for damages due to the fault or negligence of the United States or its contractors: *Provided further*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

For an additional amount for “Flood Control and Coastal Emergencies”, as authorized by section 5 of the Act of August 18, 1941 (33 U.S.C. 701n), for necessary expenses relating to those hurricanes and other disasters, \$17,500,000, to remain available until expended: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006: *Provided further*, That the Secretary, acting through the Chief of Engineers, is directed to use funds appropriated under this heading for the restoration of funds for hurricane-damaged projects in the State of Pennsylvania: *Provided further*, That the amount shall be available for the projects identified above and only to the extent that an official budget request for a specific dollar amount, including a designation of the entire amount of the request as an emergency requirement, is transmitted by the President to Congress.

#### GENERAL PROVISIONS—THIS CHAPTER

##### FLOOD PROTECTION, LOUISIANA

SEC. 2401.(a) There shall be made available \$200,000,000 for the Secretary of the Army (referred to in this section as the “Secretary”) to provide, at full Federal expense—

(1) removal of the existing pumping stations on the 3 interior drainage canals in Jefferson and Orleans Parishes and realignment of the drainage canals to direct interior flows to the new permanent pump stations to be constructed at Lake Pontchartrain;

(2) repairs, replacements, modifications, and improvements of non-Federal levees and associated protection measures—

(A) in areas of Terrebonne Parish; and

(B) on the east bank of the Mississippi River in Plaquemines Parish, Louisiana; and

(3) for armoring the hurricane and storm damage reduction system in south Louisiana.

(4) A project under this section shall be initiated only after non-Federal interests have entered into binding agreements with the Secretary to pay 100 percent of the operation and maintenance costs of the project and to hold and save the United States free from damages due to the construction or operation and maintenance of the project, except for damages due to the fault or negligence of the United States or its contractors.

(5) Not later than 60 days after the date of enactment of this act the Secretary in consultation with Plaquemines Parish and the state of Louisiana shall submit to Congress a report detailing a modified plan regarding levels of protection for lower Plaquemines Parish, Louisiana, relating to hurricane protection with a focus on—

- (A) protecting densely populated areas;
- (B) energy infrastructure;
- (C) structural and nonstructural coastal barriers and protection;
- (D) port facilities; and
- (E) the long-term maintenance and protection of the deep draft navigation channel on the Mississippi River, not including the Mississippi River-Gulf Outlet.

(6) Not later than 30 days after the date of enactment of this Act, the Secretary shall offer to enter into a contract with the National Academies to provide to the Secretary a report, by not later than 90 days after the date of enactment of this Act, describing, for the period beginning on the date on which the individual system components for hurricane and storm damage reduction was constructed and ending on the date on which the report is prepared, the difference between—

(A) the portion of the vertical depreciation of the system that is attributable to design and construction flaws, taking into consideration the settling of levees and floodwalls or subsidence; and

(B) the portion of that depreciation that is attributable to the application of new storm data that may require a higher level of vertical protection in order to comply with 100-year floodplain certification and standard protect hurricane.

(7)(e) The Secretary of the Army, acting through the Chief of Engineers, shall use \$3,500,000 within the funds provided in Sec. 2401(a) to develop a comprehensive plan, at full Federal expense, to, at a minimum, deauthorize deep draft navigation on the Mississippi river Gulf Outlet established by Public Law 84-455 (70 Stat. 65, chapter 112) (referred to in this matter as the "Outlet"), extending from the Gulf of Mexico to the Gulf Intracoastal Waterway, and address wetland losses attributable to the Outlet, channel bank erosion, hurricane and storm protection, saltwater intrusion, navigation, ecosystem restoration, and related issues: *Provided*, That the plan shall include recommended authorization modifications to the Outlet regarding what, if any, navigation should continue, measures to provide hurricane and storm protection, prevent saltwater intrusion, and re-establish the storm buffering properties and ecological integrity of the wetland damaged by construction and operation of the Outlet, and complement restoration of coastal Louisiana: *Provided further*, That the Secretary shall develop the plan in consultation with the Parish of St. Bernard, Louisiana, the State of Louisiana, the Secretary of the Interior, the Secretary of Commerce, the Administrator of the Environmental Protection Agency, and the National Academy of Sciences: *Provided further*, That the Secretary shall seek input, review, and comment from the public and the scientific community for incorporation into the interim plan: *Provided further*, That the Secretary shall ensure that an independent panel of experts established by the National Academy of Sciences reviews and provides

written comments for incorporation into the interim plan: *Provided further*, That, not later than 6 months after the date of enactment of this Act, the Secretary shall submit an interim report to Congress comprising the plan, the written comments of the independent panel of experts, and the written explanation of the Secretary for any recommendation of the independent panel of experts not adopted in the plan: *Provided further*, That the Secretary shall refine the plan, if necessary, to be fully consistent, integrated, and included in the final technical report to be issued in December 2007 pursuant to the matter under the heading "INVESTIGATIONS" under the heading "CORPS OF ENGINEERS—CIVIL" of title I of the Energy and Water Development Appropriations Act, 2006 (Public Law 109-103, 119 Stat. 2247; Public Law 109-148, 119 Stat. 2814): *Provided further*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006: *Provided further*, That, for the projects identified in the report on the Mississippi River Gulf Outlet due by December 2007, required by this section, the Secretary shall submit such reports to the Senate Environment and Public Works Committee and House Transportation and Infrastructure Committee: *Provided further*, That upon adoption of a resolution authorizing the project by each committee, the Secretary shall be authorized to construct such projects.

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

#### SEC. 2402. USE OF UNEXPENDED FUNDS.

(a) IN GENERAL.—Notwithstanding any other provision of law, amounts made available to the State of Oklahoma or agencies or authorities therein (referred to in this section as the "State") before the date of enactment of this act for general remediation activities being conducted in the vicinity of the Tar Creek Superfund Site in northeastern Oklahoma and in Ottawa County, Oklahoma that remain unexpended as of the date of enactment of this Act are authorized to be used by the State to assist individuals and entities in removal from areas at risk or potential risk of damage caused by land subsidence as determined by the State.

(b) USE OF UNEXPENDED FUNDS.—the use of unexpended funds in accordance with subsection (a)—

(1) shall not be subject to the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4601 et seq.); and

(2) may include any general remediation activities described in section (a) determined to be appropriate by the State, including the buyout of 1 or more properties to facilitate a removal described in subsection (a).

#### CHAPTER 5

#### DEPARTMENT OF HOMELAND SECURITY

##### CUSTOMS AND BORDER PROTECTION

##### SALARIES AND EXPENSES

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

##### CONSTRUCTION

For an additional amount for "Construction" for necessary expenses related to the

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

#### UNITED STATES COAST GUARD

##### OPERATING EXPENSES

##### (INCLUDING TRANSFERS OF FUNDS)

For an additional amount for "Operating Expenses" for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, \$90,570,900, to remain available until September 30, 2007, of which up to \$267,000 may be transferred to "Environmental Compliance and Restoration" to be used for environmental cleanup and restoration of Coast Guard facilities in the Gulf of Mexico region; and of which up to \$470,000 may be transferred to "Research, Development, Test and Evaluation" to be used for salvage and repair of research and development equipment and facilities: *Provided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

##### ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

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

#### FEDERAL EMERGENCY MANAGEMENT AGENCY

##### ADMINISTRATIVE AND REGIONAL OPERATIONS

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

##### PREPAREDNESS, MITIGATION, RESPONSE, AND RECOVERY

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

##### DISASTER RELIEF

For an additional amount for "Disaster Relief" for necessary expenses under the

Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), \$10,400,000,000, to remain available until expended: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

Mr. VITTER. Mr. President, this amendment has been worked on quite a bit. An agreement has been reached with all relevant Members, particularly the chairs and ranking members of all of the relevant committees. It doesn't increase the cost of the bill. It addresses a number of urgent flood protection needs in Louisiana and, again, represents a very solid compromise which I am proud to sponsor.

With that, I ask that Members agree to the amendment.

The PRESIDING OFFICER. Is there further debate?

If not, the question is on agreeing to the amendment.

The amendment (No. 3728), as further modified, was agreed to.

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

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from South Dakota is recognized.

Mr. THUNE. Mr. President, I thank the Chair for yielding time on this amendment.

This amendment would provide an additional \$20 million for veterans health care, offset by striking \$20 million that would be appropriated under this supplemental for the Americorps program. The Americorps program has already received \$900 million in appropriations for fiscal year 2006, according to the committee report on this bill.

In 2005, the VA transferred \$452 million from its Medical Facilities account to its Medical Services account. I would like to replenish the VA Medical Facilities account a little, if it's possible to do in a fiscally responsible way. This amendment provides the opportunity to do so, by taking money from an ineffective and mismanaged program—the Americorps National Civilian Community Service Corps program—and providing it for veterans health care.

Mr. President, my amendment would make some resources available to carry out the Secretary's Capital Asset Realignment for Enhancement Services, or CARES, decision, which mandated that 156 priority community-based clinics be established by 2012.

As I said, talking about AmeriCorps, Senator MIKULSKI has described the overall AmeriCorps Program as “like Enron's nonprofit.”

What has been said by GAO—they described it as they have been living on the edge, with tracking based on projections instead of real accounts.

My amendment simply helps us understand that the budget process is about making choices, about setting

priorities, and that providing assistance for this program under the VA health care and using as an offset to pay for it this AmeriCorps Program, which has already been funded at \$900 million this year, and, as I have described, has been described by many, including those on the other side of the aisle, as a program that has serious management problems, serious financial accounting and tracking problems.

So I urge the adoption of the amendment.

The PRESIDING OFFICER. Who yields time?

Mr. COCHRAN. Mr. President, the Thune amendment will reduce the funding for the National Civilian Community Corps by \$20 million. These funds are needed to pay the expenses of training and subsistence for those who have volunteered to provide emergency assistance in the gulf coast region, to help disaster victims recover from the destruction caused by Hurricanes Rita and Katrina.

There have been over 1,600 National Civilian Community Corps members in my State of Mississippi since August 30, the day after Hurricane Katrina struck our coast. They continue to provide essential assistance. The State of Mississippi put our State office of the National Civilian Community Corps in charge of the emergency 24-hour call center, as well as supply distribution centers. To date, the National Civilian Community Corps has assisted 1,140,000 people; cleaned out 1,500 homes; contributed nearly 2,000 tons of food and 2,790 tons of clothing; served 1 million meals; refurbished 732 homes; supported 654 emergency response centers; and completed 1,730 damage assessments.

The volunteers of the National Civilian Community Corps receive about \$4,000 for college expenses. They are modestly housed, fed, and provided with health care and uniforms. They remain available at a moment's notice for deployment to any emergency in the country. The Federal Emergency Management Agency, the Red Cross, and others depend upon this group of professionally trained volunteers for assistance and support.

The thousands of volunteers who are helping care for children and helping the gulf coast recover and rebuild are the backbone of the progress being made in the hurricane-damaged region of our country. They give hope to our families, and I urge the Senate to reject the Thune amendment.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mrs. MURRAY. Mr. President, as we gather this morning, our troops in Iraq and Afghanistan need our support, families on the gulf coast need help rebuilding their lives, and communities all across this country need help moving forward. And now it is down to us. Will we provide that support? Will we provide that critical help? Or will we leave our troops unfunded, our gulf coast in ruins, and our communities

stalled? This is the bill that determines whether we move forward as a country or whether we make it harder for our troops, for hurricane victims, and for American families to make progress. That is the choice before us.

I am on the floor this morning—as I have been all week—saying we need to move our country forward by passing this emergency supplemental bill. I do want to address some of the concerns that have been raised about this bill.

For years, this White House has been playing games to hide the cost of war. We know we have tremendous expenses in Iraq and Afghanistan. Everyone knows that. But when it's time to write the budget—suddenly this White House develops amnesia. It somehow “forgets” to include the cost of war in the regular budget process. On the day the administration sends us its budget—the ongoing cost of war is somehow unknowable. But a few weeks later—when it sends up an emergency supplemental—suddenly we have got this huge document that lists the costs of war. It is a fiction, a sham, a game. And for too long—this Congress has been going along with it. We don't include the war in the budget. We don't fund the war through the Defense Appropriations bill, we just expect to pay for it through emergency supplementals, and that is not honest. Moreover, it means that real emergencies—unanticipated natural disasters and our own homeland security needs—are pushed aside and rendered “less important” than ongoing war costs.

All year I have been on the floor saying that if we are not realistic with our budgets, we are going to have to make up the difference in emergency spending—and that is where we find ourselves today.

Mr. President, I want to walk through how the size of the supplemental has changed to remind my colleagues that it didn't just grow mysteriously. Members of both parties added critical priorities to the supplemental, and members have stood up for those critical investments.

When the Senate Appropriations Committee gathered in early April to mark up this bill, several amendments were adopted that added to the cost of the bill. They included bipartisan amendments to address the agricultural disasters that we have witnessed across the country. That amendment was championed by Senator DORGAN and Senator BURNS.

Senator HARKIN added an amendment to make sure that there will be adequate funds to finance the administration's preparations to deal with a pandemic flu outbreak.

With the support of Senator BOND, I added an amendment to address the backlog of claims for highway emergency relief that still haven't been paid for recent declared disasters across the country; including: Hurricane Ivan, Hurricane Dennis, the San Simeon Earthquake, Hurricane Ophelia, Tropical Storm Gaston, and the tragic

floods in Hawaii that we debated yesterday evening.

The gulf coast Senators on the committee, including Senators HUTCHISON, SHELBY, LANDRIEU, and, of course, Chairman COCHRAN, also presented amendments to better address the needs of the gulf coast region in its efforts to recover from Hurricane Katrina and the other gulf coast hurricanes.

These amendments were all offered to address the real needs of our communities here at home.

The Appropriations Committee reported this bill to the Senate Floor by a vote of 27 to 1. When we brought the bill to the floor, we received a statement of administration policy from the Bush white house. That statement said that the President would veto any bill that exceeded the level of \$94.5 billion. Soon after, the Senate was given an opportunity to vote on the President's position.

My friend, Senator THOMAS of Wyoming, offered an amendment to delete all of the provisions that were not in the administration's original request—thus bringing the size of the bill down to the level acceptable to the President. That amendment failed overwhelmingly, by a veto-proof margin of 72 to 26.

Just hours later, my friend from Nevada, Senator ENSIGN, made a motion to recommit the bill back to the Appropriations Committee with instructions that it be cut back to the level President Bush said he would support. That amendment also failed by a veto-proof margin of 68 to 28.

Why did those amendments fail, even in the face of the President's veto threat? Because Senators from across the country on both sides of the aisle recognized that the investments that this bill makes here in America are needed.

Indeed, in the face of those embarrassing votes, the Senate Republican leaders frantically scurried around to get enough signatures on a letter to the President saying they would uphold the President's veto. They were desperate to get that letter out to the media because it was clear from the votes on the Senate floor that the Members of the Senate—Republican and Democrat alike—were not prepared to ignore our needs here at home, even if President Bush is prepared to do so.

That is how this supplemental developed—one amendment at a time—Senators from both parties voted to address critical needs. Senators have stood by those investments, and now it is time to pass this bill.

Mr. President, we have critical needs in our war effort and here at home that we must address. Those needs have not been addressed through the regular budget, so we must address them through this bill. Let's pass this supplemental and make sure our troops and our communities have the support they need. And as we move forward—let's get real about the budget proc-

ess—let's get real about the cost of war—or we are going to find ourselves back here time and again passing emergency spending.

We have heard a lot about the size of the bill, and I want to address that. This supplemental is big because the budgets we have passed over the years have been unrealistically small.

Let me say that again: This bill is big because the budgets we have passed have been unrealistically small. Time and again, the White House has proposed budgets that do not come close to meeting our domestic needs—and that completely ignore the costs of war. Those budgets have been works of fiction. And if we are not going to be realistic in the regular budget process—if we are not going to include the cost of war in the regular budget, we are going to have to face reality during this supplemental.

That is where we find ourselves today. So any Member who is troubled by the size of this bill should tell the White House it is time to get real and send us budgets that include the cost of war and that address our domestic needs—or we are going to find ourselves dealing with emergency spending time and time again.

But we can't miss the big picture—either we pass this bill and help our troops in our country, or we make it harder for America to move forward. Let's have the wisdom to make the right choice.

Before I go any further, I want to acknowledge the tremendous leadership that Senator BYRD has provided throughout this process. He knows this body better than anyone. And, more importantly, he brings with him a deep commitment to doing the right things not only for the Senate, but for the country, and for the families we all represent.

I also want to thank Chairman COCHRAN for his leadership and hard work on this bill. He has shown extraordinary patience throughout this debate, and I appreciate how he has worked with all of us to keep this bill on track.

Mr. President, I yield back the remainder of our time.

The PRESIDING OFFICER. The question is on agreeing to the Thune amendment No. 3704.

Mr. COCHRAN. I request the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from Illinois.

AMENDMENT NO. 3824

Mr. OBAMA. Mr. President, thank you very much for recognizing me. I ask unanimous consent to call up amendment No. 3824.

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

Will the Senator restate the number.

Mr. OBAMA. Amendment No. 3824.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Illinois [Mr. OBAMA], for Mr. VOINOVICH, for himself and Mr. OBAMA, proposes an amendment numbered 3824.

The amendment is as follows:

In lieu of the matter proposed to be inserted, insert the following:

**SEC. —. CHICAGO SANITARY AND SHIP CANAL DEMONSTRATION BARRIER, ILLINOIS.**

(a) IN GENERAL.—Of the unobligated balances available for "OPERATION AND MAINTENANCE" under the heading "CORPS OF ENGINEERS-CIVIL" of title I of the Energy and Water Development Appropriations Act, 2006 (Public Law 109-103; 119 Stat. 2250), \$400,000 shall be made available for fiscal year 2006 for the maintenance of the Chicago Sanitary and Ship Canal Demonstration Barrier, Illinois, which was constructed under section 1202(i)(3) of the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (16 U.S.C. 4722(i)(3)).

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 1202(i)(3)(C) of the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (16 U.S.C. 4722(i)(3)(C)), is amended by striking ", to carry out this paragraph, \$750,000" and inserting "such sums as are necessary to carry out the dispersal barrier demonstration project under this paragraph".

The PRESIDING OFFICER. Is there further debate on the amendment?

AMENDMENT NO. 3824, AS MODIFIED

Mr. OBAMA. Mr. President, I ask that the amendment be modified.

The PRESIDING OFFICER. Is there objection to the modification? If not, the amendment is so modified.

The amendment (No. 3824), as modified, reads as follows:

At the appropriate place insert the following:

**SEC. —. CHICAGO SANITARY AND SHIP CANAL DEMONSTRATION BARRIER, ILLINOIS.**

(a) IN GENERAL.—Of the unobligated balances available for "OPERATION AND MAINTENANCE" under the heading "CORPS OF ENGINEERS-CIVIL" of title I of the Energy and Water Development Appropriations Act, 2006 (Public Law 109-103; 119 Stat. 2250), \$400,000 shall be made available for fiscal year 2006 for the maintenance of the Chicago Sanitary and Ship Canal Demonstration Barrier, Illinois, which was constructed under section 1202(i)(3) of the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (16 U.S.C. 4722(i)(3)).

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to amendment No. 3824, as modified.

The amendment (No. 3824), as modified, was agreed to.

Mr. OBAMA. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Iowa.

AMENDMENT NO. 3732

Mr. GRASSLEY. Mr. President, I ask unanimous consent to call up amendment No. 3732.

The PRESIDING OFFICER. Is there objection?

Mrs. MURRAY. Mr. President, we have no objections on this side.

The PRESIDING OFFICER. Without objection, the clerk will report.

The legislative clerk read as follows:

The Senator from Iowa [Mr. GRASSLEY], for himself and Mr. BAUCUS, proposes an amendment numbered 3732.

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

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

The amendment is as follows:

(Purpose: To transfer funds from the Disaster Relief fund to the Social Security Administration for necessary expenses and direct or indirect losses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season)

On page 186, after line 22, add the following:

SEC. 2704. Of the funds made available under the heading "Disaster Relief" under the heading "Federal Emergency Management Agency" in chapter 5 of this title, \$38,000,000 is hereby transferred to the Social Security Administration for necessary expenses and direct or indirect losses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: *Provided*, That the amount transferred by this section is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

Mr. GRASSLEY. Mr. President, the supplemental appropriations bill includes \$27 billion for disaster-related expenses. But, no money, other than a nominal amount for the Inspector General, was provided for the Social Security Administration. This amendment would correct this omission.

This amendment would provide \$38 million to the Social Security Administration, SSA, to reimburse costs incurred as a result of Hurricane Katrina and other hurricanes of the 2005 season.

The Social Security Administration performed a remarkable job in response to these recent disasters.

They assisted more than 528,000 persons in FEMA Disaster Recovery Centers and shelters and helped many others who came to SSA field offices. Altogether these activities cost the agency \$38 million: \$6 million to acquire and outfit temporary space and renovate offices damaged by the storm, including costs for computers, furniture and supplies; \$12 million for processing immediate payments, changing addresses, confirming Social Security numbers, and taking new claims that resulted from the hurricanes; \$7 million to pay for the travel and per diem expenses for employees; \$12 million for costs related to unprocessed workloads—claims, hearings, etc.—due to the storms' disruptions; \$1 million for salaries of those SSA workers who volunteered to work for FEMA in the affected areas.

SSA cannot easily absorb this \$38 million because its budget is already \$300 million below the President's request for fiscal year 2006. SSA is already experiencing reductions and delays in service. This \$38 million would allow an increase in overtime hours to begin to address these backlogs.

Finally, the cost of this amendment is offset by a \$38 million reduction in the FEMA disaster relief fund. This reduction in FEMA would come from the \$2.4 billion that is designated for "other needs." This designation refers to money that has been made available for unspecified, potential future activities. It would not affect any specific project or activity in this bill.

I urge my colleagues to support this amendment.

Mr. BAUCUS. Mr. President, I rise to speak in favor of the bipartisan amendment that Finance Committee Chairman GRASSLEY has just offered. As ranking Democrat on the Finance Committee, I have worked with Chairman GRASSLEY to develop this amendment. The amendment provides \$38 million to the Social Security Administration, SSA—fully paid for—to reimburse the costs SSA incurred as a result of Hurricane Katrina and other hurricanes of the 2005 season.

The supplemental appropriations bill, as reported by the Senate Appropriations Committee, would appropriate \$106.5 billion, including \$ 67.7 billion for the wars in Iraq and Afghanistan, \$4.5 billion for foreign assistance programs, and \$27.1 billion for relief needed because of last season's hurricanes. In contrast, no funding for SSA to make up for its costs from Katrina and the other hurricanes is currently provided in the supplemental.

The Social Security Administration performed superbly in the aftermath of these hurricanes. SSA assisted more than 528,000 persons in FEMA Disaster Recovery Centers and shelters and helped many others who came to its field offices. To provide such assistance, SSA urgently invoked emergency procedures and issued approximately 85,000 immediate payments for displaced beneficiaries and those who could not access their bank or other financial accounts. In addition, SSA changed the addresses of displaced beneficiaries, provided individuals who had lost their identification documents with confirmation of their Social Security numbers, and took applications from many people from the affected areas who had become newly eligible for Social Security disability or survivors benefits or benefits from the Supplemental Security Income program. SSA even passed along messages to beneficiaries from worried family members. Finally, some SSA employees drove hours to provide relief to overstretched field offices, sometimes sleeping on air mattresses set up in the offices because there were no other places to stay.

Together, these activities caused SSA to redirect \$38 million from funding for its normal tasks and obligations. There were costs to SSA of \$6 million to acquire and outfit temporary space and renovate offices damaged by the storm, including costs for computers, furniture and supplies. SSA estimates that there were \$12 million in costs for new workloads, including

processing immediate payments, changing addresses, confirming Social Security numbers, and taking new claims that resulted from the hurricanes. It cost SSA \$7 million to pay for the travel and per diem expenses for employees who came to the affected areas from other regions to help, as well as for employees who were forced to relocate because of damaged or destroyed homes and offices and who continued to work in other offices. Costs related to unprocessed work include \$12 million for SSA workloads, such as claims, hearings, that were not processed as a result of the storms' disruptions. Nearly \$1 million was spent to pay the salaries of those SSA workers who volunteered to work for FEMA in the affected areas, and thus were not doing their regular SSA work.

Unfortunately for SSA, it had already had its funding cut by a total of \$300 million below the President's request for fiscal year 2006. Rather than being able to absorb the \$38 million caused by the hurricanes, SSA found its \$300 million shortfall being exacerbated by these additional \$38 million of costs.

The Social Security Administration could make very good use of an additional \$38 million of funding for fiscal year 2006 at this time by increasing overtime hours. This would allow SSA to make up for a small piece of the reductions and delays of service to its normal applicants and beneficiaries.

In the Senate-passed supplemental, many Federal agencies are reimbursed for costs arising from these hurricanes. Surprisingly, that is not the case for the Social Security Administration. This is especially ironic in view of the efforts of the Social Security Administration and its employees to help the gulf coast and its citizens, including some efforts that were above and beyond the call of duty.

This bipartisan amendment will address this funding shortfall for the Social Security Administration by providing it with an additional \$38 million for the current fiscal year. The amendment is fully paid for. As reported by the Appropriations Committee, the supplemental appropriations bill provides \$10.6 billion to FEMA for disaster relief from Hurricane Katrina and other hurricanes of the 2005 season. Of this amount, according to the committee report, \$2.4 billion is provided for "other needs." Although the report provides some examples of such "other needs," there is no list of specific projects and activities whose costs total \$2.4 billion. This amendment increases SSA's funding for fiscal year 2006 by \$38 million and reduces the \$10.6 billion appropriated for the FEMA Disaster Relief account in this bill. The \$2.4 billion provided by this bill for "other needs" is part of the \$10.6 billion appropriated for the FEMA Disaster Relief account in the bill. This amendment will not result in the loss of any specific project or activity provided for by this bill. Nor will it cause

this bill to result in any additional costs to the Federal Government.

This amendment will restore the loss of resources for the Social Security Administration that has resulted from the 2005 season's hurricanes. I believe this is the right thing to do. I urge my colleagues to support this bipartisan amendment.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to amendment No. 3732.

The amendment (No. 3732) was agreed to.

Mrs. MURRAY. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

#### AMENDMENT NO. 3704

Mr. BYRD. Mr. President, I rise today in opposition to the amendment from the Senator from South Dakota. This is not an amendment designed to help our veterans. It is an amendment designed to cut funding for the National Civilian Community Corps, NCCC, that the sponsor of the amendment apparently thought would be more likely to pass if the funds were allocated to veterans health care facilities.

The Senator is proposing to strike from the bill the entire \$20 million allocated to support the NCCC effort to help Katrina victims. NCCC members deployed to the gulf within 24 hours of Katrina making landfall and have been there ever since. In total, nearly 1,600 NCCC members have provided 320,000 hours of volunteer service. These young people are 18 to 24 years old. They muck out homes, remove debris, rebuild schools and community centers, coordinate the work of episodic volunteers, help families and senior citizens rebuild their homes and lives, and support other needs.

The \$20 million in the supplemental will support 800 NCCC members who will provide more than 1.2 million hours of service in the gulf coast hurricane recovery effort. Among NCCC's gulf coast accomplishments so far: assisted 1,063,000 people, mucked out 1,500 homes, distributed 1,714 tons of food, distributed 2,790 tons of clothing, served 1,000,000 meals, refurbished 732 homes, supported 542 emergency response centers, leveraged 7,715 volunteers, and completed 1,325 damage assessments.

It is important to fund health care for our veterans. That is why I voted for the Akaka amendment to add \$430 million to the bill for that purpose. I am pleased that it passed, and I hope the President requests the funds.

Veterans deserve every penny of the \$430 million added to this bill, but those who have had their lives turned upside down by Hurricane Katrina also deserve the support of the young men and women of the national Civilian Conservation Corps. We should not rob Peter to pay Paul. Therefore, I will vote against this amendment.

Ms. MIKULSKI. Mr. President, I rise in opposition to Senator THUNE's amendment and to set the record straight on my ongoing and passionate support for AmeriCorps and the National Civilian Community Corps, NCCC. The Senator from South Dakota said that I described the overall AmeriCorps program as, "It's like Enron's gone nonprofit." Senator THUNE was absolutely wrong to say that is the way I describe AmeriCorps. I love AmeriCorps. I love what they do for communities. I love what they do for America.

Senator THUNE took that quote totally out of context. I made that statement back in 2002 when a bureaucratic boondoggle led to the overenrollment of 20,000 volunteers. When that happened, I led the efforts to organize the national service groups and to strengthen AmeriCorps. Along with Senator BOND, I introduced and passed the "Strengthen AmeriCorps Program Act of 2003" which established new accounting procedures for AmeriCorps. I urged the President to appoint a new CEO for the Corporation of National Service—a CEO with the management skills necessary to restore confidence in the Corporation's abilities to make a real difference to our volunteers—and in our communities. I also asked for a reinvigorated Board of Directors that would take greater oversight and responsibility and I have consistently called for increased funding so that AmeriCorps could support 75,000 volunteers each year.

AmeriCorps is stronger than ever. Since its creation, over 300,000 volunteers have served in communities and earned education awards to go to college or to pay off student debt. To date, 7,500 Maryland residents have earned education awards. The NCCC program, which has a campus in Perry Point, MD, is a full-time residential program for 18 to 24 year olds designed to strengthen communities and develop leaders through team-based service projects. Each year, approximately 1,100 participants reside in its five campuses nationwide. The Perry Point campus houses 200 AmeriCorps members every year, and since 1994 its residents have logged more than 350,000 service hours. Most recently, NCCC members have provided more than 250,000 service hours valued at \$3.8 million to projects in the Gulf Coast region, which reflects their critical service during every American natural disaster since the program started.

The funds that Senator THUNE wants to cut are specifically dedicated to support volunteer recovery activities in the gulf and would pay for 800 NCCC members who will provide more than 1.2 million hours of service in the gulf coast hurricane recovery effort. These teams will rebuild schools and community centers, remove debris, and help senior citizens rebuild their homes and lives. This funding demonstrates the Senate's commitment to keeping this valuable program alive, despite Presi-

dent Bush's efforts to cut the Federal funds it needs to survive.

I fought to create AmeriCorps, I fought to strengthen AmeriCorps, and I will fight to save AmeriCorps. Today's Federal investment, like these fine volunteers, are needed now more than ever. I strongly encourage my Senate colleagues to make sure this money is included as a part of this emergency spending package, and I urge them to oppose Senator THUNE's amendment which would divert these critical funds away from NCCC.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 3704. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. MCCONNELL. The following Senator was necessarily absent: the Senator from Utah (Mr. HATCH).

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

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

The result was announced—yeas 39, nays 59, as follows:

[Rollcall Vote No. 111 Leg.]

#### YEAS—39

Allard	Enzi	Nelson (FL)
Allen	Frist	Pryor
Brownback	Gregg	Roberts
Burns	Hagel	Sessions
Burr	Hutchison	Snowe
Chambliss	Inhofe	Stabenow
Coburn	Isakson	Sununu
Collins	Johnson	Talent
Cornyn	Kyl	Thomas
DeMint	Lott	Thune
DeWine	Lugar	Vitter
Dole	Martinez	Voinovich
Ensign	McConnell	Warner

#### NAYS—59

Akaka	Dayton	Lincoln
Alexander	Dodd	McCain
Baucus	Domenici	Menendez
Bayh	Dorgan	Mikulski
Bennett	Durbin	Murkowski
Biden	Feingold	Murray
Bingaman	Feinstein	Nelson (NE)
Bond	Graham	Obama
Boxer	Grassley	Reed
Bunning	Harkin	Reid
Byrd	Inouye	Salazar
Cantwell	Jeffords	Santorum
Carper	Kennedy	Sarbanes
Chafee	Kerry	Schumer
Clinton	Kohl	Shelby
Cochran	Landrieu	Smith
Coleman	Lautenberg	Specter
Conrad	Leahy	Stevens
Craig	Levin	Wyden
Crapo	Lieberman	

#### NOT VOTING—2

Hatch  
Rockefeller

The amendment (No. 3704) was rejected.

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

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Under the previous order, the clerk will read the bill for the third time.

Ms. LANDRIEU. Mr. President, I know we are getting ready to go to final passage, but I ask unanimous consent to go to amendment No. 3851, as modified.



The PRESIDING OFFICER. The Senate is not in order.

AMENDMENT NO. 3851, AS MODIFIED

Ms. LANDRIEU. Mr. President, I know we are getting ready to go to final passage. I know it is unanimous consent. But I am asking unanimous consent to bring up amendment No. 3851, which has been cleared on both sides by four committees. It has to do with a definition.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Reserving the right to object, I will not object if the Senator from Louisiana will add to that unanimous consent request that this will be the last amendment considered?

Ms. LANDRIEU. I will be happy to.

The PRESIDING OFFICER. Senators should be informed that this is a second-degree amendment.

Mrs. MURRAY. Mr. President, reserving the right to object, is the amendment that has been sent to the desk the modified amendment?

The PRESIDING OFFICER. Is the amendment modified to be a first-degree amendment?

Mr. ENZI. Mr. President, this is under the jurisdiction of the Education Committee. We have taken a look at it. FEMA just has a different definition that needs to be changed from what other schools have. It clears up some language. It is not any problem.

Mr. REID. Mr. President, we cannot hear what is going on.

The PRESIDING OFFICER. The Senate will be in order.

Is there objection to the amendment as modified? Without objection, it is so ordered.

The amendment (No. 3851), as modified, is as follows:

AMENDMENT NO. 3851, AS MODIFIED

(Purpose: To provide a complete substitute)

On page 165, line 23 after "fiscal year 2006" insert the following:

*Provided further*, That any charter school, as that term is defined in section 5210 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 722(i)), regardless of whether the facility of such charter school is privately or publicly owned, shall be considered for reimbursement for damages incurred to public schools due to the effects of Hurricane Katrina or Hurricane Rita.

*Provided further*, That if the facility that houses the charter school is privately owned, then such facility shall reimburse FEMA for any improvements or repairs made to the facility that would not otherwise have been reimbursed by FEMA but for the existence of the charter school, if such charter school vacates such facility before the end of 5 years following completion of construction and approved inspection by a government entity, unless it is replaced by another charter school during that 5-year period.

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

The amendment (No. 3851), as modified, was agreed to.

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

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

The motion to lay on the table was agreed to.

#### SALMON SPAWNING

Mr. SMITH. Mr. President, last week I proposed an amendment to the supplemental appropriations bill that would provide relief to individuals facing an unfolding economic crisis along the Oregon and California coast.

For the third consecutive year, the number of naturally spawning Klamath River Chinook salmon is expected to fall below the conservation floor called for in the fishery management plan. As a result, the Pacific Fishery Management Council undertook a careful review of the stock status as well as the economic needs of local communities.

After conducting its review, the Council voted to recommend to the Secretary of Commerce the use of an emergency rule to allow for a severely restricted salmon season along 700 miles of the Oregon and California coast.

Last week, Secretary Gutierrez approved the council's recommendation for an emergency rule. While this limited season is helpful, it will not be enough to sustain Oregon's rural, fishery-dependent economies. It is estimated that the impact to Oregon and California coastal communities could exceed \$100 million. Many of the communities affected by these fishery restrictions are still recovering from the devastation caused by the collapse of the timber economy in 1990s.

The funding provided in my amendment would help fishermen and supporting businesses in Oregon weather what will certainly be a very trying year. However, because this crisis is the result of a regulatory action rather than a natural disaster, I have been told that my amendment is not germane to the bill that is before us now. This parliamentary hair-splitting is lost on my constituents.

I would like to engage the Chairman of the Appropriations Committee in a brief colloquy. I realize that we are facing tight budgetary times and numerous disasters, many of which receive assistance under the current bill. Will you agree to work with me to secure funding or reprogram funds to address the pending crisis on the Oregon coast?

Mr. COCHRAN. The Senator is certainly right that these are very difficult budgetary times. Funds for non-defense discretionary programs are particularly constrained, while the demand for those funds has not slackened one bit. Having said that, I appreciate the Senator acquainting me with the challenges facing fishing communities on the Oregon coast, and I will work with him and the subcommittee Chairman SHELBY and try to identify an appropriate federal response for affected communities.

Mr. SMITH. I thank the Chairman. I yield the floor.

#### AVIAN FLU

Mr. LIEBERMAN. Mr. President, I thank my distinguished colleagues from North Carolina and Kansas, Senators BURR and BROWNBAC, for their commitment to avian flu preparedness

and to putting in place an effective system for the surveillance of wild birds, which is instrumental to our capacity to prepare for the outbreak of an avian flu pandemic. I am happy to support the amendment of my distinguished colleague from North Carolina.

Mr. BURR. Mr. President, my amendment builds upon work Senator LIEBERMAN and Senator BROWNBAC undertook last year in the fiscal year 2006 Defense appropriations bill, which also included the first avian flu supplemental. It enhances our domestic capacity to undertake wild bird surveillance coming into and across the United States by utilizing the expertise of the Smithsonian Institute to support our Federal agencies.

Mr. BROWNBAC. Mr. President, indeed, there is growing concern that wild birds can carry the avian flu virus, which has now spread from Southeast Asia to China, Europe, Africa, and to the Middle East. Wild birds are one of the key vectors for spreading the virus to domestic animal populations or carry it to wild bird markets, where the virus is further propagated. At this time, the virus does not spread easily from birds to humans and there are limited reports of human to human transfer. Importantly, the virus has not yet entered the United States to our knowledge. We must understand how this virus moves to prepare communities in its path.

At the same time we work to develop a vaccine and procure antivirals, we can also track the movement of the virus in wild birds. GAINS can track wild birds in the same way the National Hurricane Center tracks hurricanes. By analyzing, storing, and reporting using a real time computerized data mapping system and interface, we can see the viral strains wild birds carry, where they are carrying the virus along migratory routes, and how the virus is genetically evolving. This will make it possible for us to develop vaccines more quickly using the most recent strain available and will help us warn vulnerable populations in wild bird flight paths should the avian flu strain turn deadly.

Mr. BURR. I agree that avian flu surveillance is critical to our ability to protect public health. Mr. President, I ask Senator LIEBERMAN, is the global program he supported in the fiscal year 2006 appropriations process for international surveillance currently up and running? The Smithsonian Institute and the domestic surveillance program they are working on and his international surveillance program will be important partners. We urge all parties to begin their activities immediately.

Mr. LIEBERMAN. It is. USAID and CDC have partnered with the Wildlife Conservation Society to establish the Wild Bird Global Avian Influenza Network for Surveillance or GAINS. GAINS is a smart and targeted investment in the U.S. Government's fight against avian flu. CDC and USAID are investing \$6 million from fiscal year

2006 avian flu supplemental appropriations to establish GAINS. GAINS comprises 5 million conservation, wild bird, poultry, health, and vaccine experts and builds upon the robust international network of the Wildlife Conservation Society, or WCS, which through partnerships has presence in virtually every key country related to Avian Influenza—56 in all. The Wildlife Conservation Society, founded in 1895 and headquartered at the Bronx Zoo has a long history in the wild bird surveillance field around the world. They were the organization that first diagnosed West Nile virus when it arrived on U.S. shores, and the human avian flu vaccine we are currently working on is partially derived from wild migratory bird samples, WCS wild bird samples collected in Mongolia.

Of course, the GAINS relates to robust sampling of wild birds—alive and dead—in the wild and in captivity, and even in markets, but most importantly GAINS will display the results of sampling on a user-friendly real time computerized data mapping system so that wherever you are in the world, public officials will be able to warn populations at risk and scientists will have a powerful tool to fight this virus.

I am confident that the Smithsonian's domestic efforts will be fully compatible with GAINS.

Mr. BURR. The Smithsonian has agreed to provide the samples and the data it collects to United States agency partners without delay. In turn, we will count on the DOI, USDA, HHS, and any other agencies to negotiate the full coordination and integration of the Smithsonian domestic component, the GAINS network, and any other ongoing effort into a public database. This way we know samples will be stored and shared between governmental and non-governmental organizations and that data will work with additional efforts in the future.

Mr. BROWNBACK. I am glad we agree that we should all work together. We cannot have efforts that are not collaborative and coordinated domestically and internationally. We will build on the GAINS infrastructure by boosting our domestic capacity through the Smithsonian Institute and ensuring all partners work together and share data in a compatible manner using the GAINS system.

Mr. BURR. I understand that Senator Lieberman has an amendment related to GAINS.

Mr. LIEBERMAN. Yes I do. The current GAINS program is underfunded by \$4,000,000 in year one and year two will require an additional \$10,000,000 to be fully functional. Our amendment specifies GAINS as a particular program for CDC to fund in its domestic and global surveillance efforts, which in general is receiving robust funding thanks to your foresight and that of your health subcommittee. Such an effort as we have discussed must include animal surveillance because of its relation to human health.

Mr. BURR. An international avian flu surveillance component is an important investment and I hope HHS and CDC recognize the need to enhance our surveillance capabilities. I encourage the Appropriations Committee and Chairman COCHRAN to give it full consideration.

Mr. LIEBERMAN. Senator BROWNBACK and I thank the Senator from North Carolina for this. I personally thank you Senator BURR for working with us on this important issue, which I always say is the big bird in the room that few people are looking at. It always feels better to wrap our arms around problems on a bipartisan basis. The leadership of the Senator from North Carolina on this issue and in general is noticed and laudable.

Mr. BURR. Mr. President, I thank my colleagues.

Mr. BROWNBACK. I thank my colleagues.

Mr. LIEBERMAN. I thank my colleagues for their commitment to these activities.

#### CUSTOMS AND BORDER PROTECTION

Mr. LEVIN. I would like to enter into a colloquy with my friend from New Hampshire, Senator GREGG, and my friend from North Dakota, Senator CONRAD, regarding funds that have been included in this bill for customs and border protection, CBP, air and marine interdiction, operations, maintenance, and procurement.

The Northern Border Air Wing, NBAW, initiative was launched by the Department of Homeland Security, DHS, in 2004 to provide air and marine interdiction and enforcement capabilities along the Northern Border. Original plans called for DHS to open five NBAW sites in New York, Washington, North Dakota, Montana, and Michigan.

The New York and Washington NBAW sites have been operational since 2004. Unfortunately, none of the other three sites have yet been stood up, leaving large portions of our Northern Border unpatrolled from the air. In the conference report accompanying the fiscal year 2006 DHS appropriations bill, the conferees noted that these remaining gaps in our air patrol coverage of the northern border should be closed as quickly as possible.

Given that the threat from terrorists, drug traffickers, and others who seek to enter our country illegally has not diminished, I believe an adequate portion of the funds included in this bill for air and marine interdiction, operations, maintenance, and procurement should be used by customs and border protection to complete the remaining assessments, evaluations, and other activities necessary to prepare and equip the Michigan, North Dakota, and Montana NBAW sites with appropriate CBP air and marine assets.

This bill requires that DHS submit an expenditure plan to the appropriations committee before any of the funds may be obligated. I urge DHS to include in their plan the funds necessary to stand up, equip, and begin op-

erations at the three remaining northern border air wing sites in Michigan, North Dakota, and Montana.

Mr. CONRAD. I agree with my friend from Michigan. The fiscal year 2006 DHS appropriations bill included a small amount of funds to begin initial preparations for a NBAW site in my home state of North Dakota, but more funds are needed for the site to become operational. Secretary Chertoff has told us that the establishment of the three additional northern border air wings will be complete in fiscal year 2007.

A small portion of the air and marine interdiction funds in this bill would go a long way toward meeting this deadline and the goal of securing our long and currently porous northern border. I join Senator LEVIN in encouraging the DHS to include funds sufficient to stand up and equip the North Dakota, Michigan, and Montana sites.

Mr. GREGG. My friends from Michigan and North Dakota raise important points. I agree the establishment and equipping of the three remaining northern border air wings is a priority. The northern border has long been neglected compared to the southern border. As my colleagues are aware, funds were appropriated in the fiscal year 2006 Department of Homeland Security Appropriations Act to initiate funding of the third northern border air wing in North Dakota. I am committed to seeing that the establishment of the remaining northern border air wings is accomplished as expeditiously as possible.

#### EMERALD ASH BORER

Mr. LEVIN. Mr. President, I ask if the chairman of the Appropriations Subcommittee on Agriculture is aware of my amendment regarding the urgent need for additional funding for combating the Emerald Ash Borer, and if he is open to accepting the amendment by unanimous consent.

Mr. BENNETT. I would say to the Senator from Michigan that I am aware of his amendment, but unfortunately cannot support any amendment to the agriculture title of the supplemental appropriations bill which does not have an adequate offset. It is my understanding the amendment Senator LEVIN has introduced with Senators STABENOW, DEWINE, VOINOVICH and DURBIN does not contain any offset for the \$15 million requested.

Mr. LEVIN. The Senator from Utah is correct in that I was not able to offset the costs of the amendment as the funding in that title is very tight. I would ask my friend though if he is aware that there is a need in my State alone of over \$30 million to combat and contain this invasive species that has destroyed virtually all of Southeast Michigan's ash stock?

Mr. BENNETT. I have been advised of the urgent need for funds in the Midwest.

Mr. LEVIN. During consideration of the fiscal year 2006 Agriculture Appropriations Act, Senators STABENOW,

DEWINE and I had a similar amendment seeking additional funds for the Animal and Plant Health Inspection Service at the USDA. We decided not to offer the amendment as we received assurances that the chairman and ranking member of the subcommittee would push for the House approved level of funding of \$14 million. Unfortunately the final bill contained only \$10 million to deal with the Emerald Ash Borer epidemic.

Mr. BENNETT. I say to my friend that we did indeed work with our House counterparts in crafting the final 2006 appropriation, but unfortunately were only able to allocate \$10 million in the end.

Mr. LEVIN. I thank the Senator from Utah for all of his help over the years in seeking funding for this problem. I hope that he and the ranking member would be mindful of the urgent need of Ohio, Indiana and Michigan for funding for Emerald Ash Borer eradication efforts when crafting the fiscal year 2007 Agriculture Appropriations Act over the coming months.

Mr. BENNETT. I tell my friend from Michigan that I will do all I can, in consultation with Members from the affected states and the Department of Agriculture, to craft an appropriations bill which contains adequate funding to combat the Emerald Ash Borer.

Mr. LEVIN. I thank the chairman and know that my colleagues appreciate his support as well.

Ms. STABENOW. I thank my colleague, Senator BENNETT, for his continued work to help Michigan, Ohio, and Indiana battle this invasive pest that has devastated our states. Senator BENNETT worked closely with us last year during consideration of the Agriculture Appropriations bill, and I appreciate his commitment to working with us during the fiscal year 2007 appropriations bill.

Mr. DEWINE. Mr. President, I would like to associate myself with the comments of my friends from Michigan. Ohio is home to more than 3.8 billion ash trees and the Emerald Ash Borer is causing destruction to trees in north-west Ohio and the Columbus area. I would appreciate your help in the future to prevent the spread of the Emerald Ash Borer to southern Ohio.

Mr. VOINOVICH. Mr. President, I thank my colleagues and the chairman of the Appropriations Subcommittee on Agriculture for providing this colloquy. As my colleagues know, the Emerald Ash Borer poses an enormous threat, and I wish to be associated with their remarks. This is important for this Senator from Ohio because nearly 4 billion ash trees are threatened in my State alone. The Ohio Department of Agriculture and the Ohio Department of Natural Resources call the Emerald Ash Borer the most serious forest health issue facing Ohio's forests today. They remain highly concerned and vigilant, but we must provide them with sufficient resources to eradicate this problem. According to the Ohio

Department of Natural Resources, the potential economic impact of EAB to Ohio citizens over the next 10 years could possibly reach \$3 billion. Again, I thank my friend from Michigan for his leadership on this issue, as well as the Senator from Utah, Senator BENNETT, for his indulgence in entering into this colloquy.

Mr. COBURN. Mr. President, in the past week, the Senate has voted to reduce the overall cost of H.R. 4939, the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006, now totaling nearly \$110 billion by a mere \$15 million. I am delighted that President Bush has pledged to veto this bill because Congress has, once again, been unable to resist the temptation to load up a must-pass bill with pork.

I offered several amendments to eliminate nonemergency items in this bill. I appreciate the patience of my colleagues. I am very pleased and encouraged that this body is increasingly willing to depart from our business-as-usual practices.

That is good because the American people are paying attention to this process. In a recent Wall Street Journal/NBC poll, the American people said that ending earmarks should be the No. 1 priority for Congress this session. Thirty-nine percent said that members should be prohibited from "directing federal funds to specific projects benefiting only certain constituents." It is interesting to note that ending earmarks was ranked ahead of immigration reform, which was cited as the No. 1 priority by 32 percent of Americans.

I hope that these results, combined with polls showing a 22-percent approval rating for Congress, will encourage conferees to avoid a confrontation with President Bush over spending. I would hope that when conferees look for items to remove from this bill they take a close look at my amendments that lost by a narrow margin as well as those I withdrew.

I believe that in this time of war and disaster recovery the American people expect us to make hard choices about spending. Taxpayers want us to be serving in a spirit of service and sacrifice, not searching for new ways to raid the public Treasury.

Congress is raiding the Treasury in two ways with this bill. First, many of the items in this bill should be considered in the regular appropriations process and through the regular order. The war on terror is no longer a surprise. We are entering our fifth year of this war. It shouldn't come as a surprise to Congress that we have needs related to this effort. We have also developed a good understanding about many of the priorities in the gulf coast that could have been addressed in the regular budget process.

Congress has also added billions of dollars for items that have no connection to the war on terror and the gulf coast recovery. Again, few of these items are true emergencies. The Amer-

ican people deserve to understand what defines a true emergency. According to the budget resolution for fiscal year 2006 all of the following five criteria must be met to be considered an emergency: necessary, essential, or vital; sudden, quickly coming into being, and not building up over time; an urgent, pressing, and compelling need requiring immediate action; unforeseen, unpredictable, and unanticipated; and not permanent, temporary in nature.

Designating a project as an "emergency" excuses Congress from paying for a project. The result of abusing the "emergency" designation is an even greater emergency. Our Nation's debt is nearly \$8.4 trillion. Each American's share of this debt is \$27,964.86. Our national debt is increasing by an average of \$1.95 billion per day. Social Security, Medicare and the standard of living of future generations of Americans are in jeopardy as a result of decades of fiscal irresponsibility and rationalizations for spending more money today without considering the consequences tomorrow.

The Social Security trustees reported this week the program will exhaust its trust fund and begin running annual cash deficits in 2040. A year ago, that prediction was 2041, effectively meaning 2 years have been lost by a refusal to act. The trustees reported Social Security's unfunded liability is \$13.4 trillion.

Of course, the real problem with Social Security and Medicare is much worse because the Federal Government uses an Enron-style accounting scheme. We habitually borrow or, more accurately, steal money from these trust funds to pay for more spending today.

When the 77 million baby boomers begin to retire in 2011, our Nation will be faced with the greatest economic challenge in our history. If we continue to indulge in earmarks, the gateway drug to spending addictions, we will never address these complex challenges, particularly if we can't resist the urge to abuse the earmark process on a bill designed to address the emergency needs of our troops and displaced people in the gulf coast.

Another reason we must act today to rein in wasteful spending is because our ability to influence world events is diminished by our debt to other nations. We now have the distinction of being the world's largest debtor nation, and this bill will add to that debt. Many serious economists are warning that our excessive borrowing from foreign sources could cause the value of the dollar to collapse, which would lead to a disaster for our economy. It is incredibly shortsighted for this body to sell Treasury bills to countries such as China so we can finance economic development programs and other pet projects while, at the same time, we hope to encourage China to be more aggressive in terms of discouraging Iran from developing nuclear weapons. This is not just a numbers game. The future

vitality of our nation is at stake. We are slowly but surely whittling away our national power and ability to leverage other nations away by our refusal to make hard choices about spending.

Many of the items in this bill are obviously not emergencies, which is why this bill will be vetoed by President Bush if it is sent to him in its current form. Again, I hope conferees do not force the President to take this step. I am confident the President will veto this bill. He understands that it is more important to secure the next generation rather than the next election.

Past Presidents and Congresses have made hard choices during difficult times. Between 1939 and 1942, Congress and FDR cut spending for nondefense programs by 22 percent. In 1950, President Truman and Congress cut non-military spending by 28 percent. I suggest to my colleagues that if we want to be here past 2006, we better do the same.

Still, I agree with my colleagues who say that the President's priorities don't come down from heaven. I suggest, however, that we are all subject to the judgment that comes down from the taxpayers. If we flippantly disregard the President's insistence that we make hard choices, the judgment of the taxpayers will not be kind to any of us.

Families across this country are faced with hard choices every day in order to live within their budget. They have elected us to make hard choices. Our refusal to do this only reinforces the perception that we are disconnected from the priority-setting reality that governs the rest of the country.

It is wrong, for example, for this body to fund pork projects such as grape research in the State of California force the taxpayers in my State and every other State to pay for a so-called emergency project that has been ongoing for the last 46 years and has already received more than \$130 million from the American taxpayer. Where this body sees an emergency the taxpayers often see a series of misplaced priorities.

The State of California received 549 Federal earmarks this year totaling \$733 million. That included \$10 million in Federal resources alone for museums. Is it more important to protect the residents at risk from flooding by the Sacramento River or to fund grape research? Congress is spending over \$3.6 million on a grape research center in California this year. We are spending another \$1 million on a pedestrian walkway project in Calimesa and a half million on pedestrian/bike improvements on Tower Bridge in Sacramento? What is more important for Sacramento? Why can't we prioritize today so future generations are not forced to make even tougher choices between massive tax hikes, drastic cuts to Medicare and Social Security, or the defense of our Nation?

Martin Luther King Jr. once said, "Cowardice asks the question—is it

safe? Expediency asks the question—is it popular? Vanity asks the question—is it popular? But conscience asks the question—is it right?"

I plead with my colleagues. Do what is right. Our Nation is on an unsustainable course, and that course correction must begin today, not when it is too late.

Ms. MIKULSKI. Mr. President, I support our troops and their families. I am behind them 100 percent. They deserve our gratitude, not just with words but with deeds. We must do right by our troops and their families. This strong emergency supplemental appropriations bill helps us do just that. This supplemental also provides needed funds to the victims of the devastating hurricanes that hit our gulf coast last summer.

In this bill we have provided \$15.6 billion to fix or replace equipment that has been damaged during combat operations and to buy additional force protection equipment desperately needed by our brave men and women on the battlefield.

To help protect our troops from deadly improvised explosive devices, IEDs, this bill creates the joint improvised explosive device defeat fund and provides the fund with nearly \$2 billion to develop and field the necessary tactics, equipment, and training to defeat these deadly weapons.

Another way we can support our troops is to make our intentions in Iraq clear to the Iraqis and the international community. To this end, I supported the amendment introduced by Senator BIDEN that prohibits the building of any permanent military bases in Iraq. This will send a clear message to the Iraqi people—we are committed to withdrawing our troops once their mission is accomplished.

To ensure that we do all we can to care for soldiers when they are injured, this bill includes an additional \$1.15 billion for the defense health program. This money ensures that we can continue to provide world-class services including rapid aero-medical evacuation to our most severely wounded soldiers.

The veterans health care system is stretched to the limit at a time when more and more veterans are turning to VA. That is why I cosponsored an amendment by Senator AKAKA to increase veterans funding by \$430 million to meet the health care needs of soldiers returning from Iraq and Afghanistan and other war veterans.

The rank-and-file employees of the Federal Government are the unsung heroes of this country. Unfortunately, they are often required to work in substandard or often hazardous conditions. It was recently reported that employees within this very building are forced to enter tunnels full of asbestos and on the verge of collapse. That is why I cosponsored an amendment by Senator ALLARD that provides over \$27 million for critical emergency structural repairs to the Capitol Complex utilities

tunnels. I will continue to fight for our Federal workforce to ensure they have safe working environments and proper safety equipment.

We know that nearly 40 percent of the soldiers deployed today in Iraq and Afghanistan are citizen soldiers who come from the National Guard and Reserves. More than half of these will suffer a loss of income when they are mobilized, because their military pay is less than the pay from their civilian job.

Many patriotic employers and State governments eliminate this pay gap by continuing to pay them the difference between their civilian and military pay. The reservist pay security amendment, which I worked on with Senator DURBIN, will ensure that the U.S. Government also makes up for this pay gap for Federal employees who are activated in the Guard and Reserves.

Mr. President, last year, we provided emergency relief for the victims of the horrible tsunami in Asia. Today with this bill, we are providing over \$27 billion in support to our own citizens so badly hurt by the devastating hurricanes that hit the gulf coast last year. This money will not only help with the rebuilding of New Orleans, but will provide a host of economic incentives and subsidies to help the people of Louisiana, Mississippi, Texas, and Alabama get back to work and rebuild their lives following the destruction of Hurricanes Katrina and Rita. Additionally, this bill provides emergency funding to help immediately rebuild the levees and install flood control equipment that will help prevent another terrible tragedy from occurring when this year's hurricane season arrives in less than 4 weeks.

After 9/11 we realized that our borders were not secure. Since then, we have waged the war on terror and made great strides at protecting our homeland. We have made significant investments in law enforcement and security; however, the infrastructure that supports our border security has been allowed to crumble. To counter this, I supported an amendment proposed by Senator GREGG which adds \$2 billion for border security initiatives to include buying additional vehicles, airplanes, helicopters, and ships. It also builds state of the art facilities for use in ensuring the security of our borders.

We have all seen the devastating effects of natural disasters and terrorism and are working hard to prevent future occurrences from affecting our Nation and the world. We have recently learned of another potential threat: a worldwide flu epidemic that could cost millions of lives if we are unprepared. In response to this threat, this bill provides \$2.3 billion to prepare for and respond to an influenza pandemic. Making this money available now will help expand the domestic production capacity of influenza vaccine, and will help develop and stockpile the right vaccines, antivirals, and other medical supplies necessary to protect and preserve lives in the event of an outbreak.

Because it is just as important to support our communities at home as it is to support our troops in the field, I will continue to fight for responsible military budgets. For that reason, I joined Senator BYRD's call for the President to fund our operations in Iraq and Afghanistan through the regular budget and appropriations process. After 4 years in Afghanistan and 3 years in Iraq, we should not be funding these operations as if they were surprise emergencies.

Mr. President, this bill is a Federal investment in supporting our troops and their families and providing relief for those impacted by the devastating hurricanes.

We support our troops by getting them the best equipment and the best protection we can provide. We support them by making it easier for our citizen soldiers in the National Guard and Reserves to serve their country. And we support them by ensuring they are cared for with the best possible medical system when they are injured or ill.

With this bill, we are also helping our neighbors rebuild their homes, their communities, and their lives, and I am proud to give it my support.

Mr. AKAKA. Mr. President, today I will cast my vote in favor of H.R. 4939, the fiscal year 2006 supplemental appropriations bill. This bill takes the important step of supporting disaster relief efforts and helps fund our ongoing military and intelligence operations in Iraq and Afghanistan. I support the intent of this bill, but I have some significant reservations regarding the growing cost of the war and how it is being funded.

In supporting our troops, I believe we must do what is necessary to ensure that the men and women risking their lives for our country have everything they need to carry out their mission. I do not support the administration's policy of funding the war in Iraq through emergency supplemental bills. According to a Congressional Budget Office report, in 2005 the Department of Defense obligated \$83.6 billion—nearly \$7 billion per month—for the global war on terror, much of which was appropriated through emergency supplemental funding. This is a fiscally irresponsible approach that masks the true magnitude of the war's costs. Therefore, I voted in favor of an amendment offered by my colleagues, Senators BYRD and CARPER, which expresses the sense of the Senate that any request for funds after fiscal year 2007 for military operations in Iraq and Afghanistan should be included in the President's annual budget. I was encouraged that the amendment passed with a vote of 94 to 0. I urge the administration to heed the Senate's resolution and commit to making the costs of the Iraq war more transparent.

I also believe that the administration must be held accountable for progress in the Iraq war. As a member of the Senate Armed Services Committee and

ranking minority member of the Readiness Subcommittee, I am committed to finding a way to bring our soldiers home as soon as possible. I do not believe that we should leave before the Iraqi people are equipped with the tools necessary to support a stable democratic society, but we must ensure that progress is being made. Toward that end, I support the plan outlined in the amendment submitted by my colleague Senator CARL LEVIN, ranking member of the Senate Committee on Armed Services, which establishes clear reporting requirements regarding the political situation in Iraq. According to this plan, the President is required to submit a report to Congress every 30 days outlining Iraq's progress toward the formation of a national unity government. The plan also requires the administration to inform Iraqi political, religious and tribal leaders that meeting their own deadlines with regards to amending the Iraqi Constitution is a condition for the continued presence of a U.S. military force in Iraq. While the Senate did not consider Senator LEVIN's amendment due to germaneness, this is an important issue that Congress must address.

Notwithstanding my concerns regarding the continued use of emergency supplementals to fund the conflict in Iraq, there are a number of provisions in this bill that I wholeheartedly support. In particular, I was pleased to see that we did not forget our Nation's veterans during consideration of the emergency supplemental. Our returning soldiers and sailors have earned the right to the best health care that this Nation can provide, and I believe we should strive to carry out this obligation to our servicemembers. With the backing of my Senate colleagues, I successfully passed an amendment to the emergency supplemental adding \$430 million to the Department of Veterans Affairs, VA. These funds will be specifically used to supplement direct health care, mental health care, and prosthetics services at VA. As the ranking member on the Veterans Affairs Committee, I am pleased that the Senate took this important step of supporting our Nation's veterans.

Another appropriate use of the emergency supplemental was appropriations for disaster relief. Our Nation has been hit hard by many significant natural disasters that could not have been planned for in advance. I believe that we, as Government leaders, should continue to provide assistance to help those devastated by natural disasters including the severe flooding that deluged Hawaii earlier this year.

On May 2, 2006, President George W. Bush declared that a major disaster exists in the State of Hawaii that Federal funds to help the people and communities recover. I am pleased that the Senate Appropriations Committee included \$33.5 million in the emergency supplemental for disaster assistance in Kauai and Windward Oahu, and \$6 mil-

lion for sugarcane growers in the State whose crops were destroyed by the floods earlier this spring.

In March, I introduced S. 2444, the Dam Rehabilitation and Repair Act of 2006. This bill would amend the National Dam Safety Program Act to establish a program to provide grant assistance to States for the rehabilitation and repair of deficient dams. I also supported Senator INOUE's efforts to include an amendment to H.R. 3499 to provide \$1.4 million to assess the security and safety of critical reservoirs and dams in Hawaii, including monitoring dam structures. I am extremely disappointed that this amendment did not pass because the failure of Kaloko Dam on Kauai led to the severe flooding and loss of life. I am hopeful that my colleagues will recognize the importance of addressing the dam problem for the sake of Hawaii and our Nation and that my bill will receive floor consideration.

Senator INOUE also introduced a timely amendment that provides \$1 million for environmental monitoring of waters in and around Hawaii. In March of this year, I had the opportunity to visit the hardest hit areas of our State and meet victims, emergency responders, and State officials. To date, the situation for many of our residents remains very grave. With hundreds of homes and businesses damaged or destroyed, critical infrastructure crippled, and many hours spent engaged in search and rescue activities, the resources of our State have been severely strained. I supported this amendment, and I am encouraged that this amendment passed. It is clear that Hawaii will not be able to fully recover without substantial Federal assistance.

Mr. President, I wish to reiterate that a clear distinction needs to be made for true emergencies and natural disasters such as Hurricane Katrina and the floods in Hawaii, which could not have been anticipated.

It is fiscally irresponsible for the current administration to continue to treat this war as an emergency in order to hide the true cost of the war and circumvent the normal budgeting and oversight process. If the current administration continues to refuse to make hard choices and insist on a policy of funding the war through emergency appropriations, succeeding generations of Americans will face even more difficult choices.

Mr. DODD. Mr. President, I had intended to offer an amendment, No. 3755, to this Emergency Supplemental Appropriations bill to provide for full funding of the Help America Vote Act. However, once cloture was invoked, my amendment would have been ruled non-germane and consequently, I will not call it up.

But the parliamentary circumstances of this bill do not change the fact that we have reached a critical juncture in the ability of States to be prepared for Federal elections this November.

The amendment I intended to offer would have ensured that States have

the resources necessary to conduct fair and accurate elections this fall. It would have fulfilled the promise made by Congress to be a full partner in the funding of Federal election reform by providing full funding for payments to State governments to meet the election reform requirements mandated by Congress over 3 years ago under the Help America Vote Act, HAVA.

HAVA was overwhelmingly enacted by Congress and signed into law by President Bush on October 29, 2002.

HAVA mandates that by the Federal elections this year, States must implement certain minimum requirements for the administration of Federal elections. These requirements were phased in over roughly a 2-year period with the final requirements mandated to be in place by this year.

To ensure that the States could meet these requirements, Congress authorized nearly \$4 billion to pay for 95 percent of the costs of HAVA implementation. In order to receive Federal funding, States had to provide 5 percent matching funds.

All 50 States, the District of Columbia, and the territories have raised their 5 percent matching funds under this Federal-State partnership.

Only the Federal Government is coming up short on its end of the deal. To date, Congress has appropriated only \$3.1 billion of the nearly \$4 billion it promised the States in funding. That means the States are short nearly \$800 million in promised Federal funds needed to implement these reforms.

With 2 Federal primary elections already over and with 10 upcoming primaries scheduled in May, there is precious little time left to get these needed funds to the States in time to ensure that the Federal elections this year are conducted in compliance with Federal law.

This amendment would provide full funding for HAVA. Arguably, this is the last opportunity we may have to ensure that the States have the promised funds in time to meet the 2006 deadlines for reform.

The amendment would fund the balance of the requirement payments to States under section 251 of HAVA in the amount of \$724 million. It would also make up the shortfall of \$74 million in funding to date for disability access grants and protection and advocacy payments to serve the voting needs of persons with disabilities.

It is simply unconscionable that Congress has not kept up its end of this funding bargain. As Thomas Paine observed, the right to vote for representatives is the primary right by which other rights are protected. That statement is still true today. The right to vote in a democracy is the fundamental right on which all others are based.

As we witnessed in the Presidential election debacle of 2000, the confidence of the American public in our system of elections was shattered after witnessing hanging chads, confusing ballots, missing names on voter lists, mal-

functioning machines, and different standards to recount ballots.

Congress responded with the first ever comprehensive requirements for the administration of Federal elections.

The HAVA requirements effective for the 2004 Federal elections provided that all States offer provisional ballots to any voter challenged, for any reason, at the polls as ineligible to vote. Because of the HAVA requirement, 2 million more ballots were counted in the 2004 elections than would have otherwise been counted.

In 2004, States also had to have in place measures designed to ensure the identity of certain first-time voters who registered by mail. States had to ensure voter education by posting certain voter information in the polling place.

But the most far-reaching, and arguably most expensive reforms, must be in place for the Federal elections this year. Effective January 1, 2006, all voting systems used in Federal elections must meet the following minimum voting system standards:

Provide all voters with the right to verify their ballot, before it is cast and counted, to ensure that it accurately reflects his or her choices;

Provide a permanent paper record with a manual audit capacity, which can be used as an official record in the case of a recount;

Provide full accessibility to persons with disabilities, including the blind and visually impaired, allowing for the same privacy and independence as other voters;

Provide alternative language accessibility to language minorities, consistent with the requirements under the Voting Rights Act;

Meet current machine error rates; and  
Establish a standard for defining what constitutes a vote and what will be counted as a vote.

In the aftermath of the November 2000 election, there were allegations that voter registration lists contained numerous irregularities and errors, including multiple registrations and the names of deceased individuals. Registration lists were also subject to questionable purges by State and local governments, conducted in a manner inconsistent with the National Voter Registration Act.

HAVA addressed those concerns with a balanced response by requiring each State to implement a computerized voter registration list for use as the official list of registered voters. For many, this requirement is the single most important reform for ensuring the accuracy and integrity of elections.

But it is a significant, and expensive, task when you consider there were more than 142 million registered voters in the United States in 2004.

Depending upon the data used, that number represents between 65 percent to 85 percent of the total eligible voters. With more than 15 percent of Americans moving every year, it is crucial that State registration lists remain current and accurate in order to ensure the public's confidence in the outcome of Federal elections.

The 2006 reforms are absolutely critical to the successful implementation

of HAVA nationwide and to achieving our twin goals of making it easier to vote and harder to defraud the system.

This amendment that I filed to this bill is supported by a broad coalition of organizations, lead by the Leadership Conference on Civil Rights and the National Association of Secretaries of State, representing the civil rights and voting rights communities, disabilities groups, State and local governments and election officials.

The LCCR/NASS letter, dated April 20, 2006, notes, and I quote:

Without the full federal funding, state and local governments will encounter serious fiscal shortfalls and will not be able to afford complete implementation of important HAVA mandates.

I will ask that this letter appear in the record following my remarks.

I am grateful to the LCCR and NASS for their continuing leadership on this issue and for their support of full funding of the HAVA requirements. It would have been my preference that 100 percent of the HAVA costs be covered by the Federal Government, but I agreed to a 95 to 5 split to ensure that the States became vested in reform. All of the States and the District of Columbia and the territories are vested—they have met their required 5-percent match. Only the Federal Government appears to be less than committed to reform.

Unless and until we can assure the American public that we have done all that we can to ensure the accuracy and access to the ballot box for all eligible voters, there will be a cloud hanging over the final results of any given Federal election. That is not productive for democracy and undermines the very authority of our system of elected government.

Congress enacted HAVA in response to the crisis in confidence of the American electorate following the 2000 Presidential elections. We promised the States we would be a full partner in funding those reforms.

To help restore the public's confidence in the results of our Federal elections, Congress intended that HAVA ensure that every eligible American voter has an equal opportunity to cast a vote and have that vote counted.

Without the promised funding, Congress has created an unfunded mandate and State governments have indicated they will not be able to fully implement the requirements on time. This amendment would have ensured that the minimum Federal requirements would be implemented on time nationwide.

Since Congress mandated that these requirements be effective by January 1, 2006, it is critical that Congress now provide these funds no later than fiscal year 2006 in order to ensure that the statutory requirements are met.

It is past time to live up to our promise. While my amendment may not be in order to this bill, I am serving notice that I will continue to look for ways to ensure that Congress makes



good on its promise to be a full partner in funding election reform.

I ask unanimous consent that the before-mentioned letter be printed in the RECORD.

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

APRIL 20, 2006.

**MAKE ELECTION REFORM A REALITY—SUPPORT IMPLEMENTATION AND FULL FUNDING FOR HAVA**

DEAR SENATORS: We, the undersigned organizations, urge you to support full funding for the Help America Vote Act of 2002 (HAVA) and include the remaining \$798 million of authorized funding in the upcoming Emergency Supplemental legislation. Of that amount, \$724 million is for the federally-mandated processes and equipment that state and local governments must have in place for federal elections in 2006 and \$74 million is for assisting state and local governments in making all polling places accessible. It is imperative that the states and localities receive all of the funding they were promised so they can fully implement these important requirements of HAVA.

State and local governments have worked hard on these reforms such as improving disability access to polling places, updating voting equipment, implementing new provisional balloting procedures, developing and implementing a new statewide voter registration database, training poll workers and educating voters on new procedures and new equipment. State and local election officials have always had a difficult struggle when competing for the funding necessary to effectively administer elections and they were counting on the funding promised by Congress to ensure that all the new federal mandates were implemented effectively.

To help state and local governments pay for these reforms, HAVA authorized \$3.9 billion over three fiscal years. Between FY03 and FY04, it was clear that Congress saw the importance of fully funding HAVA and provided \$3 billion of the \$3.9 billion for HAVA implementation. Unfortunately, in FY 05 and FY 06 no federal funds were appropriated for states to implement the HAVA requirements.

State officials incorporated the federal amounts Congress promised when developing their required HAVA budgets and plans. Without the full federal funding, state and local governments will encounter serious fiscal shortfalls and will not be able to afford complete implementation of important HAVA mandates. According to a state survey, lack of federal funding for HAVA implementation will result in many states scaling back their voter and poll worker education initiatives and on voting equipment purchase plans, all of which are vital components to making every vote count in America.

We are thankful that you have seen the importance of funding the work of the Election Assistance Commission. States, localities and civic organizations can utilize the work products of the EAC to effectively implement the requirements of HAVA i.e., the voting system standards, the statewide database guidance, and the studies on provisional voting, voter education, poll worker training, and voter fraud and voter intimidation.

We thank you for your support of funding for the Help America Vote Act, and we look forward to working with you on this critical issue. Should you have any questions, please contact Leslie Reynolds of the National Association of Secretaries of State or Rob Randhava of the Leadership Conference on

Civil Rights, or any of the individual organizations listed below.

Sincerely,

**ORGANIZATIONS REPRESENTING STATE AND LOCAL ELECTION OFFICIALS**

International Association of Clerks, Recorders, Election Officials and Treasurers.

National Association of Counties.

National Association of Election Officials.

National Association of Secretaries of State.

National Association of State Election Directors.

National Conference of State Legislatures.

**CIVIL AND DISABILITY RIGHTS ORGANIZATIONS**

Alliance for Retired Americans.

American Association of People with Disabilities.

Asian American Legal Defense and Education Fund.

Asian Pacific American Labor Alliance.

Brennan Center for Justice.

Common Cause.

Demos: A Network for Ideas & Action.

FairVote.

Leadership Conference on Civil Rights.

League of Women Voters of the United States.

Mexican American Legal Defense and Educational Fund (MALDEF).

National Association for the Advancement of Colored People (NAACP).

National Disability Rights Network.

Paralyzed Veterans of America.

People For the America Way.

The Arc of the United States.

United Auto Workers.

United Cerebral Palsy.

U.S.

PIRG.

Mr. SESSIONS. Mr. President, first, let me acknowledge the work of Chairman COCHRAN, Senator SHELBY, and the Appropriations Committee in crafting this bill.

I would also like to commend Dr. COBURN, Senator MCCAIN, Senator ENSIGN, and so many a number of my colleagues who have been out on the floor discussing the need for fiscal restraint.

As much good as there is in this bill, and it is mostly good, I will be voting against it.

We must stop the practice of using emergency spending designations to meet needs that can be met in the normal budget process.

This supplemental has some important provisions in it related to the war on terror and the Hurricane Katrina recovery.

For example, in relation to the war on terror, \$10.2 billion is allocated for the Department of Defense's military personnel; \$39 billion is allocated for operation and maintenance accounts in support of Operation Iraqi Freedom and Operation Enduring Freedom; \$15 billion for procurement for various accounts; and \$8 billion for various other defense-related expenses.

Other war related expenditures: \$82 million for the FBI operations in Iraq and Afghanistan, \$5 million for the DEA's Intelligence Program, and \$4 million for ATF's costs in Iraq.

These are all important programs that should be funded to help fight terrorists abroad.

The bill provides needed funds for Hurricane Katrina.

It provides \$2 billion for border security, fully offset, which was included in Senator GREGG's amendment.

That being said, there are a number of items in this bill that do not belong in an emergency supplemental appropriations bill.

Many of these are very important projects that have merit.

Many of these programs are worthy of Federal funding, and, when the regular appropriations season gets underway, I will work to see if there is a way we can fund them.

But the question before us today is not whether they have merit because undoubtably most do.

The question is not even whether they should receive Federal funding.

Here is the question we must ask with respect to each of the needs that are being funded in this bill: Are they emergencies?

The Senate version of the appropriations supplemental bill is \$106.49 billion, over \$14 billion more than the President's request of \$92.22 billion.

Because these are designated as "emergency funds," they are not factored into the budget.

As far as Washington is concerned, they "don't count."

But they do count.

There is no magic pot of money that can be tapped for emergency needs.

This is straight deficit spending.

There are times when emergency spending is justified, but if we abuse it, we might as well not even have a budget.

What is emergency spending?

The emergency appropriations process is set up to be an exception to the normal appropriations cycle so that money can be spent for unexpected occurrences that come up throughout the year, such as additional war costs or unexpected disasters.

This money is not factored into the regular budget.

The other body exercised fiscal restraint when they took up the supplemental bill and actually managed to bring the bill's top line number down from the President's request to \$91.95 billion.

However, during the Senate markup, the bill expanded rapidly.

According to the National Journal, money was added at a rate of more than \$80 million per minute during the 2-hour markup.

Of course, it is not important how fast the money was added or how much is in the bill.

The only things that matter are:

Are these meritorious programs?

Are they Federal responsibilities?

Are they emergencies?

Senator GREGG, a distinguished member of the Appropriations Committee and my chairman on the Budget Committee, wrote a piece in the Wall Street Journal on April 18 entitled "The Safety Valve Has Become a Fire Hose."

The piece gives an excellent explanation of the problem with abusing the emergency spending process.

While Senator GREGG and I disagree with regard to 2-year budgeting, we have no disagreement on the proposal he outlines in his article, which is 1-year budgeting, which means, let's live under the budget we have now and have a sequester if we exceed it.

In the piece, Senator GREGG states: there are two sets of books, and [only] one is subject to the budget controls.

Adding superfluous spending to the emergency supplemental is a way to cheat the system and get around having to actually pay for the money we spend.

Here are a few of the most egregious provisions in the bill:

First, some of the funds in this bill are spent as far out as fiscal year 2010 and beyond.

Money being spent 5 years from now is not an emergency, and can be allocated and paid for through the regular budget process each year.

If we need money to start these projects, we can give money for the first year. But all other money should be subject to the oversight of an authorizing committee and the regular budget process.

Secondly, \$594 million allocated for the Federal Highway Administration to go to projects on "the current FHWA ER backlog table," which lists storms back to 1999.

Our budget specifically outlines the criteria for emergency spending. It is as follows:

- (A) necessary, essential, or vital (not merely useful or beneficial);
- (B) sudden, quickly coming into being, and not building up over time;
- (C) an urgent, pressing, and compelling need requiring immediate action;
- (D) subject to paragraph (2), unforeseen, unpredictable, and unanticipated; and
- (E) not permanent, temporary in nature.

If funds are in fact needed to meet needs from a hurricane in 1999 or an ice storm in 2001, that should have been reasonably foreseen in 2005, when we were drawing up this year's budget.

The backlogged highway repairs for these storms could have been paid for through the regular appropriations process or the \$286 billion transportation bill that passed last year.

Emergency supplementals are for unanticipated costs, not costs anticipated 5 years ago.

Emergency spending should be an exception to the appropriations process—not the rule.

There are ways to pay for emergencies, and there are ways to pay for past emergencies.

The items on this chart that predate the last fiscal year are not emergencies and should not be treated as such in the appropriations process.

They should be paid for, just like the relief efforts on all other past emergencies.

According to National Taxpayers Union President John Berthoud, since 1996 the Federal Government has spent over \$450 billion under the "emergency" designation—an extra \$1,500 for every person in America.

Nearly all of our 50 States maintain emergency, contingency, reserve, or "rainy day" funds to help cover unanticipated spending needs. This would not only help to smooth out spikes in deficit spending but also help to prevent politicians from taking advantage of urgent situations to grow other Government programs.

We need to better prepare for these type expenses, like our States do.

The President in the Statement of Administration Policy on this bill drew a clear line in the sand. Let me read from the SAP:

However, the Senate reported bill substantially exceeds the President's request, primarily for items that are unrelated to the GWOT and hurricane response. The Administration is seriously concerned with the overall funding level and the numerous unrequested items included in the Senate bill that are unrelated to the war or emergency hurricane relief needs. The final version of the legislation must remain focused on addressing urgent national priorities while maintaining fiscal discipline.

Accordingly, if the President is ultimately presented a bill that provides more than \$92.2 billion, exclusive of funding for the President's plan to address pandemic influenza, he will veto the bill.

The statement could not be clearer.

The day after he sent up the SAP, I sent a letter to the President, which was signed by 35 other Senators, committing to sustain any veto of this bill which violates the principles outlined in the SAP.

I have every confidence that our congressional leadership and our President, and their ability, working with the distinguished chairman of the Appropriations Committee, can find a way to make a good bill fit within the numbers outlined by the President.

This supplemental debate highlights a larger issue.

We need budget process reform.

We need a line-item veto. Senator FRIST's bill, S. 2381, Provides that rescissions packages submitted by the President shall be treated with fast-track authority. But this bill is just the beginning.

We need to reform Congressional Budget Office scoring in the following ways:

Dynamic scoring. Senator ENSIGN's bill, S. 287, addresses this issue. Changes in tax law will be scored to take into account real-life effects on the economy.

Tax/spending parity. CBO scores should treat tax expirations and spending expirations the same.

Long-term scoring. We should require CBO scores to have more detailed estimates for long-term costs of authorizations and direct spending.

Database of authorizations. We should require CBO to produce a database with a comprehensive catalog of all authorized spending, user-friendly, searchable and sortable by expiration date and category, and total authorized amounts, appropriated amounts. Database should be available online, searchable, sortable, and provide overall total amounts.

We also ought to move to a 2-year budget.

Senator DOMENICI has been spearheading this issue. His bill, S. 877, is an excellent bill. Under his bill, all budgeting and appropriating occurs in first year of a Congress. The second session focuses on oversight.

Database for Federal grantees. We should require the creation of a database of Federal grantees so taxpayers can log on and find out who is spending their money and how.

Government shutdown protection. This provision would provide that if appropriations bills are not enacted by the beginning of the fiscal year, programs continue at previous year's level.

Spending firewall. We should create four firewalled categories of Federal spending: defense, international, domestic, and homeland, which would be binding and in the budget. This would ensure that security needs would be met and could not be raided during the appropriations process to pay for social spending.

Pay-go for emergency spending. Automatic across-the-board reduction in spending for emergencies. Provide that emergency spending automatically triggers an across-the-board rescission in all spending. Senator GREGG mentioned a program like this in his Wall Street Journal piece.

Mutiyear caps. We should provide that 302(a) discretionary caps carry over for the life of a budget resolution, including the ability for the Appropriations Committee to issue 302(b) suballocations. Currently, if we have no budget, we have a top-line discretionary cap but no way to enforce it. We should provide a mechanism for the Appropriations chairman to issue suballocations in the event that a budget is not passed.

Commission on Accountability and Review of Federal Agencies. Senator BROWNBACK's bill, S. 1155, takes the concept of BRAC and applies it to wasteful domestic spending programs.

Efficiencies. We should allow up to 2 percent of any Department to be transferred to pay down the national debt if efficiencies are found. The current system requires bureaucrats to be inefficient. We give them a big pot of money and say: You must spend this. We should encourage, not discourage, frugality.

Entitlement commission. We should provide for a commission to review entitlements, provide recommendations for reform, and provide fast-track consideration for reform proposals.

Earmark reform. Finally, we need to finish the process we started on the lobbying reform package, which is earmark reform. Senators MCCAIN and LOTT have led on this important issue.

I look forward to consideration of budget process reform later this year.

Mr. FEINGOLD. Mr. President, I am extremely disappointed that the Senate did not get the chance to vote on my amendment to strengthen the oversight and monitoring of over \$1.6 billion included in this supplemental for

Iraq reconstruction. This amendment, designed to extend the oversight of the Special Inspector General for Iraq, SIGIR, over reconstruction funding in the supplemental, would have helped the SIGIR continue its valuable work in ensuring that U.S. taxpayer dollars are being used efficiently and effectively.

We should not be spending money on Iraqi reconstruction without ensuring there is appropriate oversight and auditing. My amendment would have strengthened the capabilities of the Special IG to monitor, audit, and inspect funds made available for assistance for Iraq in both the Iraq Relief and Reconstruction Fund, IRRF, and in other important accounts. It is frankly baffling to me that anyone would oppose this amendment being included in the supplemental.

As we continue to pour tens of billions of dollars in to Iraq, I believe that we must not lose oversight of U.S. taxpayer dollars. American taxpayers deserve to know where their money is going in this costly war and that it is being used effectively and efficiently and ending up in the right hands.

The Iraq IG's work to date has been extremely valuable to the U.S. Government and to Congress. The Iraq IG has now completed 55 audit reports, issued 165 recommendations for program improvement, and has seized \$13 million in assets. In its latest report, released over the weekend, the Iraq IG indicated that it has completed 29 audits and released 58 recommendations for program improvement in this quarter alone. Overall, the SIGIR estimates that its operations have resulted in saving \$24 million. Throughout 2005, the Iraq IG provided aggressive oversight to prevent waste, fraud, and abuse in the at-times lethal operating environment in Iraq. Its emphasis on real-time auditing—where guidance is provided immediately to management authorities upon the discovery of a need for change—provides for independent assessments while effecting rapid improvements.

In its January report to Congress, the SIGIR concluded that massive unforeseen security costs, administrative overhead, and waste have crippled original reconstruction strategies and have prevented the completion of up to half of the work originally called for in critical sectors such as water, power, and electricity. The Iraq IG's work has resulted in the arrest of five individuals who were defrauding the U.S. Government, and it has shed light on millions of dollars of waste. It is this kind of investigation and reporting that helps shape the direction of reconstruction funding and ensures that the money is being used and allocated as transparently and effectively as possible.

Mr. President, I originally drafted legislation to create the Special Inspector General for Iraq, known as SIGIR, in order to ensure that there is critical oversight of the Iraq Relief and

Reconstruction Fund, IRRF, allocated for Iraq reconstruction projects. I believed then, and I believe now, that it is crucial that we have an effective oversight capability over American taxpayer dollars spent in Iraq. Last year, I fought to extend the life of this office, which has been recognized by the Department of State and Defense as a valuable and necessary office. I do not intend to let this week's setback prevent me from pushing for continued transparency and accountability in the administration's policies in Iraq.

Mr. SALAZAR. Mr. President, over the March recess, I joined the leaders of the Senate Armed Services Committee, Senator JOHN WARNER of Virginia and Senator CARL LEVIN of Michigan, on a trip to Iraq to hear the on-the-ground perspective of our military leaders, our troops in the field, and Iraqi officials. I returned to the United States as always overwhelmed by my pride and admiration for our service men and women, who continue to work with commitment and professionalism even in the most difficult circumstances. I cast my vote in support of this supplemental package before us because I am completely committed to providing our men and women in uniform with the support they need to continue their excellent work. Toward that end, I am very pleased that an amendment I authored calling for regular reports on the Pentagon's efforts to train our troops in methods of detecting and defeating improvised explosive devices has been added to this bill.

I also cast this vote today because when it comes to funding our service men and women, right now this supplemental is the only game in town. And because the administration refuses, year after year, to incorporate the costs of ongoing operations in Iraq into the regular budget, we have no choice but to fund these efforts through these emergency supplementals—essentially putting hundreds of billions on our national tab. The Senate voted overwhelmingly in support of Senator BYRD's amendment urging the administration to stop these irresponsible budget games. I hope the President heeds that message.

In addition to reaffirming my admiration for our military, my recent trip to Iraq also gave me a deeper understanding of the importance of success in Iraq and the truly daunting nature of the challenges ahead.

In addition to the extremely serious fiscal issues confronting us, we have the even more serious policy issue to consider—how should U.S. policy proceed in Iraq?

A failed Iraqi state would threaten our national interests, destabilizing an already volatile region and creating a lasting haven for terrorists. Our national security imperatives mandate our commitment to Iraq's success.

Success in Iraq is dependent on several factors: controlling violence, creating a stable government of national unity, delivering basic services and the

promise of economic development to the Iraqi people, and establishing strong and supportive relations between Iraq and its neighbors in the region. If any of these pillars are missing, Iraq's future becomes uncertain and unstable.

America can help, but ultimately the Iraqis must achieve these goals on their own. The Iraqi people and Iraqi security forces have made significant strides, but much more remains before Iraq can govern and protect Iraqis. And Iraq's neighbors, who know the region best and will suffer most from a failed state in their midst, must step up to the plate to help end the political deadlock in Iraq.

We all recognize that U.S. forces cannot and should not remain in Iraq indefinitely. The U.S. military presence in Iraq should depend upon Iraqi leaders promptly making the compromises necessary to achieve the broad-based, sustainable, political settlement necessary to form a government of national unity and defeat the insurgency. We need partners within Iraq and outside its borders who are committed to stability and sharing power in order to achieve the mission of a truly democratic Iraq, and to share in that success with Iraq's people.

We also need to ensure that the magnitude of the challenge before us in Iraq does not distract all our attention from the vitally important, ongoing mission in Afghanistan. This bill also provides much needed support for that mission. We have made tremendous progress, working with the Afghan people, in helping to turn Afghanistan from a state sponsor of terrorism to a stable, responsible member of the international community. But our work is by no means complete, and the American troops and Afghani leaders I met with in Kabul just weeks ago underscored how important it is that we continue our strong support for the stabilizing mission.

This bill also provides support for the communities devastated by last year's hurricane season. I am afraid that, thus far, the story of the Government's response to Katrina has been a story of failure not only in the preparations for the storm and in the midst of the crisis but also in the recovery effort. Too many promises have not been kept, and too many American families continue to live in an atmosphere of uncertainty. The provisions in this bill will help, but our commitment does not end here. Congress needs to make sure that the gulf region has the necessary resources to recover from last year's hurricanes and respond to future storms, but it must also make sure that the administration has fixed the incompetence at FEMA and DHS which disturbed so many Americans. I look forward to continuing to work on these important issues in the upcoming months.

Over the past 6 years, Colorado has suffered from ongoing natural disasters including drought. Unfortunately,

many areas in Colorado continue to suffer from ongoing extreme weather conditions including drought, hail, and frost. In particular, Colorado wheat producers are estimating that this will be the fifth below-average wheat crop in 6 years.

In addition, many Colorado farmers and ranchers are suffering from economic losses due to continually rising gas prices. And what is true in Colorado is true in many other States across the country. That is why I am an original cosponsor of Senator CONRAD's emergency agriculture disaster assistance package, and I am so pleased that it was included as part of this supplemental bill. Toward that end, I especially thank Senators CONRAD and COCHRAN, who worked very hard on these important provisions. I am so pleased that the Senate has voted to provide immediate assistance to producers across the country who have been devastated by a variety of natural disasters.

While, overall, we are lucky in Colorado that this has been a better year for many of our farmers and ranchers who have suffered from continuing natural disasters over the past several years, many producers in southern and eastern Colorado have been hit by drought conditions once again.

It has been downhill for the 2005 Colorado winter wheat crop since last May. In fact, estimates show that it will be the fifth below-average winter wheat crop in 6 years—with potential losses to producers of over \$60 million.

In addition, increasing gas prices have hit our rural communities hard, making it virtually impossible for many producers to cover the unexpected additional costs. During harvest, agricultural producers are some of the largest fuel consumers in the United States and producers are facing enormous fuel costs. Farm fuel has increased by 79 percent from \$1.40 per gallon in September of 2004 to around \$2.60 per gallon in September 2005. Colorado wheat producers have told me that it would take a 40-bushel average yield per acre and an average price of \$4.00 per bushel to cover all of these additional costs and break even. Unfortunately, the average yield in 2005 was 24 bushels per acre, and the average price is projected at \$3.34 per bushel.

Finally, Mr. President, I wish to express again how pleased I am that the Senate adopted my amendment to provide an additional \$30 million to reduce the risk of catastrophic fires and mitigate the effects of widespread insect infestations throughout the entire National Forest System. In the West, the seasonal wildfire potential outlook map shows above-normal fire danger across the Western United States and several Southern States, too, have increased fire dangers. One of the most alarming factors in the wildfire outlook this year is insect infestation. For example, my State of Colorado has over 1.5 million acres that have been infested by bark beetles. After these in-

festations come through a forest, they leave behind entire stands of trees—sometimes thousands of acres—that are more susceptible to fire due to the dried-out conditions and increased fuel loads in those forests. Just today, I learned from the U.S. Forest Service that Colorado has 280,000 acres of approved hazardous fuel reduction projects that are awaiting treatment, with Forest Service funding only sufficient to conduct about a quarter of those projects under the best circumstances. This situation represents a true emergency, and I am relieved that we were able to address it in this bill.

Mr. FEINGOLD. Mr. President, I am voting for this legislation because it provides important funding for our troops and for the people recovering from the devastation caused by last year's hurricanes. Unfortunately, I do so with great reluctance because of two fundamental problems with this measure.

First, this bill continues the administration's fiscally irresponsible practice of funding our Iraq and Afghanistan operations outside of the regular budget process. That problem is compounded by the administration's failure to enunciate a clear policy for how we will conclude our military mission in Iraq. Our country needs a new vision for strengthening our national security, and it starts by redeploying U.S. forces from Iraq and refocusing our attention on the global terrorist threats that face us. As I noted earlier in the week, when I was prevented from offering an amendment that would have required redeploying the bulk of our troops in Iraq by the end of the year, we should not be appropriating billions of dollars for Iraq without debating—and demanding—a strategy to complete our military mission there. Not when the lives of our soldiers and the safety of our country are at risk.

Second, this bill has become the most recent vehicle for the explosion of unauthorized spending that is finding its way onto appropriations bills. In addition to providing funding for military operations in Iraq and Afghanistan, this bill was supposed to be limited to addressing the very real needs arising from Hurricane Katrina and other disasters.

Unfortunately, there seems to be an attitude in Congress that is reflected in the comments of one former Member of the other body, who was especially skilled at advancing spending items: "I never saw a disaster that wasn't also an opportunity."

Regrettably, this bill has provided just such an opportunity to interests seeking to circumvent the scrutiny of the authorizing committees or of a competitive grant process. As a result, this measure is larded up with spending for unauthorized programs. Worse, none of this spending is paid for. It is all added to the already massive tab we are leaving our children and grandchildren.

I supported efforts on the floor to strip some of the funding that does not belong in the bill. I opposed efforts to table an amendment by Senator THOMAS and a motion by Senator ENSIGN that would have forced the Senate to consider a bill with a smaller, and more reasonable price tag. I also supported several amendments offered by Senator COBURN and Senator MCCAIN to eliminate funding in the bill for projects that, while they might have some merit, do not necessarily warrant emergency spending. If we are going to pass emergency appropriations bills that aren't offset, we should be sure that the spending in those bills is fully justified.

A portion of the floor debate on this legislation was devoted to skyrocketing energy prices. While significant increases in fuel costs have affected all Americans, they have put the American farmer in an especially tough situation. Unfortunately, I have serious concerns with how this problem has been addressed in this bill.

Under this bill, growers of program crops—rice, feed grains, oilseeds, wheat, cotton and peanuts—who are only about a quarter of farm income receive \$1.5 billion or 90 percent of assistance, while only \$74.5 million is provided for specialty crops, dairy and livestock producers through a block grant to States. Moreover, only the producers of program crops will receive assistance directly. The remaining 75 percent of farmers will not receive direct assistance, nor will they be assured that any funds will find their way to them since those funds can also be used for nutrition programs or marketing. Clearly there is a disconnect between the avowed purpose of this farm assistance and the details of how the program will operate, which is why I supported Senator MCCAIN's amendment to strike a portion of this program.

I urge my colleagues in conference to take a close look at the details of this program. If the program's intent is to help all farmers with their spiraling fuel-related costs, the proposal falls seriously short. Even the modest step of placing a payment limit on the \$1.5 billion for direct payments could provide hundreds of millions of dollars for both a more equitable program and savings for taxpayers.

I am pleased that a compromise was reached among my colleagues regarding the K-12 educational funding for schools that have taken in displaced students. Schools across the country, including some in Wisconsin, have opened their doors to the hundreds of thousands of students who were displaced by Hurricanes Katrina and Rita. I strongly support continued efforts to assist the schools that are educating these students. I am glad that this funding will be provided through title V of the Elementary and Secondary Education Act, which allows local school districts to provide specific educational services to the schools, rather

than direct funding to private schools. This agreement will best serve our educators and students as they continue to recover and heal from the devastation wrought by the hurricanes.

This legislation also includes significant funding to address critical foreign policy concerns. An amendment introduced by Senator BIDEN sets aside funding for a special envoy for Sudan. A special envoy is desperately needed to help bring peace to Darfur and to help ensure that the peace agreement between the north and south is adhered to. This bill also includes key funding needed for strengthening a peace-keeping mission in Darfur to help bring an end to what has become one of the world's greatest tragedies.

This bill also includes funding for Liberia's fragile postelection period, and support for Haiti's tentative transition to a democracy and for the Democratic Republic of the Congo's upcoming elections. This funding is needed urgently to help these countries make the much-needed transition to peace and democratic rule.

I have noted some of the important measures funded in this emergency supplemental and there are many more. Emergency supplemental spending measures are needed at times to deal with true emergencies. However, to borrow a line from the President, this Congress is addicted to supplementals. I am glad that the Senate adopted Senator BYRD's sense-of-the-Senate amendment insisting that future war costs be included in the regular budget. With this bill, total war-related funding paid for through supplementals will reach approximately \$440 billion. That is an enormous sum of money and that does not even include the nearly half trillion dollar annual defense budget. I hope the Senate will stand firm on this issue and insist that any future spending for the Iraq war goes through the regular budget process.

Mr. President, I will vote for this measure with the hope that the administration will work with conferees to eliminate the unjustified spending slipped into this bill, and with a renewed determination to make sure that this body fully debates and votes on my proposal to redeploy our troops out of Iraq by the end of the year, and refocus our resources on the fight against terrorism.

Mr. DURBIN. Mr. President, I rise today to speak in support of the provisions in the supplemental spending bill to assist agricultural producers suffering from Hurricanes Katrina and Rita, drought, wildfires, and other natural disasters. I would like to thank Chairman COCHRAN and Senator BYRD for their work on this bill, as well as my colleagues who have worked with me on this matter since last summer's Midwest drought.

This has not been an easy year for our Nation's farmers and ranchers. Hurricanes Katrina and Rita wreaked havoc on producers throughout the gulf

coast. Losses to livestock and crop production in the gulf coast total in the hundreds of millions of dollars. Many farmers in that part of the country will not even have the opportunity to plant their crops this season due to saltwater intrusion on their lands.

In addition, for farmers outside the gulf coast, the hurricane brought about higher fuel prices and increased the cost of shipping as the Port of New Orleans was temporarily closed. In my home State of Illinois, producers have suffered one of the worst droughts since 1895. The period from March 2005 to February 2006 was the third driest March to February period since 1895. Even with some very fortunate late rains, these drought conditions significantly lowered both yields and the value of the year's harvest.

According to the USDA's National Agricultural Statistics Service, NASS, the value of Illinois' corn crop decreased by more than \$1.1 billion, or about 25 percent, from 2004 to 2005 even as corn acreage increased. At least 10 counties in northeast and western Illinois sustained greater than 20 percent losses in corn yields. Unfortunately, farmers and ranchers are not expecting this crop year to reverse last year's trend. USDA's Economic Research Service, ERS, expects net farm income to drop 23.2 percent this year, from \$72.7 billion to \$56.2 billion, due in large part to stagnant crop prices and rising energy costs.

To make matters more difficult, the price of diesel fuel has doubled since the summer of 2004. Fertilizer prices have taken off as well, increasing by more than 30 percent per acre since 2001. Even with increased efficiency, these rising prices are hurting our Nation's farming families.

Because farmers use so much energy running their tractors and combines, applying fertilizers, and hauling their products by truck to buyers and markets, these prices are squeezing the already thin profit margins of our Nation's producers. Especially when we keep in mind that commodity prices have stayed fairly level over the past 2 years we can see why these natural disasters and high energy costs may be putting our farmers at risk of losing their farms.

The provisions that some of my colleagues and the Bush administration seek to strike would provide assistance to producers who suffered crop losses due to natural disasters such as the drought in the Corn Belt and flooding in various parts of the country, and to those who lost livestock, such as Texas ranchers in this year's wildfires. The measures that are under attack here would also provide a direct payment to producers who are struggling to keep their heads above water due to the rapidly increasing cost of fuel and other inputs.

This is what surprises me most—at this trying time for our Nation's farmers and ranchers, Members of Congress are actively working to prevent this

much needed assistance from reaching our farmers and ranchers. The Bush administration has even gone so far as to say that there has been no disaster at all, even though the Secretary of Agriculture designated 101 of 102 counties in Illinois as disaster areas. Well, the Bush administration budget crunchers aren't talking to their own disaster experts, let alone farmers in western Illinois or ranchers in Texas or anyone who is trying to pay rising energy costs while growing the wheat, corn, and soybeans that keep our people fed.

Now is not the time to turn away from the thousands of farmers who will depend on this assistance to purchase equipment and stay in business this season. I ask my colleagues to join me in expressing their support for these important provisions that will provide some much needed relief for our nation's agricultural producers. I hope the Senate will insist that agricultural assistance be included in the final supplemental spending bill, notwithstanding the misguided positions of the White House and House on this important matter.

Mr. LEAHY. Mr. President, yesterday I spoke on the floor about amendment 3662 filed by Senator FEINGOLD and cosponsored by myself and Senators BYRD, SALAZAR, LIEBERMAN and COLLINS, concerning the Special Inspector General for Iraq.

In that statement I pointed out that because of the administration's decision to request funds for Iraq reconstruction under traditional Foreign Operations accounts even though the funds would be used to continue many of the same activities previously funded under the Iraq Relief and Reconstruction Fund, it would end the Special IG's oversight of these funds.

The Feingold amendment would have ensured that the Special IG's oversight continued, but the Majority opposed his amendment.

As a result, we now have only the State Department Inspector General to oversee these funds, even though that office has no people in Iraq and no capacity to undertake a job of this size and complexity any time soon.

I understand that my friend from Wisconsin went to the floor prior to the vote on cloture and waited for an opportunity to offer his amendment, but he was unable to obtain floor time. After cloture was invoked his amendment was ruled nongermane, and he was out of luck as far as getting a vote on his amendment.

The Special IG has uncovered widespread waste, fraud and abuse. Shocking sums have been wasted by unqualified contractors who spent the taxpayer's money as if it grew on trees, with little to show for it. Many projects that have absorbed millions or tens of millions of dollars will never be completed.

The Special IG has not won any popularity contests with the agencies whose performance he is responsible for overseeing, nor with some in the majority in Congress. However, they have

never offered a substantive explanation for ending his oversight of the Iraq reconstruction funds.

I do want to correct one of my statements yesterday, when I said that members of the majority party, in opposing the Feingold amendment, were "acting on behalf of some in the Pentagon and the White House who want to shut down the office of the Special IG."

I am informed that members of the majority party were not acting on behalf of the Pentagon and the White House. It was not my intention to impugn the integrity or character of my friends in the majority who I respect and have worked closely with for years, but rather to convey my strong disagreement and disappointment with their opposition to the Feingold amendment and to the continued oversight of these funds by the Special IG.

Mr. DODD. Mr. President, today I wish to speak about the emergency supplemental bill and about the amendments related to the ongoing conflict in Iraq and other pressing issues of the day.

For example, I am deeply disappointed that Senator LEVIN and others who had Iraq-related amendments were not allowed to offer them postcloture. I would have supported the Levin amendment, just as I supported the underlying emergency supplemental earlier today.

Having said that, I think there is something very wrong with a process that doesn't allow for full and open debate on the emergency funding for Iraq and Afghanistan just passed by this body. That is why I voted against cloture on the underlying bill earlier this week.

Indeed, the Senate just approved more than \$67 billion in emergency supplemental funding for our combined military engagements in Iraq and Afghanistan. But because of the special rules of the Senate related to the consideration of appropriations matters, most amendments which would have spoken to United States policy in Iraq or Afghanistan were ruled out of order and never received an up-or-down vote, or even an opportunity for full debate. This fact has done a real disservice to the American people and, I believe, left the false impression that Congress is fully on board with our current policies.

By limiting debate on this bill, I'm afraid this body has also missed an important opportunity to address other issues of serious concern to the American people, including, importantly, the high prices Americans are paying at the pump for gas. The energy issue, I would add, is central in our efforts not only to promote a strong economy and supplies for Americans at home, but to our global efforts to secure U.S. national security interests.

Since 2000, the price of a gallon of gas has more than doubled, even when adjusted for inflation. In my home state of Connecticut, the average price for a

gallon of gas hit \$3.04 last weekend. In some parts of the country, prices are even higher. And this winter, only mild weather kept people in colder parts of the country like New England from seeing record increases in their heating bills.

Anyone who drives a car, buys or sells anything shipped by truck or plane, or turns on the heat when it's cold, is paying record prices for energy and enduring serious financial hardship.

At current prices, the average driver can expect to spend about \$1,440 more on transportation this year than they did just a year ago. That's a big chunk of money coming out of consumers' wallets and businesses' bottom line. It's also a real cause for concern for the overall economy—it has the potential to create inflation and act as a drag on economic growth.

Meanwhile, while consumers are paying more, a few large oil companies continue to reap record profits. Let me be clear that I do not begrudge a company—any company—from making a profit. The ability to earn a profit is central to our capitalist system and the American spirit of entrepreneurship. But there is a big difference between profits and profiteering. And in the opinion of many, the big oil companies—who control the market for their products—have been engaging in profiteering on the backs of the American consumer.

Regrettably, by invoking cloture on this bill, this body chose not to consider measures that would have provided timely relief to American consumers and would have strengthened our ability to prevent profiteering at the expense of American families and businesses.

I was ready to offer one such measure with my colleague, the junior senator from North Dakota. Many of my other colleagues were planning to offer measures of their own that also deserved consideration by this body. The senior senator from Oregon, for one, held the floor for several hours last Thursday asking for a vote on his amendment, only to be refused by the majority.

America has an energy policy that is rooted in the 19th century. We depend on fossil fuels that are increasing in cost and limited in supply; that contaminate our air, water, and food supplies; and that are found predominantly in parts of the world that are politically unstable. Meanwhile, global demand is growing as countries like China require greater fuel supplies to power their increasingly modern economies.

This antiquated policy is having many adverse effects on our national security. Frankly, if the industrialized world had a secure alternative supply of energy, we would likely better be able to address any number of major international security crises—including the genocide in Sudan and Iranian nuclear ambitions. Serious action to address either issue is being stymied by

nations reliant on other nations' oil exports.

We cannot keep running away from this problem. By failing to act on—or even consider—any of the measures that were ready to be offered this week and last week, this body missed an important opportunity to provide tangible energy policy solutions for the American public, and an important opportunity to strengthen U.S. national security. And the end result, in my view, is a great disservice to the American people and to U.S. national security.

I will vote for the emergency supplemental bill because while our troops are in harm's way, I believe that we need to provide them with every necessary resource so they can come home safely. But I frankly think that having more time to debate these issues and amendments would have done much to ensure the safety and security of our troops and all Americans in the years to come.

Ms. SNOWE. Mr. President, as Chair of the Senate Committee on Small Business and Entrepreneurship, I rise today to address the impact of amendment No. 3810 proposed by the distinguished Senator from Illinois, Mr. OBAMA. Strengthening competition in the Hurricanes Katrina and Rita reconstruction contracts is a worthy goal. Along with my Senate colleagues from both sides of the aisle, I have watched with disappointment the rush of Federal agencies such as the Department of Homeland Security, DHS, and the Federal Emergency Management Agency, FEMA, to award hundreds of millions in no-bid contracts. Since last fall, my Committee held three oversight hearings on the Gulf Coast hurricane response and reconstruction efforts. Testimony at these hearings clearly established that small businesses have often been the victims of no-bid reconstruction contracting. We received strong commitments from the Army Corps of Engineers, the Department of Homeland Security, and the Small Business Administration to work hard to remedy this problem.

In response to the efforts of my committee and our counterpart committee in the House, positive results are already starting to show for small contractors. As recently as March 31, 2006, the SBA and FEMA jointly announced 36 contracts valued at \$3.6 billion which will be set aside for small and small disadvantaged businesses, aimed at maintenance and deactivation of roughly 150,000 housing units. Priority for award of these contracts would go to local businesses. Federal agencies are also beginning to award disaster relief contracts to small businesses located in Historically Underutilized Business Zones, HUBZones, as called for by the Office of Management and Budget Guidelines for Using Emergency Procurement Flexibilities. The Senate fully supported these efforts by unanimously passing amendment No. 3627 cosponsored by myself and Senators VITTER, KERRY, LANDRIEU, and



LOTT to make the gulf coast area a HUBZone and to waive a law prohibiting small business set-asides in certain industries. All these acquisition strategies enlarge the Federal Government's supplier base, and are mandated by the Federal Acquisition Regulation when qualified small businesses are available. It is my understanding that amendment No. 3810 was not intended to prohibit spending on these and similar efforts. I ask whether my distinguished colleague, the sponsor of the amendment, Senator OBAMA, had the same understanding?

Mr. OBAMA. I thank the distinguished Chair of the Senate Committee on Small Business and Entrepreneurship for the opportunity to discuss this issue. I believe small businesses are the heart of the American economy and I am committed to expanding opportunities for small businesses to compete for Federal contracts.

One of the reasons I offered the amendment was my concern that non-competitive contracts have shut out small, local and disadvantaged businesses from contracting opportunities in the gulf coast. If we are serious about restoring the gulf coast, we must ensure that small and disadvantaged businesses have the tools and opportunities necessary to create the local jobs and provide the local services that are essential to a quick and sustainable recovery. The SBA has an important role to play and should be actively using its authority to promote small business growth and competitiveness.

I want to be clear that it was not the intent of the amendment to interfere with small business set-aside programs that use appropriate competitive procedures in the awarding of contracts. I have been troubled by reports of outrageous overhead charges going to large firms that just end up subcontracting the work anyway to small businesses. It is important to preserve Federal Acquisition Regulations that require contracts to be directed to small businesses where responsible small firms are available to provide the government with quality products and services at fair prices.

My amendment is directed at large Government contracts and seeks to prevent no-bid deals that deprive all of us of the benefits of fair competition. My amendment should not limit Federal funds for contracts legitimately set aside for competition among small business concerns. Small businesses help competition and competition helps small businesses. When a conference committee gets appointed on this bill, I will communicate this understanding to the conferees.

Again, I thank the distinguished leader of the Senate Committee on Small Business and Entrepreneurship, and I look forward to continuing to work with her to strengthen small businesses and to expand opportunity throughout the American economy.

Ms. SNOWE. I thank the distinguished Senator from Illinois for his

clarification and his support of small business contracting.

The PRESIDING OFFICER. Under the previous order, the question is on the engrossment of the amendments and third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass?

Mr. COCHRAN. Have the yeas and nays been ordered, Mr. President?

The PRESIDING OFFICER. They have not.

Mr. COCHRAN. 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 assistant legislative clerk called the roll.

Mr. McCONNELL. The following Senator was necessarily absent: the Senator from Utah (Mr. HATCH).

Further, if present and voting, the Senator from Utah (Mr. HATCH) would have voted "yea."

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

The result was announced—yeas 77, nays 21, as follows:

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

[Rollcall Vote No. 112 Leg.]

#### YEAS—77

Akaka	Dorgan	Murkowski
Allen	Durbin	Murray
Baucus	Feingold	Nelson (FL)
Bayh	Feinstein	Nelson (NE)
Bennett	Grassley	Obama
Biden	Harkin	Pryor
Bingaman	Hutchison	Reed
Bond	Inouye	Reid
Boxer	Jeffords	Roberts
Brownback	Johnson	Salazar
Burns	Kennedy	Santorum
Byrd	Kerry	Sarbanes
Cantwell	Kohl	Schumer
Carper	Kyl	Shelby
Chafee	Landrieu	Smith
Clinton	Lautenberg	Snowe
Cochran	Leahy	Specter
Coleman	Levin	Stabenow
Collins	Lieberman	Stevens
Conrad	Lincoln	Talent
Cornyn	Lott	Thune
Dayton	Lugar	Vitter
DeWine	Martinez	Voinovich
Dodd	McConnell	Warner
Dole	Menendez	Wyden
Domenici	Mikulski	

#### NAYS—21

Alexander	Crapo	Hagel
Allard	DeMint	Inhofe
Bunning	Ensign	Isakson
Burr	Enzi	McCain
Chambliss	Frist	Sessions
Coburn	Graham	Sununu
Craig	Gregg	Thomas

#### NOT VOTING—2

Hatch Rockefeller

The bill (H.R. 4939), as amended, was passed, as follows:

(The bill will be printed in a future edition of the RECORD.)

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

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

The motion to lay on the table was agreed to.

#### CHANGE OF VOTE

Mr. INHOFE. Mr. President, on rollcall No. 112, I voted yea. It was my intention to vote nay. Therefore, I ask unanimous consent that I be permitted to change my vote since it will not affect the outcome.

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

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

The Presiding Officer appointed Mr. COCHRAN, Mr. STEVENS, Mr. SPECTER, Mr. DOMENICI, Mr. BOND, Mr. McCONNELL, Mr. BURNS, Mr. SHELBY, Mr. GREGG, Mr. BENNETT, Mr. CROHL, Mrs. HUTCHISON, Mr. DEWINE, Mr. BROWNBACK, Mr. ALLARD, Mr. BYRD, Mr. INOUE, Mr. LEAHY, Mr. HARKIN, Ms. MIKULSKI, Mr. REID, Mr. KOHL, Mrs. MURRAY, Mr. DORGAN, Mrs. FEINSTEIN, Mr. DURBIN, Mr. JOHNSON, and Ms. LANDRIEU conferees on the part of the Senate.

Mrs. MURRAY. Mr. President, I wanted to take a minute to express my deep gratitude to Chairman COCHRAN who, as I stated earlier, has demonstrated extraordinary patience over the past 2 weeks we have been debating this supplemental bill.

I also want to express my thanks to the ranking member, Senator BYRD, who has continued to demonstrate his strong and resolute leadership on this bill.

I also want to thank the many members of our Appropriations Committee staff who have worked very hard.

First and foremost, I thank our staff director and deputy staff director on our side, Terry Sauvain and Chuck Kieffer.

I also thank the majority staff director, Keith Kennedy, and his staff, Clayton Heil and Les Spivey.

I want to make special mention of the extraordinary hard work of B.G. Wright, Kate Fitzpatrick, and Rachael Taylor. They have been keeping us all on track on this side as to which of the hundreds of filed amendments have been cleared and which have not.

Finally, I thank Peter Rogoff who has dedicated his life on the Senate floor for the last 2 weeks above and beyond the call.

I thank all our staff and floor staff for being here many long hours for the completion of this bill.

I yield the floor.

Mr. COCHRAN. Mr. President, I thank the distinguished Senator from Washington for her kind remarks and for her leadership and assistance in getting this bill prepared by our committee, and for handling the duties of managing the bill on the floor of the Senate.

Senator BYRD, of course, the senior Democrat on the committee, has been an inspiration to me and a true leader in every sense of the word in our committee and in the Senate for a long

time. He continues to be a very important friend to me. I am very grateful for that friendship. I join Senator MURRAY in commending our staff. But, first of all, I think I should mention my appreciation for the majority leader, BILL FRIST; and HARRY REID, the Democratic leader, for giving us the latitude and the authority to manage this bill on the floor of the Senate for the Committee on Appropriations to help ensure that every Senator had an opportunity to speak and offer amendments, to be a part of the passage of this bill in every sense of the word. We appreciate the leaders giving us that authority and for not trying to manage the bill from their offices. I really appreciate that.

Also, I have to commend the staff members on our side: Keith Kennedy, staff director, who has been working in the Senate for the Appropriations Committee for a good many years. He has a lot of experience. He is a person of great integrity, and I am very fortunate that he has agreed to serve as staff director of this committee and continue to provide guidance and supervision for all of the members of the staff of the Committee on Appropriations.

We are very proud of all of the staff. Those who have been particularly helpful to me during the handling of this bill, in addition to Keith, include Clayton Heil, our counsel for the committee, who has been on the floor of the Senate for much of the handling of the bill; Les Spivey, who is also a member of the full committee staff, he does a good job as well. I guess you could say he is our token Mississippian who is on the first team of the committee staff.

Terry Sauvain has been someone with whom I have enjoyed working for a number of years. He has worked closely with Senator BYRD for a good many years. We appreciate Terry's continued good assistance, particularly in the handling of this bill.

Chuck Keiffer and Peter Rogoff—Peter works for Senator MURRAY on the committee staff and has a lot of experience. He has been very helpful to us as we have managed this bill in the Senate.

I thank David Schiappa, Laura Dove, and Jodie Hernandez. They have been at the desk keeping up with all of the amendments, colloquies, and order of business, and keeping people advised through cloakroom telephones and answering Member's questions when they come onto the Senate floor. They go to that spot and ask for the pending business or what the order of amendments may be. They have been absolutely professional and diligent and helpful in every way.

On the Democratic side, I thank Marty Paone and Lula Davis for helping to keep up with things for the Democrats and helping to provide advice and counsel to all of us who have been involved in the handling of this bill. We are deeply grateful for their assistance.

#### UNANIMOUS CONSENT AGREEMENT EXECUTIVE CALENDAR

Mr. ALEXANDER. Mr. President, I ask unanimous consent that at 2:15 today, the Senate proceed to executive session for consideration en bloc of the following nominations: No. 617, Brian Cogan, to be U.S. district judge for the Eastern District of New York; No. 618, Thomas Golden, to be U.S. district judge for the Eastern District of Pennsylvania.

I further ask consent that the following Senators then be recognized to speak: Senator SPECTER for 5 minutes; Senator LEAHY for 5 minutes; Senator SANTORUM for 5 minutes. Further, following the use or yielding back of time, the Senate proceed to votes on the confirmation of the nominations in the order listed above; provided that following the votes, the President be immediately notified of the Senate's action and the Senate resume legislative session.

Mrs. MURRAY. There is no objection on the Democratic side.

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

#### MORNING BUSINESS

Mr. ALEXANDER. On behalf of the leader, I ask unanimous consent that there now be a period of morning business with Senators permitted to speak for up to 10 minutes each.

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

Mr. ALEXANDER. Mr. President, I ask unanimous consent that I be allowed to speak for up to 10 minutes in morning business.

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

The Senator is recognized for 10 minutes.

#### RECITING OR SINGING STATEMENTS OF NATIONAL UNITY IN ENGLISH

Mr. ALEXANDER. Mr. President, I am here today because I may have misunderstood the actions on the other side of the aisle. Something rather surprising has occurred. It would appear from their actions that my colleagues in the Democratic Party seem to believe that we ought to sing the national anthem, say the Pledge of Allegiance, and take the oath of citizenship in this country in something other than our common language, English.

Here is why I say that. On Monday, along with several other Senators, I introduced a very simple resolution, a resolution affirming that statements of national unity, especially the Pledge of Allegiance and the national anthem, ought to be recited or sung in our common language, English. That is all it says.

Let me read the relevant part of the resolution. It says:

Now, therefore, be it  
Resolved, that the Senate affirms that statements or songs that symbolize the

unity of the Nation, including the National Anthem, the Oath of Allegiance sworn by new United States citizens, and the Pledge of Allegiance to the Flag of the United States, should be recited or sung in English, the common language of the United States.

This is not a resolution about what we are free to do in the United States; this is about what we ought to do in the United States. It is very straightforward. It does not infringe on anyone's right to free speech, or prohibit translation. It does not say Americans should not learn a second language. In fact, I encourage our children to learn a second language or even a third language to better compete in this global economy.

The resolution does say that we believe that we Americans ought to recite the pledge and sing "The Star-Spangled Banner" and other statements and songs that unite us as a Nation in the language that unites us as a Nation, English.

Last Monday, every Senate office received a request for the resolution to be passed by unanimous consent. I would not expect this resolution to just be bipartisan, I would expect it to easily be unanimous. That request was agreed to by every Republican, but on the other side someone objected.

Should I assume that the Democratic side objected because they believe we Americans should, at least some of the time, sing our national anthem in Spanish or some other foreign language? Do they believe we should recite the Pledge of Allegiance in Chinese, which is the second most spoken foreign language in the United States?

This is important. It is important enough that we inscribed in this Chamber, above the Presiding Officer, our original motto for this country: "One from many." It is not "Many from one." Our greatest accomplishment as a country is not our diversity, which is a magnificent achievement; our greatest accomplishment is we have taken all of this diversity and made it into one country. And we have a few things that unite us: our common history, the principles of our founding documents, and our common language. If we should lose that, we would be a United Nations, not the United States of America.

This is important because this is the emotion which underlies most of the immigration debate we are having. The concern among many Americans, other than the rule of law which has to do with securing the border, is to make sure that those who come to our country become Americans. And we do not do that by race, we do not do that by ethnicity, we do not do that by what country an immigrant comes from, we do it by a few simple uniting ideas: our founding documents, our common history, and our common language.

This has been true for a long time in our country. When a legal immigrant comes to the United States—and this has been the law for 100 years—and he or she applies to become a citizen, he

or she must, by law, demonstrate an eighth grade level of understanding of the English language.

It was 150 years ago we founded common schools. We call them public schools today. Albert Shanker, the former head of the American Federation of Teachers, said the reason for the common school was so we could teach mostly immigrant children to read and write in English, to do math, and what it means to become an American, with the hope they would go home and teach their parents.

We have always known it is important as Americans to have a common language because that is how we can communicate with one another. Immigrants to our country understand this. That is why they come here. They want to be part of our country that shares the values of liberty and equal opportunity. They want to contribute to our history of striving toward those values. They want to learn our common language, and usually do, as evidenced by long waiting lists for a number of English as a second language adult education courses across our country. That is why this Senate, just a few weeks ago, passed an amendment to the immigration bill by a vote of 91 to 1 to help legal immigrants learn English and to allow those who become fluent in English to become American citizens 1 year faster.

We value our common language. It isn't an argument that is hard to understand. In fact, when I first announced this resolution, the first supportive e-mail I received in my office came from Mr. Ramon L. Cisneros, the publisher of *La Campana*, a Spanish-language newspaper in Nashville with 18,000 subscribers.

He wrote:

... Thank you for this resolution. We are Hispanic Americans and sometimes we write in Spanish for the benefit of those newcomers who are in the process of learning English. However, our common language as Americans is and will always be English. And our national symbols should always be said and sung in English.

I didn't ask Mr. Cisneros to write to me, but I am glad he did. He is proud of his Hispanic heritage. He performs an important service for Hispanics in the Nashville area, which is a growing part of our State, but he is also a proud, patriotic American. Our country is enriched by citizens like Mr. Cisneros.

I am puzzled by the reaction from some of my colleagues in the Democratic Party who seem to want to endorse the idea that we should sing the national anthem in some other language and recite the Pledge of Allegiance in some other language. We salute the American flag. We pledge allegiance to the United States, and we speak in our common language. That is how we unite ourselves.

Also, we might do a little bit better if we taught more U.S. history and civics in our public schools, which is another subject I have been working on with strong support on the Democratic

side from Senator KENNEDY, from Senator REID, and especially from Senator BYRD.

I might note that in the House of Representatives, some Democrats have already chosen to cosponsor this same identical resolution. It has been offered by Congressman RYUN of Kansas. I have a hard time understanding why Democrats in the Senate are not supportive. Maybe I just made a mistake. Maybe I misunderstood what has happened. So let me try once again.

I ask unanimous consent that S. Res. 458 be discharged from the Judiciary Committee; further, that the Senate proceed to its consideration. I further ask that the resolution and preamble be agreed to and the motion to reconsider be laid upon the table.

Mrs. MURRAY. Mr. President, on behalf of other Democratic Members, I will object.

The PRESIDING OFFICER. The objection is heard.

Mr. ALEXANDER. I think that makes my point. Apparently, I did not misunderstand. Apparently, the Democratic Party in the Senate does not agree that we should say the Pledge of Allegiance, sing the national anthem, and take the oath of citizenship in our common language, English. That is a grave misunderstanding of our country's greatest accomplishment. Our diversity is a magnificent achievement, but our greater achievement is that we have taken all of this diversity and formed it into one country so that we are the United States of America. It is a central part of becoming American.

I am extremely disappointed by this objection.

The PRESIDING OFFICER. The Senator from North Dakota.

#### ENGLISH IN AMERICA

Mr. CONRAD. Mr. President, let me say that Democrats and Republicans are perhaps not all of one mind on the question the Senator just raised.

I personally believe it is absolutely essential to the strength of America that we encourage and insist that people who come to this country speak in English. A common language is absolutely essential to the unity of a nation. I look to our neighbors to the north and see the incredible traumas they have been through because they are speaking in two different languages.

My own strong belief is we ought to say the pledge in English, we ought to sing the national anthem in English. That doesn't prevent someone else from singing it in another language. That does not offend me. But I do think that it is absolutely essential for the strength and the unity of our Nation that those who come here, those who become citizens, are able to speak English.

I come from a proud tradition of immigrants. We are sort of the North Dakota melting pot. I am part Danish, I am part Swedish, I am part Norwegian,

I am part German, I am part Scots-Irish, I am part French. So many of the people of my State came here from Scandinavian and German countries. They are intensely proud of their traditions. Many of them continue to speak the languages they came to this country with, but almost without exception they made a priority of learning English, speaking in English. I believe that is essential to our common heritage, that we have a common language.

I personally certainly believe that in any official setting, we ought to sing the anthem in English, we ought to say the pledge in English. If someone wants to, at some other setting, sing in some other language, that does not offend me, but in any official setting and in terms of what we ask and insist people do who are going to be part of our country, it is absolutely imperative they learn English. That is not just for the good of the country, although it is certainly that, it is also for their own good.

My wife's family came here from Italy. My wife told me many times about growing up in that family. Her grandfather for a time came and lived with them. There was an insistence in their family on speaking English even though the grandfather who lived with them spoke no English.

I find many who come from an immigrant background—as did I, as did my wife and her family—in our families, there was an understanding that the first order of business was to learn English, to speak English if we were going to be part of this country of which we are so proud.

I hope very much this is not presented as a partisan matter. I don't think it is. As one person on this side of the aisle, I believe it is imperative that we take the pledge in English, that we sing the anthem in English, that we insist that people who come to be part of this country learn English. I believe it is absolutely essential that English clearly be the official language of our Nation. That is absolutely imperative for us as a country.

I also believe it is absolutely in the interest of the people who come here. That is certainly the lesson learned in my family, of people coming from all over the globe. My relatives who came from Denmark, my relatives who came from Sweden, my relatives who came from Norway, and my relatives who came from Germany were so proud to be part of this country. And they recognized that it was in their interest and it was their responsibility as a first order of business to learn English.

#### SUPPLEMENTAL APPROPRIATIONS AND AGRICULTURE DISASTER ASSISTANCE

Mr. CONRAD. Mr. President, I rise to talk about the legislation we have just passed and to say to my colleagues there are provisions in the legislation for agriculture disaster that have been ridiculed in some circles. I would say

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that those who have ridiculed the notion of disaster assistance for our Nation's farmers are way off base, and they really do not know what they are talking about.

I was extremely disappointed in the Secretary of Agriculture, who has suggested the only problem that farmers have is in the gulf of this country. Look, we recognize that no part of the country was harder hit by Hurricanes Katrina and Rita than the gulf region. And these legislative proposals that are in this bill will first and foremost help them because these are national provisions, these are not provisions just for one section of our country.

But to suggest that nobody else in the country has had serious problems, that reflects an ignorance that ill becomes the Secretary of Agriculture, ill becomes a man who is supposed to be the spokesman for this Nation's farmers and ranchers.

Yes, Hurricanes Rita and Katrina devastated the gulf, and they deserve first-priority consideration. But they were not the only ones hurt. Here are the headlines out of North Dakota: "Rain Halts Harvest;" "North Dakota Receives Major Disaster Declaration;" "Heavy Rain Leads To Crop Diseases;" "Beef Crop Could Be The Smallest In 10 Years;" "Crops, Hay Lost To Flooding;" "Rain Takes Its Toll On North Dakota Crops;" "Area Farmers Battle Flooding, Disease."

Those were the headlines all across my State last year.

Shown on this chart are the number of counties in my State—they are the counties in yellow—that were given disaster designations by the President—by the President—last year. They are the counties in yellow. I say to the Presiding Officer, you will notice every single county was designated a disaster. Why? Because we had rainfall 250 percent of normal. I do not know what is happening. Some say it is global climate change. Some say it is a weather cycle. I do not know. But I do know the result.

The result is this, as shown in this picture: The result is farms all across North Dakota that looked like they were in the middle of lakes last year. This is what eastern North Dakota looked like last year, when we had a million acres of land that was even prevented from being planted—a million acres.

The Secretary of Agriculture said there is no problem outside the gulf. Where has he been? Who is he listening to? Does he not do even the least amount of homework before he makes these statements? We need a new Secretary of Agriculture, if that is what he reports to the President.

These are the acres prevented from being planted in North Dakota last year—over a million acres that could not even be planted—and this Secretary of Agriculture says there is no problem outside the Gulf States?

Mr. Secretary, you ought to get with it. You ought to inform yourself before making such ridiculous statements.

As shown in this picture, this is North Dakota last year. These are tractors stuck in the mud. They could not plant. And in hundreds of thousands of additional acres where they were able to plant, they got dramatically reduced production. In those places they got production, when they went to the elevator, they got dramatically discounted prices. Why? Because of a disaster of enormous consequence—no, not as severe as Hurricanes Katrina and Rita, where there was loss of life, which we mourn along with those who lost loved ones. We absolutely respect that they had, by far, the biggest catastrophe. And this legislation will primarily help them.

I am the author of this legislation. I had 27 cosponsors, on a bipartisan basis, in the Senate. When it was offered in the Appropriations Committee, it passed on a unanimous vote. When there was an attempt to take out this assistance on the floor of the Senate, 72 Senators said: No, we are not going to take out disaster assistance for our Nation's farmers and ranchers. That was the right decision. And, yes, this should be national in scope because everyone who is an American who suffered a natural disaster deserves some assistance.

Not only did farmers and ranchers suffer egregiously in different parts of the country from different types of natural disasters, but they were also hit with a second blow, and that was a dramatic runup in agricultural energy inputs. Every part of agriculture is dependent on inputs that are based on petroleum—whether it is fuel, with the cost up \$3 billion; fertilizer, with the cost up \$1.4 billion; marketing, storage, and transportation, with the cost up \$400 million; electricity, with the cost up \$200 million—with total energy-related costs up \$5 billion in one year in agriculture.

That had a devastating effect in my State. I just had a series of farm meetings in which farmers brought to me their operating statements—the difference between last year and this year—and income was cut in half—cut in half—in 1 year because of natural disasters, because of discounted prices, because of a failure to even be able to plant, and, on top of that, because of dramatically escalating energy prices.

And we have a Secretary of Agriculture who says there is no problem outside the Gulf States? Excuse me, Mr. Secretary, where have you been? Shame on you for providing that kind of false statement to the American people.

Here, shown on this chart, are the agricultural groups that endorsed the legislation, the disaster assistance that we passed—22 groups—the broad spectrum of American agriculture saying: Yes, disaster assistance is essential.

Mr. President, I ask unanimous consent to have this material printed in the RECORD listing the 22 groups.

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

Hon. SAXBY CHAMBLISS,  
*Chairman, Agriculture, Nutrition and Forestry Committee, U.S. Senate, Washington, DC.*

Hon. THAD COCHRAN,  
*Chairman, Appropriations Committee, U.S. Senate, Washington, DC.*

Hon. TOM HARKIN,  
*Ranking Member, Agriculture, Nutrition and Forestry Committee, U.S. Senate, Washington, DC.*

Hon. ROBERT C. BYRD,  
*Ranking Member, Appropriations Committee, U.S. Senate, Washington, DC.*

DEAR CHAIRMAN CHAMBLISS AND CHAIRMAN COCHRAN, SENATOR HARKIN AND SENATOR BYRD: On behalf of the below signed organizations, we are writing to urge you to oppose any efforts to delete the agricultural disaster assistance provisions from the FY06 Emergency Supplemental Appropriations bill when it is considered by the full Senate.

Virtually every state in the nation has been impacted by significant weather related and disaster losses. About 80 percent of U.S. counties were declared disaster or contiguous disaster counties last year due to devastating hurricanes, fires, floods, excessive moisture and severe drought. Besides heavy crop and livestock losses and increased production costs associated with rapidly escalating input costs, many producers also face contaminated fields and infrastructure losses that pose serious, long-term challenges to economic recovery.

We appreciate recent supplemental assistance offered to help some of the victims of the 2005 hurricane season. Unfortunately, this assistance is not available to all farmers and ranchers who suffered devastating losses due to hurricanes. Furthermore, none of the supplemental assistance is available to producers who suffered significant economic losses to crop and livestock operations as a result of fires, flooding, drought, excessive moisture and the record-high energy costs brought on by natural disasters.

Because of the urgent need for disaster assistance and the widespread losses which span the country, we believe the provisions in the supplemental appropriations measure are crafted in a manner that offers producers the combination of supplemental direct assistance and production loss assistance that is both timely and tailored to meet all disaster-related losses. Many producers need assistance within weeks to repay loans and secure new financing in time for spring planting, so prompt action on this measure is vitally important given that traditional production loss assistance can take up to six months.

Thank you for your consideration of our views.

Sincerely,  
Agricultural Retailers Association.  
Alabama Peanut Producers Association.  
American Beekeeping Federation.  
American Farm Bureau Federation.  
American Sheep Industry Association.  
American Soybean Association.  
American Sugar Alliance.  
Farm Credit Council.  
Florida Peanut Producers Association.  
Georgia Peanut Commission.  
Independent Community Bankers of America.

National Association of Wheat Growers.  
National Barley Growers Association.  
National Corn Growers Association.  
National Cotton Council.  
National Council of Farmer Cooperatives.  
National Farmers Union.  
National Sorghum Producers.  
National Sunflower Association.  
Southern Peanut Farmers Federation.  
USA Dry Pea and Lentil Council.  
USA Rice Federation.

US Canola Association.  
US Rice Producers Association.  
Western Peanut Growers.

Mr. CONRAD. Maybe the Secretary of Agriculture might want to inform himself of what has been said.

Finally, I have a letter from the State agriculture commissioners telling us, unanimously, disaster assistance was necessary and needed.

Mr. President, I ask unanimous consent that the letter be printed in the RECORD.

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

THE NATIONAL ASSOCIATION OF  
STATE DEPARTMENTS OF AGRICULTURE,  
*Washington, DC, April 20, 2006.*

MEMBERS OF THE U.S. SENATE.

DEAR SENATOR: I am writing on behalf of the state commissioners, secretaries and directors of agriculture to express our strong support for emergency disaster assistance for farmers and ranchers as agreed to by the Senate Appropriations Committee in H.R. 4939, the FY 2006 Emergency Supplemental Appropriations Act for Defense, the Global War on Terror and Hurricane Recovery (report 109-230). Assistance is necessary to help farmers, ranchers and their communities recoup from financial losses due to hurricanes, drought, fires, tornadoes, floods, and other natural disasters.

Nearly all states have been affected by natural disasters and in turn many farms and ranches across this country have suffered losses and damages. About 80 percent of U.S. counties were declared disaster or contiguous disaster counties in the last year. While there are risk management programs, such as crop insurance, disaster loans, and emergency grazing; the relief needed greatly exceeds the levels these programs can provide. Supplemental assistance is being offered to farmers and ranchers harmed by the 2005 hurricane season, however, not all producers will be able to attain the necessary levels of assistance to return to viable production levels.

In addition, the weather-related damages and losses in agriculture have significantly affected specialty crop producers and nursery businesses. States appreciate the provision that also provides grants to states that can be used to provide economic assistance to agricultural producers, and gives priority to the support of specialty crops and livestock. This section demonstrates how the federal government and states can partner with one another in directing assistance to those who need it most.

We understand that the Senate will consider this legislation when they return from the Easter Recess. NASDA strongly urges your prompt action and support of this emergency assistance. We look forward to working with you and your staff on this issue so important to agriculture.

Sincerely,

J. CARLTON COURTER, III,  
*Commissioner, NASDA President.*

Mr. CONRAD. Mr. President, I hope the Secretary of Agriculture gets the message—gets the message—disaster assistance is needed in this country.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. ENSIGN. Mr. President, I would like to speak in morning business and ask unanimous consent to speak for up to 10 minutes.

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

## MEDICAL CARE ACCESS PROTECTION ACT

Mr. ENSIGN. Mr. President, yesterday, I introduced the Medical Care Access Protection Act to address our Nation's medical liability crisis.

High medical liability insurance premiums are threatening the stability of our Nation's health care delivery system. These rates are forcing many doctors, hospitals, and other health care providers to move out of high-liability States, limit the scope of their practices, and even close their doors permanently.

The crisis is affecting more and more patients and is threatening access to reliable quality health care services in many States across our country.

Because of unaffordable medical liability insurance premiums, it is now common for obstetricians to no longer deliver babies, and for other specialists to no longer provide emergency calls or provide certain high-risk procedures.

Ask yourself this question: What if you were in need of an emergency procedure? What if you were the woman who had a high-risk pregnancy and could not find a specialist to provide you with the care you needed? The medical liability crisis is threatening access to reliable quality health care services this is happening to patients all over America.

Additionally, some emergency departments have been forced to temporarily shut down in recent years. In my home State of Nevada, our level I trauma center closed for 10 days in 2002. This closure left every patient within a 10,000 square mile area unserved by a level I trauma center.

Jim Lawson, unfortunately, was one of those in need of the trauma unit at that time. Jim lived in Las Vegas, and was just one month shy of his 60th birthday. He had recently returned from visiting his daughter in California. When he returned, he was injured in a severe car accident.

Jim should have been taken to University Medical Center's level I trauma center, but it was closed. Instead, Jim was taken to another emergency room, where he was to be stabilized and then transferred to Salt Lake City's trauma center. Tragically, Jim never made it that far. He died that day due to cardiac arrest caused by blunt force from physical trauma.

Why was Nevada's only level I trauma center closed? A simple fact: Medical liability premiums could not be afforded by the doctors, and there were not enough doctors to provide care. The State had to actually step in and take over the liability to reopen the trauma center.

More than 35 percent of neurosurgeons have altered their emergency or trauma call coverage because of the medical liability crisis. This means that patients with head injuries or in need of neurosurgical services must be transferred to other facilities, delaying much needed care.

An example of this problem was brought to my attention by Dr. Alamo

of Henderson, Nevada. Dr. Alamo was presented with a teenager suffering from myasthenia gravis. She was in a crisis and in need of immediate medical treatment. Because of the medical liability situation, there was no emergency neurologist on call to assist this young woman. Dr. Alamo called several in the area, and none of them wanted to take her case because of the medical liability situation. So Dr. Alamo had the young woman transported to California by helicopter to receive the medical care she needed.

These kinds of situations should not happen and should not be forced to happen because of the medical liability crisis we have in America today. Stories such as these are becoming all too common across our country.

I recently heard of seven patients who died in Chester County, Pennsylvania, because they did not have access to neurosurgical care. These patients were transported to neighboring counties instead of being treated locally where there was no available neurosurgeon. Some of these patients died during transport, and others died while on the operating table. This is unacceptable.

Women's health care is also in serious jeopardy. In Pennsylvania, the legal climate caused nine maternity wards to close over the past several years. And hundreds of OB/GYNs have left the State, retired, or limited their services. This story is being repeated all over America.

The bottom line is that patients cannot get the health care they need when they need it most. By definition, I believe this is a medical crisis. This crisis is affecting more and more patients, and it is threatening access to care.

To address the growing medical liability crisis in my State of Nevada, legislation was enacted that includes a cap on noneconomic damages and a cap on total damages for trauma care.

In order to control health care costs and make health care more readily available, we must extend similar protections to other States.

Our entire Nation needs serious medical liability reform now.

Without Federal legislation, the exodus of these providers from the practice of medicine will continue, and patients will find it increasingly difficult to obtain needed care. This is not a Republican or Democratic issue; this is a patient issue. Simply put, patients cannot find access to care when they need it most in many areas.

I introduced the Medical Care Access Protection Act to address the national crisis our doctors, hospitals, and those needing health care face today. My legislation is a comprehensive medical liability reform measure. The bill sets reasonable limits on noneconomic damages, while also providing for unlimited economic damages.

The Medical Care Access Protection Act is a responsible reform measure that includes joint liability and collateral source improvements, and limits

on attorney fees according to a sliding award scale.

My legislation also includes an expert witness provision to ensure that relevant medical experts serve as trial witnesses instead of so-called "professional witnesses" who are used to further abuse the system and further drive up medical costs.

My bill also preserves States' rights by keeping the State medical liability statutes in place and by allowing States that enact medical liability reform bills in the future to supersede the Federal limits on damages.

The Medical Care Access Protection Act uses the Texas style of caps on noneconomic damages which has brought real reform to the Texas liability system. This provides a cap of \$250,000 for a judgment against a physician or a health care professional. In addition, the patient can be awarded up to \$250,000 for a judgment against one health care institution. Judgments against two or more health care institutions cannot exceed \$500,000, with each institution liable for not more than \$250,000. Thus the noneconomic damages can total \$750,000.

The Texas style of caps on noneconomic damages is working. Patients are experiencing better access to health care, and Texas communities are finding it easier to recruit new doctors. At least 3,000 new doctors have established practices in Texas since the law's passage in 2003. Many of these doctors are serving in medically underserved areas of the State. Some counties, such as Cameron County along the Texas-Mexico border, are experiencing unprecedented success in physician recruitment—the opposite of what is happening in Pennsylvania.

The number of medical specialists in Texas is also growing. Patients have access to more specialists and emergency room physicians. Since 2003, Texas has gained a total of 93 orthopedic surgeons and more than 80 OB/GYNs.

Insurance costs have decreased significantly for doctors and hospitals. Medical liability rates, which had been out of control, have been going down. Physicians' insurance rates had risen by as much as 54 percent in the last few years. But with medical liability reform, physicians in Texas have seen their rates drop by a significant amount. More than 4,000 Texas physicians have opened new professional liability policies. Some of these doctors are new to the State.

The medical liability structure in Texas is working. These types of outcomes should be shared by every State and ultimately every patient in America. The American Medical Association has removed Texas from its list of States experiencing a medical liability crisis. It should be our goal that every State in America be removed from the crisis list.

Let's put an end to this crisis once and for all. Let's enact meaningful medical liability reform today.

The Medical Care Access Protection Act is not a battle of right versus left; it is a battle of right versus wrong. This bill is the right prescription for patients. We need to secure patient access to quality health care services when they need it most.

Let's make sure expectant mothers have access to OB/GYNs and trauma care victims have access to necessary services in their hour of most critical need. And let's make sure we continue to provide patients with the opportunity to receive affordable, accessible, and available health care for years to come.

The Medical Care Access Protection Act is substantially different from legislation we have brought to the Senate floor in previous years, and it warrants serious consideration.

We are going to have a vote on whether to even debate this bill next week. The American people need to contact their Senators. They need to say: Let's bring the bill to the floor and have an open and honest debate on this measure. Are you going to stand with the trial lawyers, or are you going to stand with the patients in America? That is the question we have to ask ourselves. It is time for us to stand with the patients. If the people of America want change, they will have to contact their legislators. This has to be a grassroots effort that rises up from across the country.

I believe the time for action is now. As we consider this bill, I hope Senators will put aside partisan differences and political alliances and will put the patients of America first.

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

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

The assistant legislative clerk proceeded to call the roll.

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

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

#### EXECUTIVE SESSION

BRIAN M. COGAN TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF NEW YORK

The PRESIDING OFFICER. According to the previous order, the Senate will go into executive session.

The clerk will report the first nomination.

The legislative clerk read the nomination of Brian M. Cogan, of New York, to be United States District Judge for the Eastern District of New York.

The PRESIDING OFFICER. All time is yielded back.

Mrs. MURRAY. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. SPECTER. Mr. President, I endorse the nomination of Brian Mark Cogan for the U.S. District Court for the Eastern District of New York. Mr. Cogan graduated from the University of Illinois in 1976, and received a law degree from Cornell in 1979. He is admitted to the bar in both New York and Florida. From 1979 to 1980, he was a law clerk for Judge Aronovitz in the U.S. District Court for the Southern District of Florida, and he was an associate and later a partner and general counsel for the law firm of Stroock & Stroock & Lavan.

Mr. Cogan possesses the qualifications to be an outstanding Federal judge. He had a hearing before the Judiciary Committee, which I chair, and we voted him out unanimously.

Based on his record, I urge my colleagues to support his confirmation today.

I thank the Chair and yield the floor.

Mr. LEAHY. Mr. President, this afternoon the Senate will confirm two more lifetime appointments to the Federal judiciary, Thomas Golden of Pennsylvania and Brian Cogan of New York. These confirmations will bring the total number of Senate-confirmed judicial appointments since January 2001 to 240, including the confirmations of two Supreme Court Justices and 43 circuit court judges.

Democrats in the Senate have been cooperative in considering and confirming consensus nominees. In fact, 100 judges were confirmed during the 17 months when there was a Democratic majority in the Senate compared to only 140 judges in the other 45 months under Republican control.

This morning, the Senate Judiciary Committee reported out another five judicial nominees unanimously. When they are considered and confirmed by the Senate, we will not only reach 245 judicial confirmations, but we will equal the number of judicial nominations considered in the entire session in the election year of 1996 when a Republican Senate controlled consideration of President Clinton's nominations. In session not a single nomination to the court of appeals was considered, not one. Of course this year we have already joined in confirming Judge Michael Chagares to the Third Circuit and I expect Democratic Senators to join in confirming the nomination of Milan Smith to the Ninth Circuit when that nomination is scheduled by the majority leader.

Unfortunately, the Senate Republican leadership is again bent on seeking to use nominations to score partisan points. Our job is to fulfill our duty under the Constitution for the American people so that we can assure them that the judges confirmed to lifetime appointments to the highest courts in this country are fair to those who enter their courtrooms and to the law, rather than to advance a partisan agenda. Regrettably, this is not the first time the Republican leadership in



the Senate has chosen to pursue a partisan agenda using judicial nominees. Sadly, published reports during the last couple of weeks indicate that the Senate Republican leadership is, instead, preparing to cater to the extreme rightwing faction that is agitating for fights over judicial nominations. We will see that when they insist on confrontation over such controversial nominations as Judge Terrence Boyle, Norman Randy Smith or Brett Kavanaugh. Despite Democratic cooperation in the confirmation of scores of nominees and the undeniable fact that we have treated this President's nominees more fairly than Republicans treated those of President Clinton, they seem intent on using controversial judicial nominations to stir up their partisan political base.

Rather than address the priorities of Americans by focusing on proposals to end the subsidies to big oil and rein in gas prices, rather than devote our time to passing comprehensive immigration reform legislation, rather than completing a budget, the Republican leader came to the floor last week to signal a fight over controversial judicial nominations. One of the nominations that the Republicans want to rubberstamp is that of Judge Terrence Boyle to the U.S. Court of Appeals for the Fourth Circuit. We have learned from recent news reports that, as a sitting U.S. district judge and while a circuit court nominee, Judge Boyle ruled on multiple cases involving corporations in which he held investments. In at least one instance, he is alleged to have bought General Electric stock while presiding over a lawsuit in which General Electric was accused of illegally denying disability benefits to a long-time employee. Two months later, he ruled in favor of GE and denied the employee's claim for long-term and pension disability benefits. Whether or not it turns out that Judge Boyle broke Federal law or canons of judicial ethics, these types of conflicts of interest have no place on the Federal bench. Certainly, they should not be rewarded with a promotion. They should be investigated.

The Republican leadership would rather have the Senate be a rubberstamp for rewarding this administration's cronies with lifetime appointments to high Federal courts. They have tried before. If the White House had its way, we would already have confirmed Claude Allen to the Fourth Circuit. He is the former Bush administration official who recently resigned his position as a top domestic policy adviser to the President. Last month we learned why he resigned when he was arrested for fraudulent conduct over an extended period of time. Had Democrats not objected to the White House attempt to shift a circuit judgeship from Maryland to Virginia, someone now the subject of a criminal prosecution for the equivalent of stealing from retail stores would be a sitting judge on the Fourth Circuit

confirmed with a Republican rubberstamp.

A look at the Federal judiciary in Pennsylvania demonstrates yet again that President Bush's nominees have been treated far better than President Clinton's and shows dramatically how Democrats have worked in a bipartisan way to fill vacancies, despite the fact that Republicans blocked more than 60 of President Clinton's judicial nominees. With today's confirmation of Thomas Golden to be a district court judge in Pennsylvania, 21 of President Bush's nominees to the Federal courts in Pennsylvania will have been confirmed, more than for any other State except California.

With this confirmation, President Bush's nominees will make up 21 of the 43 active Federal circuit and district court judges for Pennsylvania—that is more than 49 percent of the Pennsylvania Federal bench. On the Pennsylvania district courts alone, President Bush's will now sit in 18 of the 36 judgeships.

This is in sharp contrast to the way vacancies in Pennsylvania were left unfilled during Republican control of the Senate when President Clinton was in the White House. Republicans denied votes to nine district and one circuit court nominees of President Clinton in Pennsylvania alone. Despite the efforts and diligence of the senior Senator from Pennsylvania, Senator SPECTER, to secure the confirmation of all of the judicial nominees from every part of his home State, there were 10 nominees by President Clinton to Pennsylvania vacancies who never got a vote. Despite records that showed these to be well-qualified nominees, these nominations were blocked from Senate consideration.

So while I congratulate Thomas Golden and his family on his confirmation, I remember those who were not treated so fairly by Senate Republicans.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Brian M. Cogan, of New York, to be United States District Judge for the Eastern District of New York?

On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. MCCONNELL. The following Senators were necessarily absent: the Senator from Kentucky (Mr. BUNNING) and the Senator from Utah (Mr. HATCH).

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

Mr. DURBIN. I announce that the Senator from Indiana (Mr. BAYH), the Senator from California (Mrs. BOXER), and the Senator from West Virginia (Mr. ROCKEFELLER) are necessarily absent.

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

The result was announced—yeas 95, nays 0, as follows:

[Rollcall Vote No. 113 Ex.]

YEAS—95

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

NOT VOTING—5

Bayh	Bunning	Rockefeller
Boxer	Hatch	

The nomination was confirmed.

#### NOMINATION OF THOMAS M. GOLDEN TO BE U.S. DISTRICT JUDGE FOR THE EASTERN DISTRICT OF PENNSYLVANIA

The PRESIDING OFFICER. The clerk will report the next nomination.

The legislative clerk read the nomination of Thomas M. Golden, of Pennsylvania, to be United States District Judge for the Eastern District of Pennsylvania.

Mr. SPECTER. Mr. President, I have sought recognition to recommend to my colleagues the confirmation of Thomas M. Golden to the U.S. District Court for the Eastern District of Pennsylvania.

Mr. Golden graduated from Penn State University in 1969, and received a law degree from Dickinson School of Law in 1972. Thereafter, he has been in the practice of law with Stevens & Lee, first as an associate and then as a partner. And from 1979 to the present, he has owned his own firm, Golden Masano Bradley and serves as managing partner in that capacity.

Mr. Golden enjoys an excellent reputation for academic achievement, for lawyerly skills, for integrity, and for community service. Alvernia College awarded Mr. Golden a doctorate of human letters for service to the community and legal profession in 2003. He is past president of the Pennsylvania Bar Association and the Berks County Bar Association.

Holding those positions is demonstrative of active community service, taking on responsibilities to promote the public welfare beyond his work as a private practicing attorney.

The American Bar Association gave Mr. Golden a unanimous "well-qualified" rating. In my years on the Judiciary Committee and now as chairman of the committee, I have seen many nominees, and I believe Tom Golden has outstanding potential for the Federal district court. I urge my colleagues to support him.

Mr. SANTORUM. Mr. President, it is a pleasure for me to come to the floor of the Senate to give good words of encouragement to my colleagues to support Tom Golden for the Eastern District of Pennsylvania judgeship. This is a vacancy that the Office of Administration at the U.S. Courts has determined is a judicial emergency, so it is high time that we get this vacancy filled. Tom Golden has proven to be just the right medicine for us to be able to move this process very quickly in the Senate.

On April 27 he was moved out of committee by a voice vote, so I guess, from all reports at least, unanimously. Certainly there were no vocal objections. He now comes to the floor for confirmation. I congratulate him in anticipation of a strong positive vote today on his successfully negotiated, what can be tough shoals in the Senate when it comes to judicial nomination.

The record speaks for itself. This is a man of great legal ability, as well as someone who is a fine member of his community and citizen of this country. He started out with great potential. He graduated from Penn State University, which happens to be my alma mater, and also graduated from the Dickinson School of Law, which happens to be my alma mater. He has a fine background and education, and he has come forward from that education to work at a law firm in Reading, PA. He is from Berks County. Berks County is one of the larger counties in our State. It has not had a judge there for some time, even though there is a courthouse in Reading. We are quite excited. Folks in the Eastern District are rather exited about the opportunity of having their cases heard and their filings be filed before judges and motions be heard in Reading as opposed to having to travel all the way to Philadelphia to have their cases proceed.

This is not just a good moment for Tom Golden, but it is a good moment for all of the litigants in the western part of the Eastern District, to be able to have their cases heard in a much more convenient fashion.

Aside from a variety of involvements in charitable organizations and specific organizations, I want to mention the fact that Tom was very active in the bar association. In fact, not only is he in the House of Delegates at the ABA, and has been since 2002, he was the president of the Pennsylvania Bar Association from 2003 to 2004 and served, as you can imagine, often as chair leading up to his election to the presidency in 2006. He has been active in the Berks County Bar Association and a whole lot of other legal areas.

He was rated "well-qualified," not surprisingly, by the bar association. He is coming here with the highest recommendations from the legal community, as well as the community at large in Berks County.

It is a pleasure to come here with a noncontroversial nomination, someone who has the highest character, as well as great legal ability, and someone who, I am confident, will do a fine new job as judge on the Eastern District of Pennsylvania.

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

The PRESIDING OFFICER. Is there sufficient second?

There appears to be a sufficient second.

The question is, Will the Senate advise and consent to the nomination of Thomas M. Golden, of Pennsylvania, to be U.S. District Judge for the Eastern District of Pennsylvania. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

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

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

Mr. DURBIN. I announce that the Senator from California (Mrs. BOXER) and the Senator from West Virginia (Mr. ROCKEFELLER) are necessarily absent.

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

The result was announced—yeas 96, nays 0, as follows:

[Rollcall Vote No. 114 Ex.]  
YEAS—96

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

NOT VOTING—4

Boxer Hatch  
Bunning Rockefeller

The nomination was confirmed.

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

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Under the previous order, the President shall be immediately notified of the Senate's action.

#### LEGISLATIVE SESSION

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

The PRESIDING OFFICER. The Senator from South Carolina.

#### MORNING BUSINESS

Mr. DEMINT. Mr. President, I ask unanimous consent that the time until 5:30 p.m. be equally divided between the two leaders or their designees in morning business.

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

Mr. DEMINT. Mr. President, I ask to be recognized for 10 minutes in morning business.

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

#### HEALTH CARE AND MEDICAL MALPRACTICE

Mr. DEMINT. Mr. President, next week this Senate is going to consider one of the most important issues that we will consider as a Congress and as a nation, and that issue is health care. All of us know that the cost of health care, the cost of health insurance, and, in many cases, access to doctors around the country is becoming a serious problem. Many are uninsured. It is an issue we talk about a lot in the Senate, but it is an issue we haven't done a lot about.

This is like some other issues, I am afraid, where our tongue doesn't exactly match our action. We heard a lot of talk on the Senate floor about jobs and jobs going overseas, but when the proposals come up to make America the best place in the world to do business, to lower the cost of doing business in this country, to continue investment tax credits, to put some caps on frivolous lawsuits, to reduce the costly and unnecessary regulations, and even to do things that make energy less expensive so we can manufacture in this country, I am afraid my colleagues, particularly my Democratic colleagues, block those actions and, again, unfortunately, pit business against people and profits against jobs. What we know and most Americans know is that people have jobs with businesses, and businesses that don't have profits don't create jobs.

Our rhetoric needs to match our action. We need to stop blocking legislation that needs to be done and blaming other folks when it doesn't get done.

We have seen the same thing happen with energy, unfortunately. For the

last several decades, my Democratic colleagues have blocked the development of America's energy supplies, blocked our own energy independence, even back in the seventies, when President Carter stopped the development of nuclear power generation and our European allies moved on to where now 80 percent of their electricity comes from clean and efficient nuclear power. Even the founder of Greenpeace has come back and said it was a mistake to stop that. Yet today we make electricity with natural gas, which is increasing the demand for natural gas and has raised the prices so that many of our manufacturers can no longer compete because of the high cost of energy in this country. And the price keeps going up.

We have seen the same thing happen with oil and gas where for years we blocked the development of our own energy supplies, our own oil supplies, and now we are down here trying to blame the President and others for the high cost of gasoline.

If we track what happens on many of the votes—I know I have heard on this floor that the oil reserves in Alaska wouldn't make that big a difference. But we know that only a 2- or 3-percent increase in our supply at this time would dramatically reduce the cost of gasoline. Yet on all of these dates over the years, going back to 1991, consistently our Democratic colleagues have voted to block the development of oil reserves in ANWR, and we see the price of gasoline going up consistent with those votes.

I have heard on this floor for a number of years that the 5-percent additional supply that would be provided by ANWR would make no difference in the cost of gasoline. Yet we saw during Katrina, when we lost 5 percent of our supply, what it did to the cost of gasoline and what it is doing today.

We can't continue to block what needs to be done and then blame other people when we have problems because it doesn't get done.

Today I wish to talk particularly about health care because we have gotten word from our Democratic colleagues that they are going to block several important provisions that we are going to try to get on the floor for debate next week.

One of those is medical malpractice. A very important component in the cost of health care is the fact that we are suing doctors out of business. We have 20 States now that are considered in crisis because of medical liability. We have another 24 that show warning signs, which means the loss of doctors, the loss of access to care, and less insurance available. South Carolina is in that group.

Let me share some statistics that should get folks' attention: 59 percent of physicians believe that the fear of liability discourages discussion and thinking about ways to reduce health care costs. The costs of defensive medicine are estimated to be between \$70

billion and \$126 billion a year. I think I need to say that again. The cost of defensive medicine is up to \$126 billion a year to try to cover doctors from liability because of unlimited lawsuits against doctors. Blue Cross, a major insurer, when surveyed said it is already a serious problem as far as adding to the cost of health insurance premiums.

There are many things we can do to fix that, but folks need to understand the real costs because I know my Democratic colleagues will say that it is not a factor.

The only people getting rich from medical malpractice are the personal injury lawyers. Keep these things in mind during our debate next week: More than 70 percent of the claims against doctors or hospitals are dropped or dismissed before they reach a verdict, but even if they are dismissed, the claims costs are \$18,000 in legal expenses. In 2004, medical liability costs that were settled—when cases are settled—the legal costs were \$60,000. In the cases where they actually went to trial but the doctor or hospital won, the average cost jumped to \$94,000.

The Wall Street Journal points out a number of facts like these, but one of them should really hit home. They were using Texas as an example because Texas has made some reforms that we will be considering for our country that have made a big difference.

Hospital premiums to protect against lawsuits more than doubled in Texas between 2000 and 2003. But I think probably the most disheartening statistic I have seen is that between 1999 and 2002, the annual per-bed cost for litigation protection for nursing homes went from \$250 to \$5,000. That is what nursing homes have to pay just for liability coverage for malpractice lawsuits. That is at a time when we have a new and large wave of retirees whom we need help when it comes to nursing homes. Yet we are suing them out of their hospital beds.

We know we can fix this. Part of the problem, I am afraid, is right here in Congress. As I said before, the only people really getting rich from the system we have now are personal injury lawyers. One statistic to remember is between 2003 and 2004, personal injury lawyers gave \$102 million to House and Senate candidates. They got a good paycheck. In fact, it was a 10,000-percent rate of return because during that same period, over \$18 billion in malpractice awards were given during 1 year—over \$18 billion. We cannot continue to allow this to be a part of our health care system and then come down here and complain about the cost of health care.

We know that many doctors are leaving rural areas and no longer delivering babies. This is a fact. This is not political rhetoric. We know that in many places around the country, if someone is injured badly with a head injury in a car accident and they go to an emer-

gency room, there are no neurologists there because they won't take calls because they are likely to get paid very little from Medicaid or another insurance company, but they could lose millions of dollars because of lawsuits.

There are some commonsense things we can do, and we have seen this happen in Texas with their reforms that we will be looking at next week. I implore my colleagues to consider what Texas did, and before we get into all the misrepresentations, the malpractice bills we are going to talk about next week do not put any limits on economic damages and allow up to \$750,000 for pain and suffering. So a person who is injured could get their salary for life, all their health care paid for, and up to \$750,000 additional money for pain and suffering in Texas. What that has done in just 1 year is cut their lawsuits in half. The cost of liability insurance has been reduced almost 20 percent in just a short period of time.

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

Mr. DEMINT. Mr. President, I ask unanimous consent for 2 more minutes.

The PRESIDING OFFICER. Is there objection?

Mr. LEAHY. I won't object assuming there will be 2 additional minutes on this side.

The PRESIDING OFFICER. Time is equally divided.

Without objection, it is so ordered.

Mr. DEMINT. Mr. President, I will conclude again with the hope and the request that we can debate this honestly. Certainly we do not want patients being hurt and not being compensated, but we also don't want many more patients not finding a doctor, not being able to afford their health care or to get health insurance. These are things we can fix if we work together.

If you notice on my chart, I don't accuse this of being Republican or Democrat. It is just an issue we need to address. We need to do something commonsense with medical malpractice. Please, let us put the bill on the floor next week for debate.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, is the Senator from Massachusetts seeking recognition for a unanimous consent request?

Mr. KENNEDY. I am. I was going to make comments for 2 or 3 minutes and then make a consent request.

Mr. LEAHY. I was going to proceed for about 5 minutes, but if the Senator from Massachusetts wishes to go first, that is fine.

Mr. KENNEDY. I will wait.

#### MEDICAL MALPRACTICE

Mr. LEAHY. Mr. President, it is interesting to hear the statistics being tossed around. I am sure the distinguished Senator did not mean by his chart to suggest somehow bribes have been offered to people in how they vote.

Mr. President, we have States without caps on medical malpractice recoveries. They have 14 percent more practicing physicians than those with caps. We hear about the increasingly burdensome medical malpractice premiums and, indeed, they are. Health care providers pay onerous amounts to be insured. That is why I have introduced a bill directed specifically toward medical malpractice insurance reform because, after all, there is no correlation between malpractice claims and rising insurance premiums. Between 2000 and 2004, insurers increased premiums 134 percent, even though payments remained flat.

They say this legislation drastically reduces insurance rates. Of course, the American Insurance Association has said we have not promised price reductions for tort reform. They have been quoted as saying: We wouldn't tell you or anyone the reason to pass tort reform would be to reduce insurance rates. In fact, a majority of States that have enacted caps have seen no reductions. In fact, on average, doctors in States with caps pay more for insurance than they do in States without caps.

The fact is, there is one place that makes money. Claims go down and insurance premiums go up. It is like the rising gas prices and the record oil company profits. Maybe we ought to be asking medical malpractice insurers exactly why their premiums are so exorbitant? If it is not because they are paying an increasing amount of claims. They are not doing that. Rates are going up much faster than any claims. It could be a soft stock market, bad investments, or greed. That is what we ought to ask about. In my State, without caps, we increased the number of doctors. So don't use this argument that somehow in rural areas, in rural States, we are going to lose doctors. We are gaining doctors. We should ask the insurance companies why their rates go up, even though the payments are flat.

We should also remember that America's courts belong to the American people, not to the special interests of the insurance companies. These bills are bad public policy. They are ill-timed.

We ought to be debating the priorities of the American people, not debating ways to make greater profits for the insurance companies. We ought to talk about energy policy and skyrocketing gas prices. Wouldn't it be good to have a real debate on the fiasco in Iraq today, a real debate about what has gone wrong in the war in Iraq? That could take a couple of months just to list them. A lot has gone wrong since the President announced: "Mission Accomplished."

We ought to be talking about the comprehensive immigration bill or stem cell research. What about the horrific genocide in Darfur?

So I am disappointed that the majority leader has decided instead that the

Senate's and the public's valuable time should be taken up with these bills. I am also disappointed that he has decided to bypass any consideration of these bills. Instead, the insurance companies, and probably some of the large medical companies, have a special interest bill that benefits the insurance companies at the expense of patients with legitimate injuries coming straight to the floor.

These are real people. I will give you one example in my own State of Vermont. On April 7, 2000, Diana Levine had a severe migraine headache. She went to a health center. Ms. Levine was a musician. She received a painkiller, along with an injection of another sedative. That caused complications and she had two amputation surgeries of her left arm. A musician. She sued the corporate giant, Wyeth, for improper guidelines on the sedative because it didn't warn about these dangerous combinations. They knew about it, but they didn't warn anybody. She said:

I never expected to sue anyone in my life. . . . Sometimes it takes something like this to make it known when a drug is not being used right.

After a full trial, knowing that her career as a musician was gone, the jury said she deserved \$2.4 million for past and future medical expenses and, of course, \$5 million for the daily pain she is suffering. Most of that would have been cut out under this bill. That makes me think this bill is political and doesn't go to the root cause of medical malpractice.

Let's not forget that medical errors happen to 100,000 people each year. One out of over 100 hospitalized patients suffers negligent care. Just turn on the news every night and we hear about it. More people die as a result of medical errors than automobile and workplace accidents combined. More die from that than automobile accidents and workplace accidents combined, but only 3 percent of them even file a claim. These statistics tell us there is not so much a malpractice lawsuit problem as a medical safety problem.

I fail to see how arbitrarily limiting the rights of citizens addresses this serious problem, particularly because in many cases the judicial system is the only forum in which such an error is brought to light. Rather than looking for ways to limit our citizens' access to justice, we should look for ways in which we can encourage the medical community to strive for the highest standards in the delivery of its services. It is in our interest as citizens, and it is certainly in the interest of all the dedicated and caring people in the medical profession whose oath commands them to do no harm. My wife Marcelle dedicated her career to the care of others through nursing, and I know how seriously those in the medical profession take their solemn responsibilities. The best place for positive change to occur is from within the medical profession, not from within our courtrooms.

The bills on the floor today favor the interests of insurance companies over patients, the interests of profit over sound health care, and they provide illusory promises of lower insurance rates for doctors, while addressing none of the underlying causes of medical malpractice. This is not the fix that is needed.

We hear numerous complaints from politicians about the harm malpractice lawsuits cause to patient access and the medical profession. We hear claims about doctors practicing defensive medicine at the expense of innovation and aggressive treatment. We hear claims about doctors fleeing communities. We hear claims about the reluctance of our young people to enter the medical profession. We hear claims about pregnant women who cannot find obstetricians to provide care throughout pregnancy and birth. There might be some merit to this legislation if these claims we routinely hear were true. They are not.

The myths associated with medical malpractice lawsuits have virtually all been discredited. Two of the primary arguments in favor of capping non-economic damages are lowering insurance premiums and preventing doctors from leaving their State or their profession. The available data suggests that these arguments are unfounded.

In my home State of Vermont, the most recent data show that the number of physicians practicing in the State has risen steadily from 1,918 doctors in 1996, to 2,589 doctors in 2004. The number of OB-GYNs in Vermont is also higher today than it was in 2000. Today Vermont residents benefit from 113 OB-GYNs, compared with 91 in 2000.

This trend exists nationally as well: The number of physicians nationally has risen between 1996 and 2004. We also now have more physicians under the age of 35 today than we did in 1996. The number of doctors per capita in this country has been steadily increasing since 1965. It is hard to understand how these trends can be characterized as the loss of people from the medical profession. There is also no correlation between a State damages cap and the number of doctors practicing in the State. Nationally, States without caps have 14 percent more practicing physicians.

As we consider the majority leader's bills, I urge other Senators to help expose the myths associated with the legislation we address today. In fairness to the American people, we should be debating the facts, not the myths. If we acknowledge that the real problem is medical malpractice and the injuries and deaths that result, and not the lawsuits that seek to remedy these harms, I know we can go a long way to helping the medical profession work from within to assure that doctors meet the highest possible standards and strive to prevent medical errors. After all, those in the medical profession are in the best position to understand what changes must occur, and

how best to make sure that needed changes occur. As an example of this I want to highlight the efforts of anesthesiologists, who accomplished a nearly sevenfold reduction in anesthesia-related errors through cooperative changes to their systems and practices. Not surprisingly, when anesthesia-related errors decreased, so did insurance premiums. This should be our model of how to effectively address medical malpractice. If we work together, between needed reforms in the insurance industry, and by supporting medical professionals in improving the critical work they do, I know we can tackle this problem effectively.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, first of all, I thank my colleague and friend from Vermont for his excellent statement and comments. I look forward to joining with him on the debate of that issue when we have a chance on Monday and Tuesday next. I share the disappointment of the Senator from Vermont that we will not have an opportunity to address the stem cell issue on the floor of the Senate, which can offer such extraordinary hope to so many families in this country.

We are in the life science century. We have seen this enormous progress that has been made with the mapping of the human genome, with imaging, nanotechnology—breathtaking advances—and stem cell research offers a very similar kind of opportunity. We have legislation that is on the calendar that was approved in a bipartisan way in the House of Representatives, and it has been on the calendar now for about a year. I think most of us were heartened when we heard our majority leader indicate his general support—a change in position—his general support for the items which are in the House bill that is on the calendar now before the Senate. Evidently, though, we will not have an opportunity next week to consider that stem cell bill.

When I think of the stem cell legislation, I think of the possibilities of hope for families who are facing Alzheimer's disease or cancer, Parkinson's disease, diabetes because the possibilities in research are virtually unlimited. There are no assurances of the outcome, no absolute assurance that we are going to come up with cures, but for those who are on the cutting edge of basic and applied research in the science area or in the health area believe that this stem cell research offers enormous possibilities. I wish that had been included in the agenda for next week's discussion about health care, but it has not been.

#### HATE CRIMES

Mr. KENNEDY. Mr. President, I share the disappointment of many that the Republican leadership has delayed calling up the sex offender registration bill. The House passed its version last

September and the Senate Judiciary Committee reported a much improved version to the full Senate last October.

When the House passed its bill, it approved an amendment to improve the Federal hate crimes laws as well. The Senate bill does not include that provision, but many of us had hoped to add it as an amendment. I urge my colleagues to support it.

The inclusion of the Federal hate crimes law is not inconsistent with the goals of the legislation to stop crimes against children. We can clearly do more to protect our communities and encourage them to do so. Hate crimes are a violation of everything our country stands for. These are crimes against entire communities, against the whole Nation, and against the fundamental ideals on which America was founded, and they have a major impact on children. The vast majority of Congress agrees.

Last year, Senator SMITH and I offered our hate crimes bill as an amendment to the Defense Authorization Act, and it passed by a bipartisan vote of 65 to 33. The House passed a nearly identical hate crimes amendment by a vote of 223 to 199, which made it part of its sex offender registration bill. The substantial majority of both Houses of Congress have now voted in favor of the hate crimes proposal, and the time is long overdue to pass these protections into law.

The hate crimes bill is supported by a broad coalition. Over 200 law enforcement and civil rights groups, including the National District Attorneys Association, the National Sheriff's Association, and the National Association of Chiefs of Police, the Anti-Defamation League, and the U.S. Council of Mayors.

A strong Federal role in prosecuting hate crimes is essential for both practical and symbolic reasons. In practical terms, the bill will have a real world impact on the actual criminal investigations and prosecution. The symbolic value of the bill is equally important. Hate crimes target whole communities, not just individuals. Attacking people because they are gay, African American, Arab or Muslim or Jewish, or any other criteria is bigotry at its worst. We must say loudly and clearly to those inclined to commit them that they will go to prison if they do.

The vast majority of us in Congress recognize the importance of passing a hate crimes bill. This year we can make the statement even clearer by turning it into law.

#### UNANIMOUS CONSENT REQUEST— S. 1086

Mr. KENNEDY. Mr. President, I ask unanimous consent that at a time to be determined by the majority leader, following consultation with the Democratic leader, but no later than May 25, 2006, the Senate proceed to the consideration of Calendar No. 251, S. 1086, and that it be considered under the following limitations:

That there be 1 hour of debate on the bill, with the time equally divided and controlled by the two leaders or their designees; the only amendment in order, other than the committee-reported substitute amendment, be a Kennedy-Smith hate crimes amendment on which there will be 2 hours of debate with the time equally divided and controlled in the usual form; that upon the use or yielding back of time on the amendment, without further intervening action or debate, the Senate proceed to vote in relation to the amendment; that upon disposition of the Kennedy-Smith amendment and the yielding back of time on the bill, the committee substitute, as amended, if amended, be agreed to; the bill, as amended, be read a third time, and without further intervening action or debate, the Senate proceed to vote on passage of the bill.

The PRESIDING OFFICER. In my capacity as a Senator from Minnesota, at the request of leadership, I object.

Objection is heard.

Mr. KENNEDY. Mr. President, I regret that the Republican leadership has blocked our efforts to have a vote on this amendment. I expect that they will move forward on the immediate passage of the underlying bill. We should also get a vote on hate crimes. It is long overdue. It is clear that the Republican leadership will do anything to stop our hate crimes bill. I don't think it is right to delay consideration of the Senate bill on sex offenders, so the battle on hate crimes must continue. Given today's objections, let's move ahead on S. 1086.

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

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

#### TORT REFORM AND RELATED ISSUES

Mr. BURNS. Mr. President, next week should be a week of looking at our health care system and debating on the direction that I think the policy should go in that area. Not only do we have tort reform that has been suggested by the leader, but also the ability of small business to band together across States to lower the cost of insurance, especially small business owners who have less than 10 employees, and sole proprietors, and even individuals, to band together and do something about lowering their costs of insurance.

Today, I want to open minds and start setting the framework of what this debate is all about that will occur next week.

It is about the unrestrained escalation of jury awards that are driving

up the cost of many medical procedures. Consequently, many of our best and brightest in the medical field are limiting services, retiring early, or move to States where liability premiums are stable in order to carry out their Hippocratic Oath. The true victims of this disturbing trend are the vulnerable and sick among us whose access to quality care becomes more restricted with each day that this crisis is not addressed. It is time for responsible legislators to do what is right for our health care system and the medical community and pass S. 22, the Medical Care Access Protection Act of 2006 and S. 23, the Healthy Mothers and Healthy Babies Act.

The consequences of this trend fall hardest on women and children. Contrary to what the other side may say, the exploding cost of liability insurance has limited access to OB/GYNs. It has caused women to receive less prenatal and preventive health care, and many low-income women to lose critical access to community clinic services.

This is not happening because of a sudden increase in physician negligence. It is happening because of the ever increasing number of lawsuits filed against health care providers each day. By and large, these are meritless suits filed by trial lawyers who seek to take advantage of the justice system in order to enrich themselves. I urge members of the Senate not to fall prey to the influence of these trial lawyers, and we know they have it. Every time this issue has come before this body, the trial lawyer lobby has flexed its muscle to put a stop to its progress. If we work together we can come to a plan to address this situation.

Who is it that these trial lawyers are opposing? It is not only the pleas for help from doctors, who overwhelmingly support reform, it's also the will of the American people, who support medical liability reform at a rate of 75 percent. And the reason they support it is not because they think those who have been harmed by a doctor's negligence shouldn't be compensated, it's because they know how these trial lawyers are hurting them, their families and neighbors. They see the commercials from these so called law firms on late-night television offering to sue any doctor over anything and everything possible. Or they or someone they know has had difficulty finding an OB/GYN to deliver a baby.

In fact, to give this issue even more of a human face, my daughter had to give up delivering babies because she could no longer afford the crushing burden of inflated insurance costs imposed upon her by these trial lawyers bringing frivolous lawsuit after frivolous lawsuit against OB/GYNs.

Of course, insurance companies—we have heard they make all kinds of money. I tell you, in my State of Montana I think only a very few companies offer any kind of medical liability. While the trial lawyers' bank accounts

have continued to grow, the number of doctors able to perform one of the most important acts a doctor can perform has gone down and patients are the ones being hurt.

Given the choice between siding with doctors and patients or the legal community, I think I will take the side of the doctors and the patients every time.

That is not to say if a person has been wronged or harmed by negligence, they shouldn't be able to recover their economic loss. It is time for us to step up to the plate and set the policy and finally do something to ease this cost of not only insurance but our total health care system.

Those who would oppose medical liability reform will say there is no problem, there are no frivolous lawsuits, and these reforms only harm those who have been hurt by doctors' negligence. Those assertions are simply false. No two ways about it. Let's look at the facts. On any given day there are nearly 125,000 lawsuits pending against health care providers, and 75 percent of these will close with no payment.

Some would say that is not bad, there is no harm, 75 percent will close with no payment—so what? The cost comes to the medical community when you have to pay for and provide a defense. Statistics show that of cases that do go to trial, 86 percent of the doctors will be found not liable. Still, the cost of defending the case is very costly. Consequently, the doctors who are targeted by these lawsuits will spend an average of \$90,000 to defend themselves. That is added into the cost of our health care, not only for providers but also into our insurance premiums.

More striking is the impact these suits have on American access to quality medical care. One in seven obstetricians no longer delivers babies due to the fear of being sued; 30 percent to 50 percent of high-risk specialists are sued every year. That is a high number. How would you want to spend all this time and money, and then fall into a category that, once you go into practice, you have a 30- to 50-percent chance of being sued every year while you are in practice?

Mr. President, 79 percent of physicians practice defensive medicine. What is that? It is ordering costly and unnecessary tests due to the fear of being sued, of not covering all the bases—not only covering all the bases but maybe covering them twice. This adds between \$83 billion and \$151 billion per year in added costs to patients and their physicians.

The impact on my State of Montana and other rural States has been even more disturbing. Today there are only 104 obstetricians practicing in Montana. The population of Montana is 900,000. Over the past decade, liability premiums for many hospitals, including many nonprofit critical access hospitals in Montana, have risen nearly 1,000 percent.

I am a big proponent of rural health in order to maintain smaller hospitals, critical access hospitals, and delivery of health care services closer to the people. I think I have 12 or 13 counties that have no doctors at all—none, zip. That concerns me. People who live in those counties should have access to health care providers. Right now those of us in rural America simply cannot afford this. Right now, in Montana, we are very thin in those low populated counties that are remote from a bigger city that may have a larger medical corridor. As a result, many in my State travel hundreds of miles to see a doctor, sometimes all the way to cities such as Seattle and Minneapolis, Salt Lake City, or Denver, CO, for specialized care. I fear this situation will only worsen if we do not act now.

We can't continue to sit back and allow this to go on, and allow this situation to damage our health care system. Our doctors cannot afford it and, more importantly, our loved ones who rely on access to affordable health care cannot afford it, either.

I urge my colleagues to pass both of these bills, S. 22 and S. 23. These bills bring a fair and reasonable reform to medical liability systems, the system that will work. In fact, the model we are sort of patterning this one after is working in Texas. Since the enactment of similar laws in the State of Texas, the largest liability carrier has dropped its premium by 22 percent, competition in the health care liability market is increasing, premiums are stable or down, and access to health care is up. I think that is what we want to see happen.

Clearly this approach is working to the benefit of doctors and patients and, more importantly, I want to put the emphasis on patients. The only people hurt by these commonsense reforms are the folks who make a living in frivolous lawsuits. So I call upon this body to reject their money, their influence, and do what is right for the American people, especially young mothers, and for healthy babies.

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

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

The assistant legislative clerk proceeded to call the roll.

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

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

#### MEDICAL LIABILITY CRISIS

Mr. BURR. Mr. President, some in this institution suggest that there is no liability crisis in health care in America. I am here today to say that I don't think anyone in America believes that. They may believe it in this institution. As a Senator from North Carolina, I can state no one from North Carolina believes it.



Not only has the out-of-control litigation in health care over the last decade inflated the cost for every American, it has now begun to affect the access we have to health care services.

Doctors across the State in North Carolina report they have been forced to reduce the coverage of critical medical services, especially in obstetrics, neurosurgery, orthopedics, plastic surgery, and primary care because of the sharp increase in the cost of medical malpractice insurance coverage. It has gotten so high they cannot afford the coverage.

Hospitals are concerned about the potential reduction in their services to their communities in the future as a result of the current crisis in medical liability insurance where premium increases and declining reimbursements continue. Hospitals report that the insurance crisis is making it increasingly more difficult for their medical staff to obtain adequate insurance coverage, and more importantly, at affordable prices.

The crisis is real. We can no longer in this institution act like an ostrich, put our head in a hole in the ground, and believe because we cannot see it, it does not exist.

Some nursing homes in North Carolina this year have no choice but to operate without liability insurance in order to stay open. The oldest and the frail in this country would not have the facilities to live in but for the brave decision of some owners that forego the insurance they can't afford.

Other long-term care facilities, faced with the huge increase in premiums, have been forced to reduce staff hours, freeze wages and reduce residents' activities. Those are things we do not want to see happen to that population.

North Carolina faces a medical liability insurance crisis. I had a friend who graduated from Wake Forest with me and was lucky enough to go to medical school. Today he is a nephrologist. I don't even know what a nephrologist is. I am not sure that too many people in America know what a nephrologist is. But I can tell you that he tells me nephrologists rarely get sued. In the last 3 years, his liability insurance has increased 300 percent. He has had a 300-percent increase in his cost to continue to practice medicine in a specialty that rarely sees lawsuits.

North Carolina hospitals have experienced medical liability insurance premiums increasing from 400 to 500 percent for the past 3 years, with small rural hospitals experiencing the greatest increases.

According to two recent studies, North Carolina's nursing homes are experiencing a tremendous increase in their medical liability premiums. Premiums for some nursing homes in North Carolina have skyrocketed by as much as 1,800 percent since 1995. But some in this institution suggest there is not a liability crisis in health care in America.

The U.S. Department of Health and Human Services has concluded that the

leading cause of the national liability insurance crisis is the recent explosion in multimillion dollar litigation awards and the resulting instability this creates in the medical liability insurance market.

The U.S. Department of Health and Human Services cited that North Carolina is tied with Nevada for the most mega malpractice awards in recent years. But some in this institution suggest that there is not a medical liability crisis in America.

Not only is it a crisis, health care services are out of the realm of the average American. It is driving doctors out of the profession of delivering medical services. In medical schools across the country this year, just as last year and the year before, many students will make a decision as to the specialties they choose for their entire medical profession based upon the likelihood of being sued in a court versus where their interests and their love might exist in health care. But some suggest there is not a liability crisis in America.

In North Carolina today we have a shortage of OB/GYNs, we have a shortage of neurosurgeons, we have a shortage of thoracic surgeons. When you look at the demographic shift that is happening in America, the Census Bureau projects that in North Carolina alone we will have a 53-percent increase in the State's population over the next 20 years. We will be the seventh most populated State. The OB/GYNs better move there because without OB/GYNs we are not going to deliver new babies. If they move there for retirement, which is probably our largest growth area, they may find out that they are moving to a State that has a tremendous health care infrastructure but the state does not have the specialists in neurology, in neurosurgery, and thoracic surgery available for their age group, and then they will have not made the wisest decision. But some suggest there is no crisis.

Lawsuits today are the leading cause of liability insurance increases. Changes are needed to protect patient access to health care. States that have enacted comprehensive common sense liability reforms have experienced much lower increases in medical liability insurance premiums compared to States such as North Carolina and Nevada because we have yet to adopt such reforms.

It is imperative this institution accept the national responsibility to end this crisis in health care, to make sure that the next students in our medical schools make decisions based upon where they want to practice and who, in fact, they want to help and not based upon where their fear exists of where the trial bar is most likely to target for the next lawsuit.

Over the years, I have heard from a lot of folks in North Carolina. I received this letter from a doctor in Greensboro, NC, in the month of April. It says:

As an orthopaedic trauma surgeon, I urge you to pass medical liability reform this year. Each year, reform legislation passes the House of Representatives, but stalls in the Senate. Special interests are standing in the way of reform.

I can say that special interests are not the patients across this country, it is not the patient who is looking for the specialist in North Carolina.

The letter goes on to say:

I can tell you from the point of view of someone on the front line of medicine that America's (and North Carolina's) medical liability crisis has to be solved. Medical lawsuit abuse and unpredictable and huge verdicts are forcing good doctors out of practice. Fewer young doctors are entering important, but high risk specialties, including orthopedics, obstetrics, and emergency medicine. Others are cutting back on critical, but risky procedures, leaving patients to wonder where they will get care when they most need it.

The cost of defensive medicine alone is staggering. I see it all the time: doctors ordering tests and referring patients to specialists more out of fear of lawsuits than because doctors believe the tests or extra visits are medically indicated. These costs are dragging down our health care system and our economy, and they ultimately increase out-of-pocket patient costs. It is time we fix this broken system.

I am not sure that anyone summed up the crisis in America in a one-page letter better than this doctor, this doctor who said that he is on the front line of medicine in America and in North Carolina. He put his finger on the point that if we don't solve it today, fewer young doctors will be entering the profession. That means less choice. Fewer doctors doing high-risk procedures in trauma care, something that doctors perform because they are trying to save a life.

Others are cutting back on critical but risky procedures, leaving patients to wonder who will be there to do these procedures.

In this institution, we fight cost and access. In America, we fight cost and access. Many times the decisions we make as Americans, such as choosing to move to a particular area because the schools are good, also includes the big component that there is a major medical facility available for us and our family.

The realities are, as this goes on, those major medical areas are going to be more and more important because in rural America there will not be doctors. And if there are no doctors, we know today, based upon what doctors tell us, there won't be OB/GYNs. We will have to tell pregnant women, let us know when you think you are going to go in labor because it is a 2-hour drive to the nearest facility that delivers babies. Or, as we have seen in some places, no natural child births, only Caesarian, because there is a risk of litigation to natural delivery that does not exist with the procedure of Caesarian birth. But some suggest in this institution that the liability crisis does not exist in America.

We come to the Senate to debate how we change health care policy so that health care is accessible and affordable for all Americans. We understand today how many Americans, or we think we do, go without insurance, without coverage, without the security at night of knowing that whatever happens to them, they have a policy to take care of.

If we did not solve this problem, it does not matter what the policy says. If the doctor is not there, where is our level of security? Where is the level of security of an American today that lives in a rural market where their hospital is closed? Not just their doctor left, but because of an 1,800-percent increase in the cost of liability insurance, they have decided to close the doors.

The burden falls on the payer—us—on insurance companies to try to raise the reimbursements big enough to make the payments for liability coverage. Why? Because of mega-awards, because of the influence those mega-awards have, in fact, had on the insurance product itself.

Dr. Handy was not the only one who wrote me. I had an interesting note from a doctor in Fayetteville, a member of a four-person neurology practice that cannot attract physicians to join the practice because of the inhospitable liability environment that exists. She and her husband are both neurosurgeons. They want to stay in North Carolina, but they may need to move and are actively looking elsewhere because they cannot even attract a neurologist to come into an existing practice.

They realize, as two neurosurgeons, if your practice cannot grow based on today's reimbursement structure, there is no way they can survive. Increases in their costs of insurance have limited their ability to deliver charity care. They have also decreased their participation in workers' comp. Their practice writes off more than \$1 million a year in uncollectible accounts. There are currently only four neurosurgeons in Fayetteville, NC—the pentagon of the Army, Fort Bragg, NC, where over 55,000 men and women in the U.S. Army call home.

But some still suggest there is not a crisis. You see, it is easy to suggest that something does not exist because I think there is a tendency in our system that until it directly affects us, it really does not exist.

The reality is that every day we meet in this incredible, historic institution, there are people across this country who do not have access to a doctor, who cannot afford the services, who have been affected by the fact that the liability crisis in America is, in fact, real and has affected them.

Well, the challenge for this Senate, as we move forward, is to make sure our voices are louder than those who suggest there is not a crisis, to make sure the human face of those around America—who are affected directly and

indirectly by the liability crisis that exists in medicine today—to make sure their voice is heard, their face is seen, that in this institution, as we talk about solutions, we look around the country and say: What have others done?

Well, that is what we are getting ready to do next week. We have looked around the country and seen who has been successful. And we are going to adopt a model that exists in Texas. It is not one that tightens as much as California. California, usually not necessarily the one that looks at Washington and says: Limit something for us—California woke up and said: There may not be a liabilities crisis in America, but there is a liability crisis in California, and we are going to put caps in, we are going to bring some sanity to the system, we are going to bring in the parameters that drive price's down and encourage doctors to practice here in, yes, obstetrics, in neurology, in neurosurgery, and thoracic surgery.

California thrives today. What was California's comment about what we might do in Washington? It was: My gosh, don't make us raise our caps to what you are going to establish in all the States. We are below that today. I never thought I would say: California does something right. Let's mirror it. But that day has come in the Senate but at a time where some still suggest there is not a crisis.

What do we want to do? Replicate what, in fact, States have replicated to address the high cost of health care, the lack of access, the flight of doctors, the need for specialists. We want to adopt that nationally. It is as simple as that.

Next week, people will come to the floor of the Senate and they will, in an incredible way, suggest there is not a crisis in America. I want those in the Chamber today to remember next week not just the doctors who say there is a crisis, and it is real, but to remember the patients out there who are directly affected by our inability to solve this problem. They are the ones for which the safety net is supposed to be there to protect them. But the safety net only works if the infrastructure is there. This is not about cost by itself today. This is about access. And when access goes away, our ability to address it with a safety net is gone.

I urge my colleagues to stay engaged. I look forward to next week's debate.

I thank the Presiding Officer for the time, and I yield back.

The PRESIDING OFFICER (Mr. BURR). The time of the majority has expired.

The Senator from Texas.

Mr. CORNYN. Mr. President, I ask unanimous consent to speak for up to 20 minutes in morning business.

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

#### MEDICAL LIABILITY REFORM

Mr. CORNYN. Mr. President, I come to the floor to add a few words to the

eloquent words spoken by the Senator from North Carolina about a national crisis in access to good quality health care.

Some have said we do not so much have a health care system in America today as a sick care system. We know there is a lot we can do to change that and improve that. But we, at bottom, need to make sure everyone in this country has access to good quality health care.

One of the ways we do that is by making it less onerous for health care providers—doctors and hospital workers—to practice their chosen profession. But right now—because of soaring costs of medical liability insurance, because of our unpredictable, some might say, litigation lottery system in this country—we need to come up with some practical ways to solve that problem, to help bring down those costs, to make it possible for doctors and health care providers to practice their profession. In the end, that is the only way we are going to be able to follow through on this promise of universal access to good quality health care in this country.

Now, we, fortunately—as Louis Brandeis described the States, he called them laboratories of democracy. And we know, as Americans, not all good ideas come from Washington, DC. Indeed, an awful lot of bad ideas come out of Washington, DC. What we need to do is to look for good models and good examples of success stories and to try to emulate those on a national basis.

Now, three times in the 108th Congress we brought to the floor legislation designed to modestly limit runaway damages—not for economic damages; that is, lost wages, medical bills, and the like—but, rather, to provide some reasonable caps on what are called noneconomic damages, things such as pain and suffering, punitive damage awards, and the like.

Three times we brought proposals to this floor to provide modest caps, to try to emulate the success stories in States across this Nation, to try to lower health care costs and increase access to health care, but we were denied an opportunity to have an up-or-down vote on those reforms.

We brought forward a bill limited to obstetricians and gynecologists because of the lack of doctors to deliver babies for pregnant women. We were told no. We then brought forward a bill limited to emergency room physicians, again, to try to deal with the crisis and the lack of access to well-trained emergency room physicians. Again, we were told no by the other side of the aisle.

But I have learned one thing in the short time I have been in the U.S. Congress; and that is, perseverance pays off. So if at first you do not succeed, try, try again, because, hopefully—hopefully—circumstances will have changed, people will reconsider. Hopefully, constituents, whom Members of the Senate represent, are talking to

their Senators and saying: We need reform. We need change. And so here we are again to make another try.

Just 2½ years ago, the voters in my State, the voters in Texas, passed proposition 12, a referendum that paved the way for medical liability reform and helped to stem the tide of frivolous and expensive litigation that had for so long plagued our civil justice system.

The result: Decreased costs and increased numbers of physicians. And with it, better access to good quality health care for the people of my State.

Consider the following: All major physician liability carriers in Texas have cut their rates since the passage of the reforms, most by double digits. Texas physicians have seen their liability rates cut, on average, 13.5 percent. Roughly half of Texas doctors have seen their rates slashed a quarter, producing roughly \$49 million in annualized premium savings for Texas physicians.

Let me make clear, this is not just about saving doctors money. That is not what this is about. This is about patient access because when the costs of doing business go so high, doctors who have practiced a long time, who are nearing retirement, say: Do you know what. I think I am going to retire early. Or when young, smart men and women are deciding what careers to pursue—if they look at a career where the overhead costs of practicing their chosen profession are so high that the rate of return on this investment they have made will be so low—they will decide to do something else.

That is why we have had a lack of access to health care in my State and in this country and why this issue of liability insurance rates coming down is so important to the ultimate goal of increased access to good quality health care.

In my State, since the reforms were passed, five carriers have announced double-digit rate cuts, and recently Medical Protective, a company that writes medical liability insurance coverage, announced a 13-percent rate cut in February—their third announced rate cut within a span of 11 months.

The largest underwriter, Texas Medical Liability Trust, has cut premiums almost 21 percent, resulting in \$86 million in savings, plus a \$10 million dividend for its policyholders.

Competition is also increasing. With the passage of these reforms, Texas has added three new regulated carriers, 20 unregulated carriers, and now Texas physicians can competitively shop for their medical liability insurance policies.

But that is not the only good news. By far, the most encouraging results of these reforms has been a flood of new physicians coming to Texas. So there are more people to treat my constituents, the patients of Texas.

Since proposition 12 passed, this medical liability reform, Texas has added somewhere in the order of between 3,000 and 4,000 new physicians. The

Texas medical board is anticipating a record 4,000 applications for new physician licenses just this year, which is twice last year's total, and 30 percent more than the State's single greatest growth year.

After a net loss of 14 obstetricians between the years 2001 and 2003, Texas has now seen a net gain of 146 obstetricians. Texas experienced a net loss of nine orthopedic surgeons from 2000 to 2003. Since these reforms were passed, the State has experienced a net gain of 127 orthopedic surgeons. And those who need it most are the ones who are benefiting, as physicians move to jurisdictions where there has been a woeful lack of available health care.

Sadly, in my State, the parts of the State that need access to health care the most are the ones that have been the least hospitable and, indeed, the most hostile to the health care providers because they have been the areas where medical liability lawsuits have run amok. This, in fact, has helped rein that in and bring some common sense to the system.

For example, Cameron County, along the Texas-Mexico border, is experiencing the greatest ever increase in numbers of physicians. Jefferson County, which is Beaumont, Nueces County, which is Corpus Christi, and Victoria County, which is Victoria, saw a net loss of physicians in the 18 months before these reforms were passed, but currently all three counties are producing impressive gains, adding much needed specialists and emergency room physicians. As a result, the people of those areas have benefited enormously. Each of the medically underserved communities of Corpus Christi and Beaumont now has a neurosurgeon that they did not have before the passage of the reforms.

Sometimes lost in the numbers are the real benefits that are realized, the day-to-day improvements in the lives of the people who are affected. After the passage of these reforms, two obstetricians in the small town of Fredericksburg, TX, announced their return with an advertisement in the local newspaper that said: "We're Back." One of these obstetricians, a Dr. David Cantu, had been working for more than 10 years with no claims, but he and his partner had to quit practicing their profession of obstetrics and gynecology because of the cost of insurance. Dr. Cantu's overhead was hitting 100 percent. In other words, everything he was earning was going to overhead, and he had a 3-month stretch of time when he could not draw down any pay whatsoever.

As soon as Dr. Cantu stopped delivering babies, the practice saw an immediate decrease in their insurance costs, but the patients were negatively impacted because they then had to travel miles away to have their babies delivered. This was doubly difficult for them considering that a full 70 percent of Dr. Cantu's patients were Medicaid patients and 40 percent were Spanish-speaking patients.

With this reform, Dr. Cantu and his partner are now able to deliver babies once again. When asked why proposition 12 in Texas helped him, Dr. Cantu said:

Because now I come out ahead instead of paying to be an obstetrician. Prop. 12 made the practice of obstetrics affordable.

After 4 years of searching for a neurosurgeon in Corpus Christi, the community successfully recruited Dr. Matthew Alexander from a Wisconsin residency program. Dr. Alexander told the Corpus Christi Caller-Times he would not have come to Texas had the reforms not passed. As a result, patients are now getting procedures previously unavailable to them.

Consider, for example, high school principal and triathlete Travis Longanecker, who was a recipient of an artificial disc in his back, the first procedure of its kind in south Texas. The surgery has alleviated his pain and allowed him to return to a normal life—again, a procedure that could not have previously been performed because Corpus Christi was having a difficult time recruiting a neurosurgeon to actually come practice there. Or consider George Rodriguez, who had a spinal abscess and arrived at the hospital paralyzed from the waist down. He had been in a paralyzed state for roughly 24 hours. Dr. Alexander again successfully performed the necessary procedure. But had the surgery been delayed for as little as 1 hour, George Rodriguez would have been paralyzed for life.

These stories are not about theory. This is not about actuaries and about insurance policies and premiums. These stories are not the stuff of academic journals, and these stories at bottom boil down to basic issues of life and death and quality of life. These are real-life examples. These are real people whose lives are much better as a direct result of the relief provided after the people of Texas took to the polls, took action, and passed these reforms.

While I am very proud of the reforms passed by Texas and the great strides we have been able to make in that State of 23 million people toward a better health care system, the fact is, we now have an opportunity to extend those benefits to all of the people in this country by passing nationwide legislation which would build on that Texas model and accomplish these reforms. I hope our colleagues who previously have blocked our ability to have an up-or-down vote on this important legislation will reconsider. The proof is as plain as the nose on your face. It is there for anyone and everyone to look at and to learn from. I hope those who have previously blocked our ability to address this important issue will have learned and will reconsider.

Obviously, health care is so important to all of our families and all of our lives. I am pleased that we will also be bringing to the floor the Health Insurance Marketplace Modernization and Affordability Act of 2005. That is a long title, but basically it is about giving

small businesses and other individuals an opportunity to pool together to try to make health insurance coverage more affordable and accessible so more people can have health insurance. We can use this to build on some of the great reforms we passed as recently as 2003 which allow people to create such things as health savings accounts, which has given rise to the whole notion of consumer-driven health care.

Someone pointed out to me not too long ago that we know more about the used cars we buy than we do about the health care services we purchase because we can find out about quality, we can find out about price, and we can compare. The fact is, the American consumer is largely denied that opportunity, and we need to provide that sort of transparency so that patients can compare and make the best decision for their needs and their family, and which, not coincidentally, will help bring down the price of health care services because people will be able to then pay out of their health savings account. Obviously, that will have an impact on utilization rates as well.

I thank the Chair for his patience and willingness to assume that position so I could say these few words both out of pride for my State and for the successful experiment we have conducted in Texas which has now served as a wonderful model for the United States going forward to try to address a true crisis. But not only a crisis, it is something that, once we address this and hopefully pass this medical liability legislation, Senator ENZI's health care bill which will provide greater access to health insurance and provide people with a better life, that we will ultimately have done something good that the American people can say: I know my Senator and my Congressman are up in Washington, and they are actually listening to what we are saying. They are actually dealing with the great issues that affect the quality of my life and my family's life, and that we will have done something of which we can be very proud.

I yield the floor.

#### LOCAL LAW ENFORCEMENT ENHANCEMENT ACT OF 2005

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. Each Congress, Senator KENNEDY and I introduce hate crimes legislation that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society. Likewise, each Congress I have come to the floor to highlight a separate hate crime that has occurred in our country.

In December, 2004, a 30-year-old man was beaten outside a restaurant in downtown Seattle, WA. The man received a concussion, split lip, loose teeth, a black eye, and bruises from being kicked while on the ground. The victim believed his assailants beat him

up because they thought that he was gay.

I believe that the Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

#### 35TH ANNIVERSARY OF AMTRAK

Mr. LAUTENBERG. Mr. President, I rise today to commemorate the 35th anniversary of Amtrak. When the first Amtrak Clocker train left New York, bound for New Jersey and Philadelphia, on May 1, 1971, it ushered in a new era of passenger rail travel in the United States. Millions of passengers from every corner of America can attest to the fact that Amtrak remains a vital part of our nationwide transportation network, and I firmly believe it's imperative that we not just preserve our nation's passenger rail system, but also develop it.

Amtrak's transformation from a tiny initiative with only 25 workers and widespread expectations of failure, to a successful national corporation with 19,700 employees in nearly every state, is one of the great success stories I've witnessed during my many years in the Senate. Every day approximately 68,000 travelers rely on Amtrak as an effective alternative to the hassles and delays of air travel, and the increasingly prohibitive gas costs and traffic congestion associated with highway travel.

Amtrak remains enormously important to my home State of New Jersey. Last year, for instance, over 3.4 million people boarded or exited an Amtrak train at the six rail stations in New Jersey, and nearly 1,700 New Jersey residents worked for Amtrak during this same time period. Approximately 110 Amtrak trains travel through my home State every day; this service, combined with the many rail lines that New Jersey Transit, SEPTA, PATH, and PATCO operate, truly makes New Jersey a national leader in passenger rail. I am immensely proud of this distinction—as all New Jerseyans are—and it would not be possible without Amtrak. The benefits of such a system are immense; without rails, our State would suffocate under extreme highway and airport traffic congestion. On Amtrak's Northeast Corridor service between Washington, DC, and Boston, MA, which stops at several points in New Jersey, the trains carry as many people as 75,000 fully loaded Boeing 757 jets each year. By contrast, there are only 102 flights between downtown Washington, DC, and the three New York City-area airports on an average weekday.

On December 11, 2000, the first Acela Express service began on the Northeast Corridor. As one of the leading proponents of high-speed rail in the Con-

gress, it has been a marvel to see the success of this train and its example of how high-speed rail can be successful in our country. I am a frequent rider of the Acela Express between New Jersey and Washington, and I appreciate the service for the same reasons that many others do: it is efficient, it is comfortable, it is cost-effective, and it is convenient. Most tellingly, the Acela Express's operations do not require a subsidy, and I expect its ridership to continue to grow as others discover the advantages of this remarkable train.

Mr. President, it is unfortunate that despite the great successes of Amtrak, it is necessary for the many defenders of the system myself included to fight for its survival at every turn. There are many within the Bush administration—and within the House and Senate—who would like nothing better than to see Amtrak wither and die, stranding millions of travelers in the process. We cannot let this happen, and as long as I am a member of the Senate, I will not let this happen. I will continue to work with a diverse set of colleagues on both sides of the aisle who realize the advantages of providing options for travelers and having a balanced national transportation system.

In short, Mr. President, I salute Amtrak for its achievements, and I extend the railroad and its employees, who are the backbone of the railroad's operation, warmest wishes for continued success through the next 35 years.

#### VOTE EXPLANATION

Mr. HATCH. Mr. President, due to the untimely loss of my beloved sister, Marilyn "Nubs" Hatch Kuch, I have been necessarily absent for a portion of the debate and votes on Wednesday, May 3 and Thursday, May 4, 2006.

Concerning the votes I missed, if I were present I would have voted as follows: nay for amendment No. 3616, striking funding to States based on their production of certain types of crops, livestock and/or dairy products; nay for amendment No. 3673, providing funds for assessments of critical reservoirs and dams in the State of Hawaii; nay for amendment No. 3601, allocating \$1,000,000 for the monitoring of waters off the coast of the State of Hawaii; yea for amendment No. 3704, allocating \$20,000,000 from the AmeriCorps program to the Veterans Health Administration for medical facilities; yea for final passage of H.R. 4939, the Fiscal Year 2006 Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery; yea for Executive Calendar No. 617, the nomination of Brian M. Cogan of New York to be the U.S. District Judge for the Eastern District of New York; and yea for Executive Calendar No. 618, the nomination of Thomas M. Golden of Pennsylvania to be the U.S. District Judge for the Eastern District of Pennsylvania. None of these votes would have changed the final outcome.

Mr. SCHUMER. Mr. President, yesterday I was pleased to introduce,

along with 21 of my Senate colleagues from diverse political, geographic, and ethnic backgrounds, a bipartisan and bicameral bill to reauthorize the Voting Rights Act of 1965.

The Senate Judiciary Committee has had a very busy year. Last Fall, while the House was beginning its hearings on the Voting Rights Act, we were just finishing our hearings and final vote on the nomination of John G. Roberts, Jr. to be Chief Justice of the Supreme Court. Soon after that, we began preparing for hearings on the nomination of Harriet Miers to replace Justice O'Connor on the Supreme Court. When that nomination was withdrawn, we had to start over with a new nominee, Samuel Alito. We held hearings for Justice Alito in January, and since then, we've had a very full schedule which has included several hearings on the legality of the President's domestic spying program and, of course, countless hours marking up comprehensive immigration legislation.

So, we are just now beginning our work on the Voting Rights Act. But our relatively late start here in the Senate should not be interpreted to suggest that the Voting Rights Act is not a priority compared to the other matters we have had to address. To the contrary, the actions we take with respect to the Voting Rights Act—like the actions we took during the Supreme Court confirmation hearings—will dramatically impact the rights and lives of American citizens for generations to come.

The Voting Rights Act has been hailed as the single most effective piece of civil rights legislation that we have ever passed. The Act does not simply guarantee the right to vote, but it ensures the effective exercise of that fundamental right. In 1965, when President Johnson signed the bill into law, there were only 300 minorities elected to State, local, or federal office. Today, just 4 decades later, there are some 10,000 minorities serving as elected public officials.

Leaders from both parties, including President Bush and Attorney General Gonzales, have said they support reauthorization. Today, leaders from both parties of both houses of Congress have come together to introduce this reauthorization bill.

The magic of the Voting Rights Act is apparent in my own hometown, New York City. New York City is one of the most diverse cities in the country, and the Voting Rights Act has been extremely effective in ensuring that all of our citizens are able to participate equally in the political process. But many of the Act's successes in New York have come only since the last time we renewed its major provisions.

For example, the first African American mayor of New York City wasn't elected until 1989, and the first African American wasn't elected to statewide office until 1994. In 2002, the first Asian American was elected to the New York City Council. And finally, just last

year, a mayoral candidate became the first Latino to win his party's nomination.

These strides are important, but they are too few and too recent to say for certain that the goals of the Voting Rights Act have been met. There is still a lot of work to do, and as a member of the Judiciary Committee, I look forward to reviewing the evidence and testimony that is going to be presented at our hearings in the weeks to come, and to working with my colleagues from both Houses and on both sides of the aisle to ensure that this bill is passed well before the deadline.

#### SMALL PUBLIC HOUSING AUTHORITIES PAPERWORK REDUCTION ACT

Mr. SUNUNU. Mr. President, I rise to speak on legislation I introduced yesterday, the Small Public Housing Authorities Paperwork Reduction Act. This legislation is an important step toward alleviating some of the burden placed on our Nation's smallest public housing authorities. PHAs play an important role in meeting the housing needs of the Nation's low-income individuals, families, seniors, and the disabled. Unfortunately, they face a challenge when balancing the housing needs of those they serve with the, oftentimes, consuming and duplicative reporting requirements placed upon them. The legislation I am introducing today seeks to address just one annual report that will free up a significant amount of time and resources, allowing housing authorities to focus more attention on the individuals they serve.

Specifically, this legislation would exempt PHAs with 500 or fewer public housing units and any number of section 8 vouchers from the requirement of submitting an annual plan to the Department of Housing and Urban Development. The 1992 Public Housing Reform Act required PHAs to submit separate 5-year and annual plans to HUD. The redundancy of the annual plan process creates an undue burden for small PHAs by requiring them to provide identical information to HUD every 12 months. For example, an annual plan outlines a PHA's goals, policies, eligibility guidelines, and other information that is unlikely to change from year to year. Under this bill, small PHAs would only be required to submit their 5-year plan—a more appropriate timeline for reevaluating their goals and policies—to better allow them to use scarce human and financial resources to directly serve the needs of their communities. Additionally, this bill would only exempt those PHAs that have demonstrated compliance with HUD regulations. PHAs that have been designated by HUD as troubled would not be exempted from the annual plan.

It is also important to note that PHAs would still be required to conduct an annual meeting in which residents and community members are in-

cluded in the planning and development of a housing authority's objectives and priorities. My legislation makes certain that residents have an opportunity to comment on any changes to the goals, objectives, and policies of the agency. Housing authorities are also required to notify tenants of any proposed changes at least 45 days before the public hearing occurs. The annual public meeting, in combination with State and local public meeting requirements, will continue to ensure that any changes made to a PHA's policies are well vetted, with particular attention paid to resident concerns.

PHA directors in my State and across the country contend that this legislation is a significant step toward reducing the excessive paperwork and reporting requirements that burden their agencies. I agree, that by mitigating some of this burden, we will allow PHAs to focus more time and energy for their mission-driven service to their housing residents. Not all PHAs have the time, staff, or resources available to complete these annual plans. Some PHAs have had to hire outside consultants to complete the plans, a costly expense for these agencies. Given the fiscal constraints PHAs are facing, it is more important now than ever to give housing authorities the flexibility needed to work within these budget constraints. This legislation is one simple way Congress can assist in providing needed relief to PHAs.

My colleague, Congressman RANDY NEUGEBAUER, has introduced similar legislation which passed in the House of Representatives on December 13, 2005, by a vote of 387 to 2. The overwhelming support in the House for such an initiative makes very clear the need for this type of relief. I am hopeful my colleagues in the Senate will also see the value of providing paperwork reduction for those agencies that have demonstrated their ability to comply with current regulations.

Finally, I am pleased to have the support of the New Hampshire Housing Finance Authority and local agencies across my State in this effort. New Hampshire's PHAs continue to do an exceptional job of providing for the housing needs of those who need it most. State and local housing agencies perform an invaluable community function by securing housing for families and individuals in need. I remain committed to working further with them throughout this legislative process and to reducing unnecessary federal regulatory burdens for housing.

#### COVER THE UNINSURED WEEK

Mr. KOHL. Mr. President, this week has been designated Cover the Uninsured Week. It is week that we mark every year to spur our Nation to act to address the growing number of Americans who lack health insurance. Sadly, that this has become an annual event shows that we have made little

progress. I hope this year will be different, and that the administration and the congressional leadership will finally make health care a priority.

The U.S. Census Bureau estimates that more than 45 million Americans lack health insurance—that is one out of every six people. Wisconsin fares slightly better with 11 percent of our population without health coverage.

These numbers have increased every year since 1999. All across the country, families and businesses are struggling to afford basic health care, and too many are losing the battle.

Government joined the fray, with some success, in the past. In 1997, Congress created the State Children's Health Insurance Program, which led to the BadgerCare program in Wisconsin. Since SCHIP's inception, the program has provided medical coverage and care to millions of children throughout the Nation who otherwise would have gone without. In addition, States have stepped in to provide a safety net for the poorest of the poor through Medicaid and high-risk insurance pools.

Despite these gains, many working families still need help. According to a report by the nonpartisan Commonwealth Fund, 41 percent of working-age Americans with incomes between \$20,000 and \$40,000 a year were uninsured for at least part of 2005. This is a dramatic increase from 2001, when just 28 percent of those with moderate incomes were uninsured.

This is an alarming statistic but not surprising. Skyrocketing health care costs have rendered insurance unaffordable to most families and businesses. In 1996, annual premiums for employers grew by 0.8 percent; by 2003, that growth averaged 13.9 percent. Last year, the average premium jumped 9.2 percent, and some areas of Wisconsin saw increases of as much as 24 percent.

All employers struggle with the costs of health care, but none more than the small employer. Many have stopped offering health insurance altogether, swelling the number of uninsured full-time workers.

Congress could help employers to continue providing health insurance by passing the Small Employers Health Benefits Program Act, which I cosponsored. The legislation, modeled after the health insurance system available to Federal workers, allows small employers to band together to purchase health insurance for their employees and negotiate better prices. It also gives employers a refundable tax credit to help with the costs of providing insurance for low-income employees.

Helping employers afford health care premiums is only part of the answer; we also must tackle the problem of escalating health care costs driven largely by the rising cost of prescription drugs. Americans pay the highest prices in the world for medicines sold in other countries for a fraction of the cost. I support reforms such as allowing Americans to purchase less expen-

sive prescription drugs from Canada and other countries with strong protections to ensure the safety of those medicines. I have also cosponsored legislation to speed to market generic drugs, which cost much less than their brand-name counterparts. And I believe we must allow Medicare to negotiate directly with drug companies for lower prices for seniors participating in the new Medicare drug benefit.

America is the leader of the world in health care innovation. We have the highest per-capita spending on health care of any developed nation, but we rank at the bottom when it comes to health insurance coverage.

That is inexcusable. For too long we have said the right things, but failed to take concrete action. Let's make the next year different. Next year, we should spend this week celebrating real progress rather than lamenting another year of inaction. Another year of empty rhetoric and pointing fingers will get us no closer to the goal of ensuring all Americans reliable, affordable health coverage. I stand ready to work with those on both sides of the aisle who are interested in making a real difference in the coming year.

#### ADDITIONAL STATEMENTS

##### RECOGNIZING TAFT HIGH SCHOOL

• Mrs. FEINSTEIN. Mr. President, I would like to take the opportunity to congratulate the students of the Taft High School Academic Decathlon Team on becoming this year's 2006 National Champions.

Each year, the U.S. Academic Decathlon tests our Nation's best and brightest in a host of subjects including calculus, writing, impromptu speaking, music, and art history. The competition is consistently among the most rigorous in the country.

Amassing an outstanding 51,659 points out of a possible 60,000, Taft High School earned one of the most sweeping and significant victories in recent decathlon history. As one decathlon official noted, "I've never seen anything like this."

These students could not have achieved this memorable accomplishment without the tremendous support and encouragement from their dedicated teachers and parents.

I commend the team coach Dr. Arthur Berchin and Taft High School faculty and administrators for their invaluable guidance, and I applaud the participants' parents for their unwavering dedication and commitment to helping these students reach their full potential.

I would also like to recognize team members Zachary Ellington, Michael Farrell, Farhan Khan, David Lopez, David Novgorodsky, Julia Rebrova, Atish Sawant, Dean Schaffer, and Monica Schettler for their tremendous poise and determination. I encourage them to continue the hard work and

perseverance that have brought them this victory. They are wonderful examples of true scholarship, and have made Taft High School, the county of Los Angeles, and the State of California very proud.

What is more extraordinary is that each Taft High School team member placed first, second, or third in all ten of their individual events, totaling 43 medals and capturing 7 of the top 9 awards for individual performance.

Equally important, the Taft High School Academic Decathlon Team is one strengthened by diversity, including students from Russia and Bangladesh. Good schools, like good societies and good families, celebrate and cherish diversity.

Many of these students have decided to take their scholastic successes to the next level, and will attend a myriad of prestigious colleges and universities in the fall. All participants have already taken undergraduate-level courses, and their passionate pursuit of academic excellence is indeed noteworthy.

Once again, I would like to honor the entire Taft High School Academic Decathlon Team on a well-deserved victory. Each of these students holds wonderful promise and I applaud them for their many achievements. Their futures are bright and their performance will continue to serve as an inspiration to us all. •

##### HAL DAVID CELEBRATES HIS 85TH BIRTHDAY

• Mr. KENNEDY. Mr. President, May 25th marks the 85th birthday of an extraordinary American artist—Hal David. Hal is one of America's most prolific and beloved lyricists, and I congratulate him as he celebrates this birthday and a lifetime of memorable songs.

Hal David's music has been entertaining millions for generations. His collaborations with Burt Bacharach on songs performed by Dionne Warwick are legendary. He has won the hearts of music lovers of all ages, and has earned 20 gold records, several Grammys, and an Academy Award.

Over the years he has also earned the immense respect of his colleagues nationally and internationally. He was elected to the Songwriter's Hall of Fame and awarded their prestigious Johnny Mercer Award. He received the Grammy Trustee Award from the Academy of Recording Arts and Sciences, and the Ivor Novello Award from the British Performing Rights Society.

He has written film scores including "The April Fools" and "A House is Not a Home." His brilliant works for the theater include "Promises, Promises," which received a Grammy Award and a Tony Award nomination.

Hal has been an inspiring advocate for young songwriters as well. He is a member of the board of directors of ASCAP and formerly served as its



President. He is also chairman of the board of the National Academy of Popular Music.

It is worth pointing out, as we debate immigration reform, that Hal wrote the song, "America Is," which was the official song of the Liberty Centennial campaign for the restoration of the Statue of Liberty and Ellis Island.

Many of us are privileged to know Hal personally. He is a remarkable artist and an outstanding humanitarian. Hal wrote the famous "What the World Needs Now is Love," and in so many ways, Hal has always expanded that love with his magnificent songs that have enriched all of our lives. I congratulate him on this special birthday, and I wish him many more beautiful years. As my mother would have said, "Tell that nice young Hal David not to worry about turning 85—he won't slow down for another 10 or 15 years." May the raindrops keep falling on your head, Hal, and keep nourishing your special genius.●

#### RECOGNITION OF AN OUTSTANDING MASSACHUSETTS CORPORATION

● Mr. KERRY. Mr. President, I am honored to recognize iRobot Corporation, an outstanding Massachusetts company that develops cutting edge technology, and to congratulate the board, management team and staff on the quality products they provide to our armed services.

Minimizing troop casualties is an endless task for both our civilian and military leaders, and I am proud to represent a State that hosts some of the country's leading thinkers in addressing that challenge. I had the pleasure of visiting such a company recently and I was deeply impressed by the commitment and perseverance of the people at iRobot.

Founded in 1990 by three roboticists from the Massachusetts Institute of Technology—Helen Greiner, Colin Angle and Rodney Brooks—iRobot designs behavior-based, artificially intelligent robots. These robots are built to perform dangerous duties that would otherwise risk the lives of our soldiers in Afghanistan and Iraq. Their economic impact on our state is considerable. As a homegrown Massachusetts business, iRobot brings in millions of dollars in revenue to the State's economy, and it is the only publicly traded company dedicated solely to this emerging industry.

I recently had the opportunity to see firsthand an extraordinary piece of equipment developed by iRobot—the PackBot Tactical Mobile Robot. The PackBot is a lightweight robot designed to disarm IEDs. There are currently more than 300 PackBot robots deployed in Iraq, Afghanistan, and around the world. Since mobilization, PackBot robots have performed thousands of missions and in the process saved countless soldiers' lives.

I applaud iRobot's efforts to develop 21st century technology to help our

troops accomplish their missions, and I am very proud that such an exemplary company calls Massachusetts home.●

#### CONGRATULATING THE STUDENTS OF EAST BRUNSWICK HIGH SCHOOL

● Mr. LAUTENBERG. Mr. President, I rise today to congratulate the students of East Brunswick High School in New Jersey for winning the 2006 "We the People: The Citizen and the Constitution" competition. The breadth of knowledge displayed about our government should serve as an inspiration to all Americans.

The road to the national championship was not an easy one. The students spent months researching different constitutional topics, ranging from the philosophical underpinnings of the Constitution to issues currently being debated on the Senate floor. Participants then participated in mock congressional hearings where they were questioned by state judges, professors, lawyers, and journalists.

East Brunswick first won the New Jersey state competition to earn the right to participate in the national finals here in Washington, DC. In three days of intense competition, the students competed against more than 1,500 other students from every State and the District of Columbia. This is East Brunswick's third consecutive win in this prestigious competition.

I would like to congratulate each member of the East Brunswick High School team: Brian Boyarksy, David Chu, Nelson Chu, Dana Covit, Megan DeMarco, Ben DeMarzo, Craig Distel, Deborah Elson, Dana Feuchtbaum, Munira Gunja, Melinda Guo, Shelby Highstein, Evan Hoffman, Jayasree Iyer, Ryan Korn, Michael Martelo, Carol Ann Moccio, Jeffrey Myers, Ari Ne'eman, Daniel Nowicki, Aditya Panda, Sherwin Salar, Gil Shefer, Aaron Sin, Lauren Slater, Eric Smith, Merichelle Villapando, Amy Wang, and Jason Yang. Congratulations also to their coaches Barbara Maier and Joyce Lentz, and their teacher Alan Brodman.

I am confident the Senate will join me in wishing all the members of this team congratulations and much success in the future.●

#### MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

#### EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations and a withdrawal which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

#### MESSAGES FROM THE HOUSE

##### ENROLLED BILLS SIGNED

At 9:33 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

S. 584. An act to require the Secretary of the Interior to allow the continued occupancy and use of certain land and improvements within Rocky Mountain National Park.

H.R. 3351. An act to make technical corrections to laws relating to Native Americans, and for other purposes.

The enrolled bills were subsequently signed by the President pro tempore (Mr. STEVENS).

At 12:15 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 4700. An act to provide for the conditional conveyance of any interest retained by the United States in St. Joseph Memorial Hall in St. Joseph, Michigan.

H.R. 5253. An act to prohibit price gouging in the sale of gasoline, diesel fuel, crude oil, and home heating oil, and for other purposes.

The message also announced that the House has agreed to the following concurrent resolutions, in which it requests the concurrence of the Senate:

H. Con. Res. 99. Concurrent resolution expressing the need for enhanced public awareness of traumatic brain injury and support for the designation of a National Brain Injury Awareness Month.

H. Con. Res. 359. Concurrent resolution authorizing the use of the Capitol Grounds for the District of Columbia Special Olympics Law Enforcement Torch Run.

##### MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 4700. An act to provide for the conditional conveyance of any interest retained by the United States in St. Joseph Memorial Hall in St. Joseph, Michigan; to the Committee on Environment and Public Works.

The following concurrent resolution was read, and referred as indicated:

H. Con. Res. 99. Concurrent resolution expressing the need for enhanced public awareness of traumatic brain injury and support for the designation of a National Brain Injury Awareness Month; to the Committee on Health, Education, Labor, and Pensions.

##### MEASURES PLACED ON THE CALENDAR

The following bills were read the second time, and placed on the calendar:

S. 22. A bill to improve patient access to health care services and provide improved medical care by reducing the excessive burden the liability system places on the health care delivery system.

S. 23. A bill to improve women's access to health care services and provide improved medical care by reducing the excessive burden the liability system places on the delivery of obstetrical and gynecological services.

## ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on May 4, 2006, she had presented to the President of the United States the following enrolled bill:

S. 584. An act to require the Secretary of the Interior to allow the continued occupancy and use of certain land and improvements within Rocky Mountain National Park.

## 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-6701. A communication from the Secretary, Federal Trade Commission, transmitting, pursuant to law, a report entitled "College Scholarship Fraud Prevention Act of 2000 Annual Report to Congress—May 2006"; to the Committee on Commerce, Science, and Transportation.

EC-6702. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report entitled "Fundamental Properties of Asphalts and Modified Asphalts—II"; to the Committee on Commerce, Science, and Transportation.

EC-6703. A communication from the Secretary of Transportation, transmitting, pursuant to law, the Safe Routes to School (SRTS) Task Force Report; to the Committee on Commerce, Science, and Transportation.

EC-6704. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Part 95 Instrument Flight Rules (55)—Amdt. No. 460" ((RIN2120-AA63)(Docket No. 30486)) received on April 28, 2006; to the Committee on Commerce, Science, and Transportation.

EC-6705. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Part 95 Instrument Flight Rules (16)—Amdt. No. 459" ((RIN2120-AA63)(Docket No. 30477)) received on April 28, 2006; to the Committee on Commerce, Science, and Transportation.

EC-6706. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Cessna Model 500, 501, 550, S550, 551, and 560 Airplanes" ((RIN2120-AA64)(Docket No. 2004-NM-53)) received on April 28, 2006; to the Committee on Commerce, Science, and Transportation.

EC-6707. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Eurocopter France Model SA-365N, SA-365N1, AS-365N2, and SA-366G1 Helicopters" ((RIN2120-AA64)(Docket No. 2005-SW-10)) received on April 28, 2006; to the Committee on Commerce, Science, and Transportation.

EC-6708. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Aerospatiale Model ATR42-200, -300, and -320 Airplanes" ((RIN2120-AA64)(Docket No. 2004-NM-152)) received on April 28, 2006; to the Committee on Commerce, Science, and Transportation.

EC-6709. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Eurocopter France Model EC 155B and B1 Helicopters" ((RIN2120-AA64)(Docket No. 2004-SW-46)) received on April 28, 2006; to the Committee on Commerce, Science, and Transportation.

EC-6710. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 747 Airplanes" ((RIN2120-AA64)(Docket No. 2005-NM-108)) received on April 28, 2006; to the Committee on Commerce, Science, and Transportation.

EC-6711. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 777-200 Series Airplanes" ((RIN2120-AA64)(Docket No. 2005-NM-207)) received on April 28, 2006; to the Committee on Commerce, Science, and Transportation.

EC-6712. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; MT-Propeller Entwicklung GmbH Propellers" ((RIN2120-AA64)(Docket No. 2004-NE-35)) received on April 28, 2006; to the Committee on Commerce, Science, and Transportation.

EC-6713. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 747SP, 747SR, 747-100, -100B, -100B SUD, -200B, -200C, -200F, and -300 Series Airplanes" ((RIN2120-AA64)(Docket No. 2001-NM-213)) received on April 28, 2006; to the Committee on Commerce, Science, and Transportation.

EC-6714. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; General Electric Company CF34 Series Turbofan Engines" ((RIN2120-AA64)(Docket No. 2000-NE-42)) received on April 28, 2006; to the Committee on Commerce, Science, and Transportation.

EC-6715. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; General Electric Company CF34-1A, -3A, -3A1, -3A2, -3B, and -3B1 Series Turbofan Engines" ((RIN2120-AA64)(Docket No. 2004-NE-26)) received on April 28, 2006; to the Committee on Commerce, Science, and Transportation.

EC-6716. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. Model EMB-135 Airplanes; and Model EMB-145, -145ER, -145MR, -145LR, -145XR, -145MP, and -145EP Airplanes" ((RIN2120-AA64)(Docket No. 2005-NM-185)) received on April 28, 2006; to the Committee on Commerce, Science, and Transportation.

EC-6717. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; McDonnell Douglas Model DC-9-10, -20, -30, -40 and -50 Series Airplanes, and Model DC-9-81 and DC-9-82 Airplanes" ((RIN2120-AA64)(Docket

No. 2004-NM-128)) received on April 28, 2006; to the Committee on Commerce, Science, and Transportation.

EC-6718. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; BAE Systems Limited Model BAe 146 and Model Avro 146-RJ Airplanes" ((RIN2120-AA64)(Docket No. 2005-NM-181)) received on April 28, 2006; to the Committee on Commerce, Science, and Transportation.

EC-6719. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 747-200F, -200F, -400, -400D, and -400F Series Airplanes" ((RIN2120-AA64)(Docket No. 2005-NM-187)) received on April 28, 2006; to the Committee on Commerce, Science, and Transportation.

EC-6720. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 747-200F, 747-200C, 747-400, 747-400D, and 747-400F Series Airplanes" ((RIN2120-AA64)(Docket No. 2005-NM-008)) received on April 28, 2006; to the Committee on Commerce, Science, and Transportation.

EC-6721. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 757-200 and -300 Series Airplanes" ((RIN2120-AA64)(Docket No. 2005-NM-210)) received on April 28, 2006; to the Committee on Commerce, Science, and Transportation.

EC-6722. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 720 and 720B Series Airplanes" ((RIN2120-AA64)(Docket No. 2006-NM-031)) received on April 28, 2006; to the Committee on Commerce, Science, and Transportation.

EC-6723. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Bombardier Model CL-600-2B19 Airplanes" ((RIN2120-AA64)(Docket No. 2006-NM-020)) received on April 28, 2006; to the Committee on Commerce, Science, and Transportation.

EC-6724. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Rolls-Royce plc Models RB211 Trent 768-60, Trent 772-60, and Trent 772B-60 Turbofan Engines" ((RIN2120-AA64)(Docket No. 2005-NE-48)) received on April 28, 2006; to the Committee on Commerce, Science, and Transportation.

EC-6725. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; The Cessna Aircraft Company Models 208 and 208B Airplanes" ((RIN2120-AA64)(Docket No. 2006-CE-07)) received on April 28, 2006; to the Committee on Commerce, Science, and Transportation.

EC-6726. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Class E Airspace; Wenatchee, WA" ((RIN2120-AA66)(Docket No. 05-ANM-06)) received on April 28, 2006; to the Committee on Commerce, Science, and Transportation.

EC-6727. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of the St. Louis Class B Airspace Area; MO" ((RIN2120-AA66)(Docket No. 03-AWA-2)) received on April 28, 2006; to the Committee on Commerce, Science, and Transportation.

EC-6728. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Palm Springs, CA" ((RIN2120-AA66)(Docket No. 05-AWP-14)) received on April 28, 2006; to the Committee on Commerce, Science, and Transportation.

EC-6729. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Kennett, MO" ((RIN2120-AA66)(Docket No. 05-ACE-32)) received on April 28, 2006; to the Committee on Commerce, Science, and Transportation.

EC-6730. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Gothenburg, Quinn Field, NE" ((RIN2120-AA66)(Docket No. 06-ACE-1)) received on April 28, 2006; to the Committee on Commerce, Science, and Transportation.

EC-6731. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Scott City Municipal Airport, KS" ((RIN2120-AA66)(Docket No. 06-ACE-2)) received on April 28, 2006; to the Committee on Commerce, Science, and Transportation.

EC-6732. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Beatrice, NE" ((RIN2120-AA66)(Docket No. 05-ACE-35)) received on April 28, 2006; to the Committee on Commerce, Science, and Transportation.

EC-6733. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of the St. Louis Class B Airspace Area; MO; Correction" ((RIN2120-AA66)(Docket No. 03-AWA-2)) received on April 28, 2006; to the Committee on Commerce, Science, and Transportation.

EC-6734. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Scott City Municipal Airport, KS" ((RIN2120-AA66)(Docket No. 06-ACE-2)) received on April 28, 2006; to the Committee on Commerce, Science, and Transportation.

EC-6735. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Beatrice, NE" ((RIN2120-AA66)(Docket No. 05-ACE-35)) received on April 28, 2006; to the Committee on Commerce, Science, and Transportation.

EC-6736. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of the St. Louis Class B Airspace Area; MO" ((RIN2120-AA66)(Docket No. 03-AWA-2)) received on

April 28, 2006; to the Committee on Commerce, Science, and Transportation.

EC-6737. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of the Norton Sound Low, Woody Island Low and 1234L Offshore Airspace Areas; AK" ((RIN2120-AA66)(Docket No. 05-AAL-38)) received on April 28, 2006; to the Committee on Commerce, Science, and Transportation.

EC-6738. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Offshore Airspace Areas: Gulf of Alaska Low and Control 1487L; AK" ((RIN2120-AA66)(Docket No. 05-AAL-32)) received on April 28, 2006; to the Committee on Commerce, Science, and Transportation.

EC-6739. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Chignik, AK" ((RIN2120-AA66)(Docket No. 05-AAL-35)) received on April 28, 2006; to the Committee on Commerce, Science, and Transportation.

EC-6740. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Toksook Bay, AK" ((RIN2120-AA66)(Docket No. 05-AAL-36)) received on April 28, 2006; to the Committee on Commerce, Science, and Transportation.

EC-6741. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Nicholasville, KY" ((RIN2120-AA66)(Docket No. 05-ASO-12)) received on April 28, 2006; to the Committee on Commerce, Science, and Transportation.

EC-6742. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision of Class E Airspace; Holy Cross, AK" ((RIN2120-AA66)(Docket No. 05-AAL-34)) received on April 28, 2006; to the Committee on Commerce, Science, and Transportation.

EC-6743. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision of Class E Airspace; Koyuk Alfred Adams, AK" ((RIN2120-AA66)(Docket No. 05-AAL-14)) received on April 28, 2006; to the Committee on Commerce, Science, and Transportation.

EC-6744. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision of Class E Airspace; Sand Point, AK" ((RIN2120-AA66)(Docket No. 05-AAL-39)) received on April 28, 2006; to the Committee on Commerce, Science, and Transportation.

EC-6745. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Enroute Domestic Airspace, Vandenberg AFB, CA; Correction" ((RIN2120-AA66)(Docket No. 05-AWP-15)) received on April 28, 2006; to the Committee on Commerce, Science, and Transportation.

EC-6746. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, trans-

mitting, pursuant to law, the report of a rule entitled "Establishment of Class E Enroute Domestic Airspace, Vandenberg AFB, CA" ((RIN2120-AA66)(Docket No. 05-AWP-15)) received on April 28, 2006; to the Committee on Commerce, Science, and Transportation.

EC-6747. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E5 Airspace; David City, NE" ((RIN2120-AA66)(Docket No. 05-ACE-34)) received on April 28, 2006; to the Committee on Commerce, Science, and Transportation.

EC-6748. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Restricted Area 2507E; Chocolate Mountains, CA" ((RIN2120-AA66)(Docket No. 04-AWP-6)) received on April 28, 2006; to the Committee on Commerce, Science, and Transportation.

EC-6749. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendments to Colored Federal Airways; AK" ((RIN2120-AA66)(Docket No. 05-AAL-31)) received on April 28, 2006; to the Committee on Commerce, Science, and Transportation.

EC-6750. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of High Altitude Area Navigation Routes; South Central United States" ((RIN2120-AA66)(Docket No. 05-ASO-7)) received on April 28, 2006; to the Committee on Commerce, Science, and Transportation.

EC-6751. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of High Altitude Area Navigation Routes; South Central United States; Correction" ((RIN2120-AA66)(Docket No. 05-ASO-7)) received on April 28, 2006; to the Committee on Commerce, Science, and Transportation.

EC-6752. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures (31); Amdt. No 3152" ((RIN2120-AA65)(Docket No. 30478)) received on April 28, 2006; to the Committee on Commerce, Science, and Transportation.

EC-6753. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures (91); Amdt. No 3156" ((RIN2120-AA65)(Docket No. 30482)) received on April 28, 2006; to the Committee on Commerce, Science, and Transportation.

EC-6754. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures (33); Amdt. No 3157" ((RIN2120-AA65)(Docket No. 30483)) received on April 28, 2006; to the Committee on Commerce, Science, and Transportation.

EC-6755. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures (22); Amdt. No 3158" ((RIN2120-AA65)(Docket No. 30484)) received on April 28, 2006; to the Committee on Commerce, Science, and Transportation.

EC-6756. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures (30); Amdt. No 3159" ((RIN2120-AA65)(Docket No. 30485)) received on April 28, 2006; to the Committee on Commerce, Science, and Transportation.

EC-6757. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures (40); Amdt. No 3160" ((RIN2120-AA65)(Docket No. 30487)) received on April 28, 2006; to the Committee on Commerce, Science, and Transportation.

EC-6758. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures (23); Amdt. No 3161" ((RIN2120-AA65)(Docket No. 30488)) received on April 28, 2006; to the Committee on Commerce, Science, and Transportation.

EC-6759. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures (50); Amdt. No 3162" ((RIN2120-AA65)(Docket No. 30489)) received on April 28, 2006; to the Committee on Commerce, Science, and Transportation.

EC-6760. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures (11); Amdt. No 3163" ((RIN2120-AA65)(Docket No. 30490)) received on April 28, 2006; to the Committee on Commerce, Science, and Transportation.

EC-6761. A communication from the Deputy Bureau Chief, Consumer and Governmental Affairs Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Rules and Regulations Implementing the Telephone Consumer Protection Act of 1991; Junk Fax Prevention Act of 2005, Report and Order and Third Order on Reconsideration" (FCC 06-42) received on April 28, 2006; to the Committee on Commerce, Science, and Transportation.

EC-6762. 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 (Encino, Texas; and Steamboat Springs, Colorado)" (MB Docket Nos. 05-100 and 05-153) received on April 28, 2006; to the Committee on Commerce, Science, and Transportation.

EC-6763. 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 (Portage and Stoughton, Wisconsin)" (MB Docket No. 04-239) received on April 28, 2006; to the Committee on Commerce, Science, and Transportation.

EC-6764. 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 (Coalgate, Oklahoma and Silver Springs Shores, Florida)" (MB Docket Nos. 05-274 and 05-275) received on April 28, 2006; to the Committee on Commerce, Science, and Transportation.

EC-6765. 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 (Paint Rock and Big Lake, Texas)" (MB Docket No. 05-31) received on April 28, 2006; to the Committee on Commerce, Science, and Transportation.

EC-6766. 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 (Dover and North Canton, Ohio)" (MB Docket No. 04-377) received on April 28, 2006; to the Committee on Commerce, Science, and Transportation.

EC-6767. 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 (Abilene and Burlingame)" (MB Docket No. 05-133) received on April 28, 2006; to the Committee on Commerce, Science, and Transportation.

EC-6768. 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 (Franklin, Addis, and Eunice, Louisiana)" (MB Docket No. 05-291) received on April 28, 2006; to the Committee on Commerce, Science, and Transportation.

EC-6769. 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 (Hallettsville, Meyersville, San Antonio and Yoakum, Texas)" (MB Docket No. 05-246) received on April 28, 2006; to the Committee on Commerce, Science, and Transportation.

EC-6770. 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 (Aquila, Apache Junction, Buckeye, Glendale, Peoria, Wenden, and Wickenburg, Arizona)" (MB Docket No. 05-270) received on April 28, 2006; to the Committee on Commerce, Science, and Transportation.

#### EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. SPECTER for the Committee on the Judiciary.

Norman Randy Smith, of Idaho, to be United States Circuit Judge for the Ninth Circuit.

Milan D. Smith, Jr., of California, to be United States Circuit Judge for the Ninth Circuit.

Renee Marie Bumb, of New Jersey, to be United States District Judge for the District of New Jersey.

Noel Lawrence Hillman, of New Jersey, to be United States District Judge for the District of New Jersey.

Peter G. Sheridan, of New Jersey, to be United States District Judge for the District of New Jersey.

Susan Davis Wigenton, of New Jersey, to be United States District Judge for the District of New Jersey.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

#### INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mrs. LINCOLN:

S. 2709. A bill to temporarily suspend the duty on muzzles for dogs; to the Committee on Finance.

By Mrs. LINCOLN:

S. 2710. A bill to temporarily suspend the duty on dog leashes; to the Committee on Finance.

By Mrs. LINCOLN:

S. 2711. A bill to temporarily suspend the duty on harnesses for dogs; to the Committee on Finance.

By Mrs. LINCOLN:

S. 2712. A bill to temporarily suspend the duty on collars for dogs; to the Committee on Finance.

By Mrs. LINCOLN:

S. 2713. A bill to temporarily suspend the duty on certain reception apparatus; to the Committee on Finance.

By Mrs. LINCOLN:

S. 2714. A bill to temporarily suspend the duty on certain reception apparatus; to the Committee on Finance.

By Mrs. LINCOLN:

S. 2715. A bill to temporarily suspend the duty on certain clock radio combos; to the Committee on Finance.

By Mrs. LINCOLN:

S. 2716. A bill to temporarily reduce the duty on floor coverings and mats of vulcanized rubber; to the Committee on Finance.

By Mrs. LINCOLN:

S. 2717. A bill to temporarily reduce the duty on manicure and pedicure sets; to the Committee on Finance.

By Mr. ENSIGN:

S. 2718. A bill to require full disclosure by entities receiving Federal funds, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. NELSON of Florida:

S. 2719. A bill to designate the facility of the United States Postal Service located at 1400 West Jordan Street in Pensacola, Florida, as the "Earl D. Hutto Post Office Building"; to the Committee on Homeland Security and Governmental Affairs.

By Mr. BAUCUS:

S. 2720. A bill to amend the Internal Revenue Code of 1986 to provide incentives to improve America's research competitiveness, and for other purposes; to the Committee on Finance.

By Mr. SCHUMER (for himself, Mr. CRAPO, Mr. JOHNSON, Mr. THUNE, Mr. DEMINT, and Mr. ALLEN):

S. 2721. A bill to simplify the taxation of business activity, and for other purposes; to the Committee on Finance.

By Mrs. CLINTON (for herself and Mr. SCHUMER):

S. 2722. A bill to designate the facility of the United States Postal Service located at 170 East Main Street in Patchogue, New York, as the "Lieutenant Michael P. Murphy Post Office Building"; to the Committee on Homeland Security and Governmental Affairs.

By Mr. LAUTENBERG (for himself and Mrs. CLINTON):

S. 2723. A bill to amend title XVIII of the Social Security Act to require the sponsor of a prescription drug plan or an organization offering an MA-PD plan to promptly pay claims submitted under part D, and for other purposes; to the Committee on Finance.

By Mr. CARPER (for himself, Mr. ALEXANDER, Mr. CHAFEE, Mr. GREGG, Mr. DODD, Mrs. FEINSTEIN, and Mr. GRAHAM):

S. 2724. A bill to amend the Clean Air Act to establish a national uniform multiple air pollutant regulatory program for the electric generating sector; to the Committee on Environment and Public Works.

By Mrs. CLINTON (for herself, Mr. KENNEDY, Mr. JEFFORDS, Mr. LEAHY, Mr. HARKIN, and Mr. OBAMA):

S. 2725. A bill to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal Minimum wage and to ensure that increases in the Federal minimum wage keep pace with any pay adjustments for Members of Congress; to the Committee on Health, Education, Labor, and Pensions.

By Mr. REED (for himself and Mr. CHAFEE):

S. 2726. A bill to suspend temporarily the duty on Acid Blue 80; to the Committee on Finance.

By Mr. REED:

S. 2727. A bill to extend the temporary suspension of duty on Solvent blue 124; to the Committee on Finance.

By Mr. REED (for himself and Mr. CHAFEE):

S. 2728. A bill to extend the temporary suspension of duty on Pigment Red 185; to the Committee on Finance.

By Mr. REED (for himself and Mr. CHAFEE):

S. 2729. A bill to suspend temporarily the duty on Pigment Brown 25; to the Committee on Finance.

By Mr. REED (for himself and Mr. CHAFEE):

S. 2730. A bill to extend the temporary suspension of duty on Pigment Yellow 175; to the Committee on Finance.

By Mr. REED (for himself and Mr. CHAFEE):

S. 2731. A bill to suspend temporarily the duty on Pigment Yellow 213; to the Committee on Finance.

By Mr. REED (for himself and Mr. CHAFEE):

S. 2732. A bill to suspend temporarily the duty on Pigment Yellow 219; to the Committee on Finance.

By Mr. REED (for himself and Mr. CHAFEE):

S. 2733. A bill to extend the temporary suspension of duty on Pigment Yellow 154; to the Committee on Finance.

By Mr. REED (for himself and Mr. CHAFEE):

S. 2734. A bill to suspend temporarily the duty on Pigment Blue 80; to the Committee on Finance.

By Mr. BOND (for himself and Mr. AKAKA):

S. 2735. A bill to amend the National Dam Safety Program Act to reauthorize the national dam safety program, and for other purposes; to the Committee on Environment and Public Works.

By Mr. CRAIG (for himself and Mr. AKAKA):

S. 2736. A bill to require the Secretary of Veterans Affairs to establish centers to provide enhanced services to veterans with amputations and prosthetic devices, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. REED (for himself and Mr. CHAFEE):

S. 2737. A bill to extend the temporary suspension of duty on benzoic acid, 2-amino-4-[(2,5-dichlorophenyl)amino]carbonyl-, methyl ester; to the Committee on Finance.

By Mr. REED (for himself and Mr. CHAFEE):

S. 2738. A bill to extend the temporary suspension of duty on Pigment Red 187; to the Committee on Finance.

By Mr. REED (for himself and Mr. CHAFEE):

S. 2739. A bill to suspend temporarily the duty on Pigment Yellow 214; to the Committee on Finance.

By Mr. REED (for himself and Mr. CHAFEE):

S. 2740. A bill to suspend temporarily the duty on Pigment Yellow 180; to the Committee on Finance.

By Mr. REED (for himself and Mr. CHAFEE):

S. 2741. A bill to extend the temporary suspension of duty on Solvent blue 104; to the Committee on Finance.

By Mr. REED (for himself and Mr. CHAFEE):

S. 2742. A bill to extend the temporary suspension of duty on 4-amino-2,5-dimethoxy-N-phenylbenzene sulfonamide; to the Committee on Finance.

By Mr. REED (for himself and Mr. CHAFEE):

S. 2743. A bill to extend the temporary suspension of duty on 1-oxa-3, 20-Diazadispiro [5.1.11.2] Heneicosan-21-one 2,2,4,4-Tetramethyl, reaction products with Epichloro-hydrin, hydrolyzed and polymerized; to the Committee on Finance.

By Mr. REED (for himself and Mr. CHAFEE):

S. 2744. A bill to suspend temporarily the duty on isobutyl parahydroxybenzoic acid and its sodium salt; to the Committee on Finance.

By Mr. REED (for himself and Mr. CHAFEE):

S. 2745. A bill to suspend temporarily the duty on phosphinic acid, diethyl-, aluminum salt; to the Committee on Finance.

By Mr. REED (for himself and Mr. CHAFEE):

S. 2746. A bill to suspend temporarily the duty on Phosphinic acid, diethyl-, aluminum salt along with synergists and encapsulating agents; to the Committee on Finance.

By Mr. BINGAMAN (for himself, Mr. BAYH, Mr. COLEMAN, Mr. LIEBERMAN, Mr. CHAFEE, Ms. CANTWELL, Ms. COLLINS, Mr. SALAZAR, Mr. KERRY, Mrs. CLINTON, and Mr. NELSON of Florida):

S. 2747. A bill to enhance energy efficiency and conserve oil and natural gas, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. BINGAMAN (for himself, Mr. BAYH, Mr. COLEMAN, Mr. LIEBERMAN, Mr. LUGAR, Ms. CANTWELL, Ms. COLLINS, Mr. SALAZAR, Mr. KERRY, Mrs. CLINTON, and Mr. NELSON of Florida):

S. 2748. A bill to amend the Internal Revenue Code of 1986 to provide tax incentives to promote energy production and conservation, and for other purposes; to the Committee on Finance.

By Mr. BROWNBACK (for himself, Mr. KYL, and Mrs. HUTCHISON):

S. 2749. A bill to update the Silk Road Strategy Act of 1999 to modify targeting of assistance in order to support the economic and political independence of the countries of Central Asia and the South Caucasus in recognition of political and economic changes in these regions since enactment of the original legislation; to the Committee on Foreign Relations.

By Mr. DEMINT:

S. 2750. A bill to improve access to emergency medical services through medical liability reform and additional Medicare payments; to the Committee on Finance.

By Mr. NELSON of Nebraska (for himself and Mr. DOMENICI):

S. 2751. A bill to strengthen the National Oceanic and Atmospheric Administration's drought monitoring and forecasting capabilities; to the Committee on Commerce, Science, and Transportation.

By Mr. GRASSLEY (for himself and Mr. BAUCUS):

S. 2752. A bill to amend titles II and XVIII of the Social Security Act to limit the service of a member of the Board of Trustees of the Federal Old-Age and Survivors Insurance Trust Fund, the Federal Disability Insurance Trust Fund, the Federal Hospital Insurance Trust Fund, or the Federal Supplementary Medical Insurance Trust Fund serving as a member of the public to one four-year term and to require the President to consult with the chairman and ranking member of the Committee on Finance of the Senate prior to nominating an individual to serve as such a member; to the Committee on Finance.

By Mr. AKAKA:

S. 2753. A bill to require a program to improve the provision of caregiver assistance services for veterans; to the Committee on Veterans' Affairs.

## SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. CHAMBLISS (for himself and Mr. FRIST):

S. Res. 465. A resolution expressing the sense of the Senate with respect to childhood stroke and designating May 6, 2006, as "National Childhood Stroke Awareness Day"; considered and agreed to.

By Mr. NELSON of Florida (for himself, Mr. TALENT, Mr. DEWINE, Mr. REID, and Mr. BROWNBACK):

S. Res. 466. A resolution designating May 20, 2006, as "Negro Leaguers Recognition Day"; considered and agreed to.

By Mr. THUNE (for himself and Mr. FRIST):

S. Res. 467. A resolution expressing the sense of the Senate that the President should use all diplomatic means necessary and reasonable to influence oil-producing nations to immediately increase oil production and that the Secretary of Energy should submit to Congress a report detailing the estimated production levels and estimated production capacity of all major oil-producing countries; to the Committee on Foreign Relations.

By Mrs. FEINSTEIN (for herself and Mrs. BOXER):

S. Res. 468. A resolution supporting the continued administration of Channel Islands National Park, including Santa Rosa Island, in accordance with the laws (including regulations) and policies of the National Park Service; to the Committee on Energy and Natural Resources.

## ADDITIONAL COSPONSORS

S. 22

At the request of Mr. ENSIGN, the name of the Senator from Tennessee (Mr. ALEXANDER) was added as a cosponsor of S. 22, a bill to improve patient access to health care services and provide improved medical care by reducing the excessive burden the liability system places on the health care delivery system.

S. 23

At the request of Mr. SANTORUM, the name of the Senator from Tennessee (Mr. ALEXANDER) was added as a cosponsor of S. 23, a bill to improve women's access to health care services and provide improved medical care by reducing the excessive burden the liability system places on the delivery of obstetrical and gynecological services.

S. 811

At the request of Mr. DURBIN, the names of the Senator from Hawaii (Mr. AKAKA), the Senator from Montana (Mr. BAUCUS), the Senator from California (Mrs. BOXER), the Senator from Delaware (Mr. CARPER), the Senator from New York (Mrs. CLINTON), the Senator from Minnesota (Mr. DAYTON), the Senator from Connecticut (Mr. DODD), the Senator from California (Mrs. FEINSTEIN), the Senator from Iowa (Mr. HARKIN), the Senator from Hawaii (Mr. INOUE), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Massachusetts (Mr. KERRY), the Senator from Wisconsin (Mr. KOHL), the Senator from Louisiana (Ms. LANDRIEU), the Senator from Vermont (Mr. LEAHY), the Senator from Michigan (Mr. LEVIN), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Arkansas (Mrs. LINCOLN), the Senator from New Jersey (Mr. MENENDEZ), the Senator from Washington (Mrs. MURRAY), the Senator from Florida (Mr. NELSON), the Senator from Nevada (Mr. REID), the Senator from West Virginia (Mr. ROCKEFELLER), the Senator from Colorado (Mr. SALAZAR), the Senator from New York (Mr. SCHUMER), the Senator from Michigan (Ms. STABENOW) and the Senator from Oregon (Mr. WYDEN) were added as cosponsors of S. 811, a bill to require the Secretary of the Treasury to mint coins in commemoration of the bicentennial of the birth of Abraham Lincoln.

S. 843

At the request of Mr. SANTORUM, the names of the Senator from New Hampshire (Mr. SUNUNU), the Senator from Louisiana (Mr. VITTER) and the Senator from Arizona (Mr. MCCAIN) were added as cosponsors of S. 843, a bill to amend the Public Health Service Act to combat autism through research, screening, intervention and education.

S. 930

At the request of Mr. DODD, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 930, a bill to amend the Federal Food, Drug, and Cosmetic Act with respect to drug safety, and for other purposes.

S. 1015

At the request of Mr. DEMINT, the names of the Senator from Oklahoma (Mr. COBURN), the Senator from Oklahoma (Mr. INHOFE) and the Senator from Kansas (Mr. BROWNBACK) were added as cosponsors of S. 1015, a bill to amend the Public Health Service Act to provide for cooperative governing of individual health insurance coverage offered in interstate commerce.

S. 1046

At the request of Mr. KYL, the name of the Senator from Montana (Mr. BURNS) was added as a cosponsor of S. 1046, a bill to amend title 28, United States Code, with respect to the jurisdiction of Federal courts over certain cases and controversies involving the Pledge of Allegiance.

S. 1086

At the request of Mr. OBAMA, his name was added as a cosponsor of S. 1086, a bill to improve the national program to register and monitor individuals who commit crimes against children or sex offenses.

At the request of Mr. HATCH, the name of the Senator from South Carolina (Mr. DEMINT) was added as a cosponsor of S. 1086, *supra*.

S. 1508

At the request of Mr. FEINGOLD, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. 1508, a bill to require Senate candidates to file designations, statements, and reports in electronic form.

S. 1555

At the request of Ms. CANTWELL, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 1555, a bill to amend the Farm Security and Rural Investment Act of 2002 to reform funding for the Seniors Farmers' Market Nutrition Program, and for other purposes.

S. 1631

At the request of Mr. DORGAN, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 1631, a bill to amend the Internal Revenue Code of 1986 to impose a temporary windfall profit tax on crude oil and to rebate the tax collected back to the American consumer, and for other purposes.

S. 1741

At the request of Mrs. CLINTON, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1741, a bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to authorize the President to carry out a program for the protection of the health and safety of residents, workers, volunteers, and others in a disaster area.

S. 2010

At the request of Mr. HATCH, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 2010, a bill to amend the Social Security Act to enhance the Social Security of the Nation by ensuring adequate public-private infrastructure and to resolve to prevent, detect, treat, intervene in, and prosecute elder abuse, neglect, and exploitation, and for other purposes.

S. 2025

At the request of Mr. BAYH, the names of the Senator from Maine (Ms. COLLINS) and the Senator from Delaware (Mr. CARPER) were added as cosponsors of S. 2025, a bill to promote the national security and stability of the United States economy by reducing the dependence of the United States on oil through the use of alternative fuels and new technology, and for other purposes.

S. 2083

At the request of Mrs. CLINTON, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor

of S. 2083, a bill to prohibit the Assistant Secretary of Homeland Security (Transportation Security Administration) from removing any item from the current list of items prohibited from being carried aboard a passenger aircraft.

S. 2178

At the request of Mr. SPECTER, the name of the Senator from Missouri (Mr. BOND) was added as a cosponsor of S. 2178, a bill to make the stealing and selling of telephone records a criminal offense.

S. 2302

At the request of Mr. LOTT, the names of the Senator from California (Mrs. BOXER) and the Senator from New Jersey (Mr. LAUTENBERG) were added as cosponsors of S. 2302, a bill to establish the Federal Emergency Management Agency as an independent agency, and for other purposes.

S. 2322

At the request of Mr. ENZI, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 2322, a bill to amend the Public Health Service Act to make the provision of technical services for medical imaging examinations and radiation therapy treatments safer, more accurate, and less costly.

S. 2418

At the request of Ms. SNOWE, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 2418, a bill to preserve local radio broadcast emergency and other services and to require the Federal Communications Commission to conduct a rulemaking for that purpose.

S. 2419

At the request of Mr. STEVENS, the names of the Senator from Hawaii (Mr. INOUE) and the Senator from Hawaii (Mr. AKAKA) were added as cosponsors of S. 2419, a bill to ensure the proper remembrance of Vietnam veterans and the Vietnam War by providing a deadline for the designation of a visitor center for the Vietnam Veterans Memorial.

S. 2548

At the request of Mr. STEVENS, the names of the Senator from North Dakota (Mr. CONRAD) and the Senator from South Dakota (Mr. JOHNSON) were added as cosponsors of S. 2548, a bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to ensure that State and local emergency preparedness operational plans address the needs of individuals with household pets and service animals following a major disaster or emergency.

S. 2556

At the request of Mr. BAYH, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 2556, a bill to amend title 11, United States Code, with respect to reform of executive compensation in corporate bankruptcies.

S. 2566

At the request of Mr. LUGAR, the name of the Senator from Mississippi



(Mr. COCHRAN) was added as a cosponsor of S. 2566, a bill to provide for coordination of proliferation interdiction activities and conventional arms disarmament, and for other purposes.

S. 2652

At the request of Mrs. FEINSTEIN, the name of the Senator from Colorado (Mr. SALAZAR) was added as a cosponsor of S. 2652, a bill to amend chapter 27 of title 18, United States code, to prohibit the unauthorized construction, financing, or, with reckless disregard, permitting the construction or use on one's land, of a tunnel or subterranean passageway between the United States and another country.

S. 2653

At the request of Mr. STEVENS, the name of the Senator from South Dakota (Mr. THUNE) was added as a cosponsor of S. 2653, a bill to direct the Federal Communications Commission to make efforts to reduce telephone rates for Armed Forces personnel deployed overseas.

S. 2697

At the request of Mr. LUGAR, the names of the Senator from Nebraska (Mr. HAGEL) and the Senator from Wisconsin (Mr. FEINGOLD) were added as cosponsors of S. 2697, a bill to establish the position of the United States Ambassador for ASEAN.

S. 2703

At the request of Mr. LEAHY, the names of the Senator from Florida (Mr. NELSON) and the Senator from Michigan (Ms. STABENOW) were added as cosponsors of S. 2703, a bill to amend the Voting Rights Act of 1965.

At the request of Mr. KENNEDY, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 2703, supra.

AMENDMENT NO. 3704

At the request of Mr. INHOFE, his name was added as a cosponsor of amendment No. 3704 proposed to H.R. 4939, a bill making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 3717

At the request of Mr. BIDEN, the names of the Senator from Minnesota (Mr. COLEMAN) and the Senator from California (Mrs. FEINSTEIN) were added as cosponsors of amendment No. 3717 proposed to H.R. 4939, a bill making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 3718

At the request of Mr. BIDEN, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of amendment No. 3718 intended to be proposed to H.R. 4939, a bill making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 3728

At the request of Mr. INHOFE, his name was added as a cosponsor of

amendment No. 3728 proposed to H.R. 4939, a bill making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes.

At the request of Mr. JEFFORDS, his name was added as a cosponsor of amendment No. 3728 proposed to H.R. 4939, supra.

AMENDMENT NO. 3729

At the request of Mr. REED, his name was added as a cosponsor of amendment No. 3729 proposed to H.R. 4939, a bill making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 3732

At the request of Mr. BAUCUS, the names of the Senator from Iowa (Mr. HARKIN), the Senator from Illinois (Mr. DURBIN) and the Senator from Wisconsin (Mr. KOHL) were added as cosponsors of amendment No. 3732 proposed to H.R. 4939, a bill making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 3761

At the request of Mr. COCHRAN, the name of the Senator from Montana (Mr. BURNS) was added as a cosponsor of amendment No. 3761 proposed to H.R. 4939, a bill making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 3851

At the request of Ms. LANDRIEU, the names of the Senator from Louisiana (Mr. VITTER) and the Senator from Tennessee (Mr. ALEXANDER) were added as cosponsors of amendment No. 3851 proposed to H.R. 4939, a bill making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. ENSIGN:

S. 2718. A bill to require full disclosure by entities receiving Federal funds, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

Mr. ENSIGN. Mr. President, the American taxpayers are fed up. They are tired of the pork projects and the billions of dollars being spent on unaccountable, unnecessary, and wasteful Federal spending. Whether spending is a result of earmarks, or the often unsupervised process of Federal agencies awarding grants, spending is out of control.

Americans work hard every day, and they struggle to meet the heavy tax burden that Washington imposes on them. Despite their struggle and sacrifice, Washington has failed to ensure that Americans' tax dollars are being spent wisely. The American public believes, and they are right, that Congress has lost sight of the fact that every dollar we spend here in Wash-

ington belongs to them. These are dollars that could have been spent by the people who earned them to care for their own families.

The American taxpayers have had enough. They are frustrated and disgusted. And I join them in their frustration and disgust. Congress has not done a very good job of oversight. It is time for Congress to empower the American people so that government is more accountable to them. That is why I am introducing new legislation—the Website for American Taxpayers to Check and Help Deter Out-of-control Government Spending—or the WATCH-DOG Act.

This bill will give our constituents the tools they need to become citizen watchdogs. Americans will be able to see for themselves how their tax dollars are being spent. This bill will greatly improve transparency and help eliminate wasteful, fraudulent, duplicative, and unnecessary spending. It will give the American people the tools to monitor how Congress uses the earmarks process and how the bureaucrats, who spend billions of dollars a year in unsupervised grants, spend their tax dollars.

Americans are aggravated because too often when they learn about wasteful spending it is too late for them to do anything about it. They learn about spending by reading their morning papers after the legislation has been signed into law or the grant money has been awarded. Sometimes that is how members of Congress learn about them as well. It's time to remove the cloak of secrecy that surrounds the earmarking and grantmaking processes. We need to shine a very bright light on how spending decisions are made.

In this case, that bright light will be a publicly searchable online database that provides information on every organization receiving Federal funds. The Office of Management and Budget would be required to make all Federal grant and loan recipient data available to the public.

The data must include information on Federal grant awards, including an itemized breakdown by agency and program. The database must also list all subgrantees of an organization that receives Federal funds. This bill also reforms and streamlines the grant process by requiring organizations that apply for Federal funding to use a single source application number, which they would use for requesting funding from any Federal agency.

Those projects that are using Federal funds efficiently and with positive results will become obvious, and those programs that are duplicative, fail to show results, squander their funding, or act fraudulently will also become obvious.

Here in Washington we have done a dismal job when it comes to cutting out unnecessary spending. By shining a light on this process, the American public will have a chance to help us eliminate billions of dollars in wasteful

Federal funding. We owe it to the taxpayers and to future generations to clean up our act. This legislation gives taxpayers an important tool to hold Congress' feet to the fire.

By Mr. NELSON of Florida:

S. 2719. A bill to designate the facility of the United States Postal Service located at 1400 West Jordan Street in Pensacola, Florida, as the "Earl D. Hutto Post Office Building"; to the Committee on Homeland Security and Governmental Affairs.

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that this bill "To designate the facility of the United States Postal Service located at 1400 West Jordan Street in Pensacola, Florida, as the 'Earl D. Hutto Post office Building'" be printed in the RECORD.

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

S. 2719

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

**SECTION 1. EARL D. HUTTO POST OFFICE BUILDING.**

(a) DESIGNATION.—The facility of the United States Postal Service located at 1400 West Jordan Street in Pensacola, Florida, shall be known and designated as the "Earl D. Hutto Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Earl D. Hutto Post Office Building".

By Mr. BAUCUS:

S. 2720. A bill to amend the Internal Revenue Code of 1986 to provide incentives to improve America's research competitiveness, and for other purposes; to the Committee on Finance.

Mr. BAUCUS. Mr. President, on October 4, 1957, an object the size of a basketball shot into space. And history changed.

The Soviet Union had launched Sputnik. And Americans reacted with fear. That fear quickly turned to determination to win the race to space.

Just one month later, the Russians launched Sputnik II with one precious passenger: a Russian mutt named Laika. Laika became the first living being to orbit earth. Today, a dog in space might seem like a good start for a Disney film. But in 1957, American scientists worried that these events foreshadowed Soviet military and strategic advantage.

By the following summer, Congress had created NASA. Sputnik's launch had provided the catalyst. For years before, scientific organizations and even the White House had declared the exploration of space as a priority. It took Sputnik to move us to action.

Half a century later, we find ourselves waiting for the next Sputnik. Report after report has outlined the risk that America runs by not doing more in research and education. A recent report entitled "Waiting for Sput-

nik" cautions that our workforce must include a greater percentage of "knowledge workers"—including scientists and engineers—if we are to maintain our technological lead in defense capabilities. And another recent report, "Rising Above the Gathering Storm," expresses fear that America's lead in science and technology can be abruptly lost and difficult or impossible to regain.

What these reports and others are telling us is one thing: We cannot wait for the next Sputnik. We must recognize that our advantage is fleeting. We must begin today with more science, more education, and more commitment to research to prepare for the future.

Asia has recognized this. Asia is plowing more funding into science and education. China, in particular, understands that technological advancement means security, independence, and economic growth. Spending on research and development has increased by 140 percent in China, Korea and Taiwan. In America, it has increased by only 34 percent.

Asia's commitment is already paying off. More than a hundred Fortune 500 companies have opened research centers in India and China. I have visited some of them. I was impressed with the level of skill of the workers I met there.

China's commitment to research, at \$60 billion in expenditures, is dramatic by any measure. Over the last few years, China has doubled the share of its economy that it invests in research. China intends to double the amount committed to basic research in the next decade. Currently, only America beats out China in numbers of researchers in the workforce.

Over the last few months, I have offered a series of proposals to improve America's competitiveness. Today, I am pleased to introduce the Research Competitiveness Act of 2006. This bill would improve our research competitiveness in four major areas. All four address incentives in our tax code. Government also supports research through Federal spending. But I am not addressing those areas today.

First, my bill improves and simplifies the credit for applied research in section 41 of the tax code. This credit has grown to be overly complex, both for taxpayers and the IRS. Beginning in 2008, my bill would create a simpler 20 percent credit for qualifying research expenses that exceed 50 percent of the average expenses for the prior 3 years.

And just as important: The bill makes the credit permanent. Because the credit has been temporary, it has simply not been as effective as it could be. Since its creation in 1981, it has been extended 10 times. Congress even allowed it to lapse during one period.

The credit expired again just last December. And another short-term extension is pending in both tax reconciliation bills in conference. Last year, the experts at the Joint Committee on

Taxation wrote: "Perhaps the greatest criticism of the R&E credit among taxpayers regards its temporary nature." Joint Tax went on to say, "A credit of longer duration may more successfully induce additional research than would a temporary credit, even if the temporary credit is periodically renewed."

Currently, there are two different ways to claim a tax credit for qualifying research expenses. First, the "traditional" credit relies on incremental increases in expenses compared to a mid-1980s base period. Second, the "alternative incremental" credit measures the increase in research over the average of the prior 4 years.

Both of these credits have base periods involving gross receipts. My bill replaces these with a new credit, known as the "Alternative Simplified Credit," based on research spending without reference to gross receipts. The current formula hurts companies that have fluctuating sales. And it hurts companies that take on a new line of business not dependent on research.

The Senate has passed this alternative formula as an optional credit several times. It is now pending in both versions of the tax reconciliation bill. It has not yet been enacted, though, even on a temporary basis.

I support the 2-year extension of the R&E credit contained in the Senate version of the tax reconciliation bill. That is why this new simpler formula in my bill would not start until 2008. That start date would give companies plenty of time to adjust their accounting.

The main complaint about the existing credits is that they are very complex, particularly the reference to the 20-year-old base period. This base period creates problems for the taxpayer in trying to calculate the credit. And it creates problems for the IRS in trying to administer and audit those claims.

The new credit focuses only on expenses, not gross receipts. And is still an incremental credit, so that companies must continue to increase research spending over time.

A tax credit is a cost-effective way to promote R&E. A report by the Congressional Research Service finds that without government support, investment in R&E would fall short of the socially optimal amount. Thus CRS endorses Government policies to boost private sector R&E.

Also, American workers who are engaged in R&E activities benefit from some of the most intellectually stimulating, high-paying, high-skilled jobs in the economy.

My own State of Montana has excellent examples of this economic activity. During the 1990s, about 400 establishments in Montana provided high-technology services, at an average wage of about \$35,000 per year. These jobs paid nearly 80 percent more than the average private sector wage, which was less than \$20,000 a year during the same period. Many of these jobs would never have been created without the assistance of the R&E credit.

My research bill would also establish a uniform reimbursement rate for all contract and consortia R&E. It would provide that 80 percent of expenses for research performed for the taxpayer by other parties count as qualifying research expenses under the regular credit.

Currently, when a taxpayer pays someone else to perform research for the taxpayer, the taxpayer can claim one of three rates in order to determine how much the taxpayer can include for the research credit. The lower amount is meant to assure overhead expenses that normally do not qualify for the R&E credit are not counted. Different rates, however, create unnecessary complexity. Therefore, my bill creates a uniform rate of 80 percent.

The second major research area that this bill addresses is the need to enhance and simplify the credit for basic research. This credit benefits universities and other entities committed to basic research. And it benefits the companies or individuals who donate to them. My bill provides that payments under the university basic research credit would count as contractor expenses at the rate of 100 percent.

The current formula for calculating the university basic research credit—defined as research “for the advancement of science with no specific commercial objective”—is even more complex than the regular traditional R&E credit. Because of this complexity, this credit costs less than one-half of 1 percent of the cost of the regular R&E credit. It is completely under-utilized. It needs to be simplified to encourage businesses to give more for basic research.

American universities have been powerful engines of scientific discovery. To maintain our premier global position in basic research, America relies on sustained high levels of basic research funding and the ability to recruit the most talented students in the world. The gestation of scientific discovery is long. At least at first, we cannot know the commercial applications of a discovery. But America leads the world in biotechnology today because of support for basic research in chemistry and physics in the 1960s. Maintaining a commitment to scientific inquiry, therefore, must be part of our vision for sustained competitiveness.

Translating university discoveries into commercial products also takes innovation, capital, and risk. The Center for Strategic and International Studies asked what kind of government intervention can maintain technological leadership. One source of technological innovation that provides America with comparative advantage is the combination of university research programs, entrepreneurs, and risk capital from venture capital, corporations, or governments. Research clusters around Silicon Valley and North Carolina's Research Triangle exemplify this sort of combination.

The National Academies reached a similar conclusion in a 2002 review of

the National Nanotechnology Initiatives. In a report, they wrote: “To enhance the transition from basic to applied research, the committee recommends that industrial partnerships be stimulated and nurtured to help accelerate the commercialization of national nanotechnology developments.”

To further that goal, the third major area this bill addresses is fostering the creation of research parks. This part of the bill would benefit state and local governments and universities that want to create research centers for businesses incubating scientific discoveries with promise for commercial development.

Stanford created the Nation's first high-tech research park in 1951, in response to the demand for industrial land near the university and an emerging electronics industry tied closely to the School of Engineering. The Stanford Research Park traces its origins to a business started with \$538 in a Palo Alto garage by two men named Bill Hewlett and Dave Packard. The Park is now home to 140 companies in electronics, software, biotechnology, and other high tech fields.

Similarly, the North Carolina Research Triangle was founded in 1959 by university, government, and business leaders with money from private contributions. It now has 112 research and development organizations, 37,600 employees, and capital investment of more than \$2.7 billion. More recently, Virginia has fostered a research park now housing 53 private-sector companies, nonprofits, VCU research institutes, and state laboratories. The Virginia park employs more than 1,300 people.

The creation of these parks would seem to be an obvious choice. But it takes a significant commitment from a range of sources to bring them into being. To foster the creation and expansion of these successful parks, my bill will encourage their creation through the use of tax-exempt bond financing. Allowing tax-exempt bond authority would bring down the cost to establish such parks.

Foreign countries are emulating this successful formula. They are establishing high-tech clusters through government and university partnerships with private industry.

Back in 2000, a partnership was formed to foster TechRanch to assist Montana State University and other Montana-based research institutions in their efforts to commercialize research. But TechRanch is desperately in need of some new high-tech facilities. It could surely benefit from a provision such as this. I encourage my Colleagues to visit research parks in their States to see how my bill could be helpful in fostering more successful ventures.

A related item is a small fix to help universities that use tax-exempt bonds to build research facilities primarily for federal research in the basic or fundamental research area. Some of these

facilities housing federal research—mostly NIH and NSF funded projects—are in danger of losing their tax-exempt bond status. Counsel have notified some state officials that they may be running afoul of a prohibition on “private use” in the tax code, because one private party has a superior claim to others in the use of inventions that result from research.

The complication comes from a 1980 law. In 1980, Congress enacted the Patent and Trademark Law Amendments Act, also known as the Bayh-Dole Act. The Bayh-Dole Act requires the Federal Government to retain a non-exclusive, royalty-free right on any discovery. In order to foster more basic research through Federal-State-university partnerships, we need to clarify that this provision of the Bayh-Dole act does not cause these bonds to lose their tax-exempt status. And my bill directs the Treasury Department to do so. I understand that the Treasury Department is aware of this significant concern. Whether or not Congress enacts my legislation, I hope that the Treasury Department will clarify the situation later this year.

The fourth major area that my bill addresses is innovation at the small business level. Recently, representatives of a number of small nanotechnology companies came to visit me. They told me that their greatest problem was surviving what they called the “valley of death.” That's what they called the first few years of business, when an entrepreneur has a promising technology but little money to test or develop it. Many businesses simply do not survive the “valley of death.” I believe that Congress should find a way to assist these businesses with promising technology.

Nanotechnology, for instance, shows much promise. According to one recent report, over the next decade, nanotechnology will affect most manufactured goods. As stated in Senate testimony by one National Science Foundation official earlier this year, “Nanotechnology is truly our next great frontier in science and engineering.” It took me a while to understand just what nanotechnology is. But it is basically the control of things at very, very small dimensions. By understanding and controlling at that dimension, people can find new and unique applications. These applications range from common consumer products—such as making our sunblocks—better to improving disease-fighting medicines—to designing more fuel-efficient cars.

So, to help these small businesses convert their promising science into successful businesses, my bill would establish tax credits for investments in qualifying small technology innovation companies. These struggling start-up ventures often cannot utilize existing incentives in the tax code—like the R&E tax credit—because they have no tax liability and may have little income for the first few years. They need access to cheap capital to get through

those first few research-intensive years.

The credit in my bill would be similar to the existing and successful New Markets Tax Credit. The New Markets Credit has provided billions of dollars of investment to low-income communities across the country. In my bill, entities with some expertise and knowledge of research would receive an allocation from Treasury to analyze and select qualifying research investments. These investment entities would then target small business with promising technologies that focus the majority of their expenditures on activity qualifying as research expenses under the R&E credit.

In sum, my bill would boost both applied and basic research. It would boost research by businesses big and small. And it would foster research by for-profit and non-profits alike.

There is no clear answer to how to address the concerns raised in the "Waiting for Sputnik" report. But the answer is clear that we must try—and soon.

A noted environmentalist once said: "Every major advance in the technological competence of man has forced revolutionary changes in the economic and political structure of society." From telephones to rockets to computers, I believe that this is true.

Let us work to see that the next big technological advance is discovered here in America. Only through continued commitment to research can we ensure that it is.

By Mrs. CLINTON (for herself and Mr. SCHUMER):

S. 2722. A bill to designate the facility of the United States Postal Service located at 170 East Main Street in Patchogue, New York, as the "Lieutenant Michael P. Murphy Post Office Building"; to the Committee on Homeland Security and Governmental Affairs.

Mrs. CLINTON. Mr. President, today I rise to discuss legislation that designates the United States Post Office Building in Patchogue, New York as the "Lieutenant Michael P. Murphy Post Office Building."

Almost a year ago, Navy LT Michael P. Murphy was reported missing in the mountains of Afghanistan while on a covert reconnaissance mission in search of Taliban and al-Qaida insurgents. Reports indicate Lieutenant Murphy and the three other members of his Navy SEAL team came under heavy attack by Taliban insurgents soon after they were inserted by helicopter into their position. The military creed of "never leaving a fallen comrade behind" was never more appropriate as this American hero's body was recovered on the Fourth of July, our Nation's Independence Day. Michael Murphy was only 29 years of age at the time of his passing, but as his father recalls, "He squeezed more life into 29 years than I will ever see."

Lieutenant Murphy attended Patchogue-Medford High School on

Long Island, where he was a National Honor Society student and a varsity football athlete. After graduating high school he attended Penn State University where he majored in political science and excelled academically. At the time of his graduation, he decided to fulfill a lifelong dream of becoming a Navy SEAL. While realizing this would be a formidable challenge, Michael was determined to serve our country. Michael was engaged to be married, and he planned to attend law school after his military service.

I ask that the Senate come together and honor this brave American hero for his service to our Nation.

By Mrs. CLINTON (for herself, Mr. KENNEDY, Mr. JEFFORDS, Mr. LEAHY, Mr. HARKIN, and Mr. OBAMA):

S. 2725. A bill to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal Minimum wage and to ensure that increases in the Federal minimum wage keep pace with any pay adjustments for Members of Congress; to the Committee on Health, Education, Labor, and Pensions.

Mrs. CLINTON. Mr. President, I rise today to introduce the "Standing with Minimum Wage Earners Act". This legislation will raise the minimum wage over the next two years and link future increases in the minimum wage to Congressional raises.

Today, working parents earning the minimum wage are struggling to make ends meet and to build better lives for their children. The Federal minimum wage is currently \$5.15 an hour, an amount that has not been increased since 1997. Sadly, during that time, Congress has given itself eight annual pay raises. We can no longer stand by and regularly give ourselves a pay increase while denying a minimum wage increase to help the more than 7 million men and women working hard across this nation. At a time when working families are struggling to put food on the table, it's critically important that we here in Washington do something. If Members of Congress need an annual cost of living adjustment, then certainly the lowest-paid members of our society do too.

There are currently 13 million American children living in poverty across this country, and this number is increasing every day. Families work hard and yet cannot make enough money to support themselves. More families are falling into poverty every day, and these families are working 40 hours a week. This is unacceptable.

Minimum wage workers have not had a raise in nearly a decade. The reality is a full-time job that pays minimum wage just does not provide enough money to support a family today. A single mother with two children who works 40 hours a week, 52 weeks a year earns only \$10,700 a year. This amount—\$10,700 a year—is almost \$6,000 below the Federal poverty line

for a family of three. We have a responsibility to help families earn a living wage.

My legislation will benefit all minimum wage earners, and it would especially benefit women who represent a disproportionate number of low-wage workers. 61 percent of minimum wage earners are women, even though women only comprise 48 percent of the total workforce. And almost one-third of these working women are raising children.

The women in my State of New York would feel the effects of a minimum wage increase most dramatically. New York is one of the top five States with the greatest number of low-wage women workers.

In addition to helping America's hardest working families, raising the minimum wage will also narrow the dramatic income gap between the haves and the have-nots across the country. The average income of the richest fifth of New York State families is 8.1 times the average income of the poorest fifth. Nationwide, families in the top fifth made 7.3 times more than those in the bottom fifth. This discrepancy needs to be fixed and my bill would be a step in the right direction towards fairness for America's hard-working families.

My legislation would increase the minimum wage first to \$5.85 an hour, then to \$6.55 an hour, and ultimately to \$7.25 an hour within the next two years. In addition, my legislation then ensures that every time Congress gives itself a raise in the future that Americans get a raise too. This is the right and fair thing to do for hardworking Americans.

I would like to recognize my cosponsors Senators KENNEDY, JEFFORDS, LEAHY, HARKIN and OBAMA and thank them for joining me in this effort.

The "Standing with Minimum Wage Earners Act" has letters of support from Service Employees International Union (SEIU), the American Federation of Labor—Congress of Industrial Organization (AFL-CIO) and the Coalition for Human Needs.

I ask my colleagues to recognize the moral aspect of this issue. It is simply wrong to pay people a wage that they can barely live on. And it is shameful to continue to give ourselves raises as millions of American families struggle to survive. We should raise the Federal minimum wage so that working parents can lift their children out of poverty. It is past time to make this investment in our children and families.

By Mr. BOND (for himself and Mr. AKAKA):

S. 2735. A bill to amend the National Dam Safety Program Act to reauthorize the national dam safety program, and for other purposes; to the Committee on Environment and Public Works.

Mr. BOND. Mr. President, my distinguished colleague Senator AKAKA and I are introducing legislation today to reauthorize the National Dam Safety and

Security Program. The goal of this program, administered by FEMA, has been to advance dam safety in the United States and prevent loss of life and property damage from dam failures at both the Federal and State programmatic levels.

Over the last several months we have seen in both my home State of Missouri and my colleague's State of Hawaii, how critically important proper regulation, inspection and safety training is for maintaining our Nation's dams. The National Dam Safety Program Act provides much needed assistance to State dam safety programs, which are responsible for regulating 95 percent of the 80,000 dams in the U.S.

The States receive training assistance for their dam safety engineers and State grant assistance based on the number of dams in the State. The National Dam Safety Program, currently administered by FEMA within DHS, expires in September 30, 2006 and needs to be reauthorized.

I am proud to introduce this legislation along with my colleague Senator AKAKA in order to strengthen the protection of our citizens and critical infrastructure from dam failures through the Dam Safety and Security Program.

Mr. AKAKA. Mr. President, I rise today, along with my colleague, Senator CHRISTOPHER BOND, to introduce the Dam Safety Act of 2006. This legislation is designed to help prevent such tragic failures as the collapse of the privately owned Ka Loko Dam in Kauai last March in which seven people died. The legislation complements legislation that I introduced with Senator INOUE, S. 2444, the Dam Rehabilitation and Repair Act of 2006, which assists in securing and repairing publicly owned dams. Both of these bills are critical to preventing the type of devastating collapse which occurred on Kauai.

This legislation is vitally important not only to my State but to every State. There are approximately 79,000 dams registered in the National Inventory of Dams. However, there are many more dams that are small and unregulated. This bill provides funding for State dam safety programs to enhance their oversight and support abilities.

The Dam Safety Act of 2006 reauthorizes the National Dam Safety Program, NDSP, which was first established as part of the Water Resources Development Act of 1996 Public Law 104-303. In 2002, the NDSP was reauthorized for another 4 years by the enactment of the Dam Safety and Security Act of 2002 Public Law 107-310. It expires at the end of this fiscal year, so its reauthorization is imperative.

The National Dam Safety Program delivers vital Federal resources to State governments to improve their dam safety programs by providing funds for training, technical assistance, research, and support. Federal incentive grants are awarded to States to enhance their dam safety programs. In addition, funds have been used to hire

staff for inspections, pay for specialized training, and develop specialized mapping in the event that a dam failure necessitates evacuation.

Of the approximately \$12 million authorized for each fiscal year, \$8 million is divided among the States to improve safety programs and \$2 million is allocated for research to identify more effective techniques to assess, construct, and monitor dams. In addition, \$700,000 is available for training assistance for State engineers, and \$1 million is used for the National Inventory of Dams.

The costs of failing to maintain dams properly are extremely high. There have been at least 29 dam failures in the United States during the past 2 years causing more than \$200 million in property damages. The failure of the Silver Lake Dam in Michigan in 2003 caused more than \$100 million in property damage. A December 2005 dam collapse in Missouri injured three children and destroyed several homes. People caught in the path of a dam collapse are often helpless to escape.

Such was the tragic situation in Hawaii when, in March, the Ka Loko Dam, a 116-year earthen dam, on the island of Kauai suddenly collapsed during heavy rains, killing seven people. When a dam collapses, destruction is often swift and uncontrollable. In the case on Kauai, local, State, and Federal officials quickly responded to the tragedy, assisting citizens while engineers from both the State Department of Land and Natural Resources and the U.S. Army Corps of Engineers inspected the over 50 dams on Kauai. Neighbors worked together to help neighbors, and our Governor quickly requested more funds, which the legislature approved, for cleanup and additional inspections.

While most of the responsibility is at the State and local level, there is a role for the Federal Government in supplementing State resources and developing national guidelines for dam safety. The funds Hawaii receives under the program help the State's staff to acquire and maintain equipment and software to assess dam safety. It is a small amount but vitally important to my State and to every State.

I urge my colleagues to join Senator BOND and me in supporting the reauthorization of the National Dam Safety Program.

I ask unanimous consent to insert in the RECORD at this point a letter from the Dam Safety Coalition endorsing this legislation.

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

DAM SAFETY COALITION,  
Washington, DC, May 4, 2006.

Hon. KIT BOND,  
Russell Senate Office Building,  
Washington, DC.

Hon. DANIEL AKAKA,  
Hart Senate Office Building,  
Washington, DC.

DEAR SENATOR BOND AND SENATOR AKAKA:  
We would like to commend you for your

commitment to dam safety and to the reauthorization of the National Dam Safety Program.

Dams are a vital part of our nation's aging infrastructure and provide enormous benefits to the majority of Americans—benefits that include drinking water, flood protection, renewable hydroelectric power, navigation, irrigation and recreation. Yet, these critical daily benefits provided by the nation's dams are inextricably linked to the potential consequences of a dam failure if the dam is not maintained, or is unable to impound water, pass large flood events or withstand earthquake events in a safe manner.

The Dam Safety Coalition is proud to highlight the achievements of the National Dam Safety Program, administered by the Federal Emergency Management Agency (FEMA). Specifically, the program has fostered significant improvements in state dam safety programs, provided critical training to state engineers and established unprecedented cooperation between federal dam safety agencies and state dam safety programs. It requires FEMA to provide assistance to states in establishing, maintaining and improving dam safety programs.

Dams in the United States are aging, downstream development below dams is increasing dramatically and many older dams do not meet current dam safety standards. Dam failures are largely preventable disasters.

In 2005, the American Society of Civil Engineers published the Report Card for America's Infrastructure giving the condition of our nation's dams a grade of D, equal to the overall infrastructure grade. States have identified 3,500 unsafe or deficient dams, many being susceptible to large flood events or earthquakes. It is a reasonable expectation of every American to be protected by our government; including protection from preventable disasters such as dam failures.

To contact the Dam Safety Coalition please call Brian Pallasch if we can be of assistance.

We look forward to working with you to enact the National Dam Safety Act in the 109th Congress.

Sincerely,

BRIAN T. PALLASCH,  
Co-Chair, Dam Safety  
Coalition.

LORI C. SPRAGENS,  
Executive Director,  
ASDSO.

By Mr. CRAIG (for himself and Mr. AKAKA):

S. 2736. A bill to require the Secretary of Veterans Affairs to establish centers to provide enhanced services to veterans with amputations and prosthetic devices, and for other purposes; to the Committee on Veterans' Affairs.

Mr. CRAIG. Mr. President, today I seek floor recognition to introduce legislation to create a series of Amputation and Prosthetic Rehabilitation Centers in the Department of Veterans Affairs.

As many of you are aware, VA already operates numerous specialty care centers for the treatment of veterans with spinal cord injury, traumatic brain injury, and visual impairment. However, at this moment, VA does not operate any similar centers of care for the treatment of veterans with amputations.

I do not mean to suggest that VA does not provide excellent care and services to those veterans who have unfortunately lost a limb or part of limb.

But, there's always room for improvement in the care VA delivers and, just as importantly, there is room for improvement in the prosthetic services and devices that help those men and women with their physical restoration.

Many of us have spoken personally with service members who are recuperating from injuries at Walter Reed Army Medical Center or Bethesda Naval Hospital. Today's extraordinary battlefield medicine is bringing back to our shores service members from Iraq and Afghanistan who would never have lived through their injuries in previous wars. Thanks to the best health care facilities the military has to offer and the wonders of modern medicine, these brave Americans will eventually leave the hospital. Then, most will start the difficult process of reintegrating into civilian life. For those whose injuries resulted in an amputation, that process is just a little more difficult.

My hope with this bill is that these centers will be the lynchpin of a fully integrated Prosthetic Service Network; similar to those I mentioned at the outset of my remarks for the care of spinal cord injury, traumatic brain injury, and blindness. They would be fully responsible for the system-wide coordination of all of the Physical and Occupational Therapy and Prosthetics care provided to this new generation of severely wounded veterans. In addition, they will provide a new level of service to those who have long lived with amputations caused during previous wars or conflicts.

Further, it is my hope and expectation that these centers will house and drive much of the prosthetic and amputee related research and development projects conducted by VA. I believe that by gathering under one roof specialists, who have dedicated their medical practice to caring for and rehabilitating those who have lost limbs, we will drive the marketplace of ideas and develop the best treatment in the country. There is no limit to what modern technology, American ingenuity, and a great cause can accomplish.

Just the other day, my Committee held a hearing on VA's research program. At that meeting, I had the opportunity to speak with a VA clinician who, along with many of his colleagues, has created a proto-type prosthetic for someone who had lost part of a hand, but still had wrist control. In just a few moments time, I was able to wire the equipment to my own arm and with a little practice pick up a glass of water, hold it in the prosthetic hand, and then return it to the table and remove the hand from it without spilling a drop. It was nothing short of amazing. It was also a small glimpse of where we can go.

Of course, discoveries and inventions, like that hand, do not just remain in the VA vacuum. Once created, tested and approved, the R&D will leave the VA world and almost immediately benefit the civilian population of amputees. By combining the resources of our

government and the needs of our veterans, we can improve the American medical system for all of our citizens.

With the right technology, the best health care services, and a little personal drive, many of our amputees will return to active lives. They will play tennis, basketball, go kayaking, and even climb mountains. And while I am not suggesting that these centers will cause all of that to happen, I believe they will create the environment in which those things can happen.

I hope all of my colleagues will join me in supporting this bill now. And I hope to report it out of my committee and bring it to the floor for a vote later this summer.

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

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

S. 2736

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

**SECTION 1. AMPUTATION AND PROSTHETIC REHABILITATION CENTERS FOR VETERANS.**

(a) ESTABLISHMENT.—

(1) IN GENERAL.—The Secretary of Veterans Affairs shall establish not less than five centers to provide rehabilitation services to veterans with amputations or prosthetic devices.

(2) PURPOSE.—The purpose of each center established pursuant to paragraph (1) are—

(A) to provide regional clinical facilities of the Department of Veterans Affairs with special expertise in prosthetics, rehabilitation with the use of prosthetics, treatment, and coordination of care for veterans who have an amputation of any functional part of the body; and

(B) to provide information and supportive services to all facilities of the Department of Veterans Affairs concerning the care and treatment of veterans with a prosthetic device.

(3) DESIGNATION.—Each center established pursuant to paragraph (1) shall be known as an "Amputation and Prosthetic Rehabilitation Center" (in this section referred to as a "Center").

(b) GEOGRAPHIC DISTRIBUTION.—In identifying appropriate facilities for the location of the Centers established pursuant to subsection (a), the Secretary shall ensure, to the maximum extent practicable, that such Centers are geographically located so as to be accessible to as many veterans as possible in the United States.

(c) STAFF AND RESOURCES.—Each Center shall include the following:

(1) A modern, well-equipped, and appropriately certified laboratory facility capable of providing state-of-the-art and complex prosthetic devices to all veterans with an amputation, including veterans with an amputation incurred in Operation Iraqi Freedom or Operation Enduring Freedom.

(2) Certified and experienced prosthetists, including prosthetists with certifications in new fabrication techniques.

(3) An accredited Physical Medicine and Rehabilitation (PM&R) service with staff who are well-trained in current prosthetic services and emerging trends for treatment of amputations.

(4) A modern gait laboratory, permanently located within such Center.

(d) NO DUPLICATION OF SERVICES OF POLYTRAUMA CENTERS.—

(1) IN GENERAL.—The Secretary shall, to the extent practicable, ensure that the services provided by the Centers established pursuant to subsection (a) do not duplicate the services provided by the polytrauma centers of the Department of Veterans Affairs designated as Tier I or Tier II Polytrauma centers.

(2) CONSTRUCTION.—Paragraph (1) shall not be construed to prohibit the location of a Center so as to facilitate the ready support of a polytrauma center, referred to in that paragraph.

Mr. AKAKA. Mr. President, today I rise with my good friend and colleague, Senator CRAIG from Idaho, to introduce legislation to establish at least five Amputation and Prosthetic Rehabilitation Centers within the Department of Veterans Affairs (VA). Through progressive and specialized expertise in the area of prosthetics and rehabilitation, the visible reminders of the sacrifices made by our wounded warriors will become less evident and hopefully less of a factor in their everyday lives.

Specialty care for amputees has become an even more pressing concern because of the types of injuries our brave soldiers have sustained in Operation Iraqi Freedom and Operation Enduring Freedom. Many would agree that this is not the same kind of war that other generations of veterans have fought. The use of body armor and improvements in battlefield medicine have saved more lives, but in many cases have left our soldiers with traumatic injuries. Servicemembers in the current conflicts have suffered from twice as many amputations as those who fought in past wars. Unfortunately, the incidence of multiple amputations from bomb blasts is higher in this war.

The VA health care system has only begun to see the men and women from Operation Enduring Freedom and Operation Iraqi Freedom who are in need of long-term rehabilitation. Indeed, these veterans are young and plan on being active for a long time. VA is well poised to take on this challenge. An ongoing study at the Providence VA hospital is looking at "biohybrid" limbs which are implanted into tissue and later become an integral part of the patient.

We cannot, however, forget about the war our current veterans continue to fight everyday against time and their health. Veterans struggling with diseases such as diabetes are often faced with amputation. The establishment of the Amputation and Prosthetic Rehabilitation Centers will provide advanced care to those who have endured the loss of a limb, which will help them regain full function and a better quality of life.

The centers will provide VA regional clinical facilities with cutting edge expertise in prosthetics, rehabilitation with the use of prosthetics, treatment, and coordination of care for a veteran with an amputation. By placing these centers in locations with the highest concentrations of veterans, those in need will truly benefit from these specialized services.



VA has always been a leader in progressive treatment and care. These centers will maintain VA as a leader by providing the tools and staff necessary to do so. The legislation requires that the centers must have a well-equipped and appropriately certified laboratory facility necessary to provide the most state-of-the-art and complex prosthetic devices.

With experienced prosthetists trained and certified in the area of new techniques, an accredited Physical Medicine and Rehabilitation service with trained staff in the most current prosthetic services, and a permanent modern gait laboratory located within each center, veterans are sure to receive the most advanced treatment and care.

A critical part of this legislation is that these centers will serve as resources for smaller VA hospitals which may not have all of the expertise but will certainly have the patients.

As Ranking Member of the Committee on Veterans' Affairs, I urge my colleagues to join Chairman CRAIG and myself in support of providing treatment to those in need so they can stand on their own.

By Mr. BINGAMAN (for himself, Mr. BAYH, Mr. COLEMAN, Mr. LIEBERMAN, Mr. CHAFEE, Ms. CANTWELL, Ms. COLLINS, Mr. SALAZAR, Mr. KERRY, Mrs. CLINTON, and Mr. NELSON of Florida):

S. 2747. A bill to enhance energy efficiency and conserve oil and natural gas, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. BINGAMAN (for himself, Mr. BAYH, Mr. COLEMAN, Mr. LIEBERMAN, Mr. LUGAR, Ms. CANTWELL, Ms. COLLINS, Mr. SALAZAR, Mr. KERRY, Mrs. CLINTON, and Mr. NELSON of Florida):

S. 2748. A bill to amend the Internal Revenue Code of 1986 to provide tax incentives to promote energy production and conservation, and for other purposes; to the Committee on Finance.

Mr. BINGAMAN. Mr. President. I rise today to introduce two energy bills: the Enhanced Energy Security Act of 2006; and the Enhanced Energy Security Tax Incentives Act of 2006.

All of us know that we face a challenging energy situation in this country in both the short term and the long term. The world market price of crude oil is above \$72 per barrel. We have seen gasoline prices above \$3 per gallon in many parts of the country. In my home State of New Mexico, these prices are a real hardship to the many New Mexicans who are forced to drive long-distances to work, without the prospect of car pooling or public transportation. The steep rise in the price of gas at the pump is putting a nearly unbearable squeeze on family budgets in New Mexico and all across America.

So, we have a major national problem and not much time left in this

Congress to make progress on it. The question is, what can we do in the remaining weeks of this Congress that would be bipartisan, that could be signed into law by the President, and that would hold out the prospect of eventually helping to moderate the price of gasoline at the pump?

I have thought for some time that the most effective way of approaching the real issues driving the high prices that consumers find unacceptable is through a four-part strategy focusing on 1. increasing consumer protection, 2. increasing supply, 3. increasing efficiency of oil and gas use, and 4. providing incentives for forward-looking energy choices in the market.

A fair number of bills have already been introduced that deal with the first two parts of that strategy. What has been lacking is a bipartisan path forward to consensus on increasing energy efficiency and on stimulating forward-looking investments in energy efficiency and renewable energy technologies.

Today's bills are intended to fill that gap. Each of these two bills is designed to go to a single committee with jurisdiction over most, if not all, of its contents.

The first bill, the Enhanced Energy Security Act of 2006, is comprised of provisions that generally fall in the jurisdiction of the Committee on Energy and Natural Resources.

The second bill, the Enhanced Energy Security Tax Incentives Act of 2006, is comprised solely of provisions in the jurisdiction of the Senate Finance Committee.

Some of the provisions in these two bills have been drawn from other bills, including S. 2025, the Vehicles and Fuels Choices for American Security Act, which was introduced last year by Senators BAYH, COLEMAN, LIEBERMAN and BROWNBACK along with others. I appreciate their leadership and their support for this effort. What is newsworthy here today is that we are putting a large body of good policy ideas in a form that will facilitate committee action here in the Senate.

Relying on the Energy and the Finance committees to do the necessary homework to come up with bipartisan solutions to our energy challenges is the best way for us to make progress in this Congress. Both committees have leaders, in Senators DOMENICI and Senator GRASSLEY, who demonstrated their commitment to bipartisan engagement on energy issues during the enactment of last year's Energy Policy Act of 2005. I am looking forward to working with both Committee Chairs to move forward with the ideas in these bills on a bipartisan basis.

The basic idea behind the first bill, which is coming to the Energy Committee, is that if we want, in the long term, to moderate the prices that consumers are seeing in today's markets from oil and natural gas, we need to focus more strongly on increasing energy efficiency, and particularly in-

creased efficiency of our use of oil and natural gas.

That's an area where we were unable to do much in the last Energy bill. But, there is a lot that needs to be done.

Among the most important provisions we are taking from S. 2025 and putting in the new bill, is an emphasis on an expanded plan for economy-wide oil savings. The President is to come up with a plan that will cut our oil use, from projected levels, by 2.5 million barrels of oil per day by 2016, 7 million barrels of oil per day by 2026, and 10 million barrels of oil per day by 2031.

The new bill, also like S. 2025, includes a number of initiatives designed to reduce our nearly total reliance on petroleum products in the transportation sector. These include: programs that will speed the development of new vehicle technologies such as "plug-in hybrids" and the use of advanced light weight materials in vehicles; expanding the authority of the Secretary of Energy to provide loan guarantees and competitive grants to auto manufacturers and parts manufacturers for converting existing facilities or building new facilities for manufacturing fuel-efficient vehicles and vehicle components; increasing the availability of alternative fuels, such as E85, across the country by providing funding for alternative fuel fueling stations; and providing incentives for the production of cellulosic ethanol—including loan guarantees and a reverse auction for production payments.

The new bill will also include a number of provisions aimed at relieving demand and price pressure on natural gas. These include: strengthening the Federal purchase requirement for renewable energy; the 10 percent renewable portfolio standard that has passed the full Senate 3 times in the past 4 years; encouraging States to strengthen their programs on demand-side management; and better educating consumers about energy efficiency measures that they can take.

The basic idea behind the second bill, the Enhanced Energy Security Tax Incentives Act of 2006, is to create fiscal incentives that help forward-looking energy technologies to enter the market. As is often the case with technological advancements, many of the energy technology alternatives that are poised to enter the marketplace will not be able to successfully compete without some transitional help.

The first set of provisions in the bill extends, through 2010, the various alternative fuel, efficiency and renewable energy tax provisions we passed last year. These existing tax incentives will work best if investors, manufacturers and consumers know that the government is committed and that they can plan for these tax incentives being there for a few years. The tax provisions we are extending include provisions to encourage the purchase of energy efficient housing and office materials, as well as the generation of electricity from alternative sources such

as biomass, fuel cells, the wind and the sun. It will be nearly impossible for Congress to create a comprehensive national energy policy if important energy tax incentives such as these are in a perpetual state of uncertainty over the long term. If we extend these tax incentives through 2010 now, we will see a great increase in their usefulness in an industry that needs a few years lead-time to plan and build major energy projects.

The second set of provisions in the new tax bill will create new incentives to encourage our country to move towards more fuel efficient vehicles, such as hybrids. It accomplishes this in several ways.

First, as the President has suggested, we lift the current cap on the number of vehicles per manufacturer that are eligible for a consumer tax credit. This proposal was also part of the package unveiled last week by Senators DOMENICI and FRIST. Under the bill I will be introducing, this modified version of the tax credit will be also extended until 2010.

Next, we create a 35 percent tax credit for manufacturers on the expenses involved in retrofitting or setting up manufacturing facilities to make these fuel efficient vehicles.

To encourage businesses with fleets of vehicles, we create a 15 percent tax credit for the purchase of more than 10 fuel efficient vehicles in a year.

In order to encourage alternative fueling stations, we expand the current 30 percent tax credit to 50 percent and allow it to be operative until the end of 2010.

Finally, we create a 25 percent tax credit for the purchase of qualified idling reduction equipment so that vehicles currently on the road are not running their engines any more than necessary.

While this is a rather large expansion of the currently available tax incentives for fuel efficient vehicles, it is what is going to be necessary to get our vehicle policy headed in the right direction.

The legislation also contains new provisions to encourage the purchase of fuel efficient technologies for residences and businesses. It creates a 10 percent tax credit for the purchase of energy efficient combined heat and power units as well as provides for three year depreciation on the purchase price for "smart meters." These provisions have broad support in the Senate but were regrettably dropped in last year's conference on the Energy Bill. I think is important that we look at these provisions anew.

A question that usually arises when you talk about expanding tax incentives is whether they are going to be paid for. Many of us here in the Senate are worried about the deficit, so the tax bill that I am describing contains several revenue offsets, such as the provisions contained in last year's reconciliation tax bill that get rid of tax benefits in the oil and gas industry

that are unnecessary and a waste of taxpayer dollars. This legislation would also close the SUV tax loophole that provides a windfall for the purchasers of inefficient cars at a time when the nation needs to be discouraging this activity.

I look forward to working with the Chairman and Ranking Member of the Finance Committee on both these new tax incentives but also on ways of paying for them, so that we are acting in a way that is fiscally responsible.

I ask unanimous consent that the text of both bills be printed in the RECORD.

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

S. 2747

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

#### SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Enhanced Energy Security Act of 2006".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Definition of Secretary.

#### TITLE I—NATIONAL OIL SAVINGS PLAN AND REQUIREMENTS

Sec. 101. Oil savings target and action plan.

Sec. 102. Standards and requirements.

Sec. 103. Initial evaluation.

Sec. 104. Review and update of action plan.

Sec. 105. Baseline and analysis requirements.

#### TITLE II—FEDERAL PROGRAMS FOR THE CONSERVATION OF OIL

Sec. 201. Federal fleet conservation requirements.

Sec. 202. Assistance for State programs to retire fuel-inefficient motor vehicles.

Sec. 203. Assistance to States to reduce school bus idling.

Sec. 204. Near-term vehicle technology program.

Sec. 205. Lightweight materials research and development.

Sec. 206. Loan guarantees for fuel-efficient automobile manufacturer and suppliers.

Sec. 207. Funding for alternative infrastructure for the distribution of transportation fuels.

Sec. 208. Deployment of new technologies to reduce oil use in transportation.

Sec. 209. Production incentives for cellulosic biofuels.

#### TITLE III—FEDERAL PROGRAMS FOR THE CONSERVATION OF NATURAL GAS

Sec. 301. Renewable portfolio standard.

Sec. 302. Federal requirement to purchase electricity generated by renewable energy.

#### TITLE IV—GENERAL ENERGY EFFICIENCY PROGRAMS

Sec. 401. Energy savings performance contracts.

Sec. 402. Deployment of new technologies for high-efficiency consumer products.

Sec. 403. National media campaign to decrease oil and natural gas consumption.

Sec. 404. Energy efficiency resource programs.

#### TITLE V—ASSISTANCE TO ENERGY CONSUMERS

Sec. 501. Energy emergency disaster relief loans to small business and agricultural producers.

Sec. 502. Efficient and safe equipment replacement program for weatherization purposes.

#### SEC. 2. DEFINITION OF SECRETARY.

In this Act, the term "Secretary" means the Secretary of Energy.

#### TITLE I—NATIONAL OIL SAVINGS PLAN AND REQUIREMENTS

##### SEC. 101. OIL SAVINGS TARGET AND ACTION PLAN.

Not later than 270 days after the date of enactment of this Act, the Director of the Office of Management and Budget (referred to in this title as the "Director") shall publish in the Federal Register an action plan consisting of—

(1) a list of requirements proposed or to be proposed pursuant to section 102 that are authorized to be issued under law in effect on the date of enactment of this Act, and this Act, that will be sufficient, when taken together, to save from the baseline determined under section 105—

(A) 2,500,000 barrels of oil per day on average during calendar year 2016;

(B) 7,000,000 barrels of oil per day on average during calendar year 2026; and

(C) 10,000,000 barrels per day on average during calendar year 2031; and

(2) a Federal Government-wide analysis of—

(A) the expected oil savings from the baseline to be accomplished by each requirement; and

(B) whether all such requirements, taken together, will achieve the oil savings specified in this section.

##### SEC. 102. STANDARDS AND REQUIREMENTS.

(a) IN GENERAL.—On or before the date of publication of the action plan under section 101, the Secretary of Energy, the Secretary of Transportation, the Secretary of Defense, the Secretary of Agriculture, the Administrator of the Environmental Protection Agency, and the head of any other agency the President determines appropriate shall each propose, or issue a notice of intent to propose, regulations establishing each standard or other requirement listed in the action plan that is under the jurisdiction of the respective agency using authorities described in subsection (b).

(b) AUTHORITIES.—The head of each agency described in subsection (a) shall use to carry out this section—

(1) any authority in existence on the date of enactment of this Act (including regulations); and

(2) any new authority provided under this Act (including an amendment made by this Act).

(c) FINAL REGULATIONS.—Not later than 18 months after the date of enactment of this Act, the head of each agency described in subsection (a) shall promulgate final versions of the regulations required under this section.

(d) AGENCY ANALYSES.—Each proposed and final regulation promulgated under this section shall—

(1) be designed to achieve at least the oil savings resulting from the regulation under the action plan published under section 101; and

(2) be accompanied by an analysis by the applicable agency describing the manner in which the regulation will promote the achievement of the oil savings from the baseline determined under section 105.

##### SEC. 103. INITIAL EVALUATION.

(a) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Director shall publish in the Federal Register a Federal Government-wide analysis of the oil savings achieved from the baseline established under section 105.

(b) **INADEQUATE OIL SAVINGS.**—If the oil savings are less than the targets established under section 101, simultaneously with the analysis required under subsection (a)—

(1) the Director shall publish a revised action plan that is adequate to achieve the targets; and

(2) the Secretary of Energy, the Secretary of Transportation, and the Administrator shall propose new or revised regulations under subsections (a), (b), and (c), respectively, of section 102.

(c) **FINAL REGULATIONS.**—Not later than 180 days after the date on which regulations are proposed under subsection (b)(2), the Secretary of Energy, the Secretary of Transportation, and the Administrator shall promulgate final versions of those regulations.

#### SEC. 104. REVIEW AND UPDATE OF ACTION PLAN.

(a) **REVIEW.**—Not later than January 1, 2011, and every 3 years thereafter, the Director shall submit to Congress, and publish, a report that—

(1) evaluates the progress achieved in implementing the oil savings targets established under section 101;

(2) analyzes the expected oil savings under the standards and requirements established under this Act and the amendments made by this Act; and

(3)(A) analyzes the potential to achieve oil savings that are in addition to the savings required by section 101; and

(B) if the President determines that it is in the national interest, establishes a higher oil savings target for calendar year 2017 or any subsequent calendar year.

(b) **INADEQUATE OIL SAVINGS.**—If the oil savings are less than the targets established under section 101, simultaneously with the report required under subsection (a)—

(1) the Director shall publish a revised action plan that is adequate to achieve the targets; and

(2) the Secretary of Energy, the Secretary of Transportation, and the Administrator shall propose new or revised regulations under subsections (a), (b), and (c), respectively, of section 102.

(c) **FINAL REGULATIONS.**—Not later than 180 days after the date on which regulations are proposed under subsection (b)(2), the Secretary of Energy, the Secretary of Transportation, and the Administrator shall promulgate final versions of those regulations.

#### SEC. 105. BASELINE AND ANALYSIS REQUIREMENTS.

In performing the analyses and promulgating proposed or final regulations to establish standards and other requirements necessary to achieve the oil savings required by this title, the Secretary of Energy, the Secretary of Transportation, the Secretary of Defense, the Secretary of Agriculture, the Administrator of the Environmental Protection Agency, and the head of any other agency the President determines to be appropriate shall—

(1) determine oil savings as the projected reduction in oil consumption from the baseline established by the reference case contained in the report of the Energy Information Administration entitled “Annual Energy Outlook 2005”;;

(2) determine the oil savings projections required on an annual basis for each of calendar years 2009 through 2026; and

(3) account for any overlap among the standards and other requirements to ensure that the projected oil savings from all the promulgated standards and requirements, taken together, are as accurate as practicable.

### TITLE II—FEDERAL PROGRAMS FOR THE CONSERVATION OF OIL

#### SEC. 201. FEDERAL FLEET CONSERVATION REQUIREMENTS.

(a) **IN GENERAL.**—Part J of title IV of the Energy Policy and Conservation Act (42 U.S.C. 6374 et seq.) is amended by adding at the end the following:

##### “SEC. 400FF. FEDERAL FLEET CONSERVATION REQUIREMENTS.

“(a) **MANDATORY REDUCTION IN PETROLEUM CONSUMPTION.**—

“(1) **IN GENERAL.**—The Secretary shall issue regulations for Federal fleets subject to section 400AA requiring that not later than October 1, 2009, each Federal agency achieve at least a 20 percent reduction in petroleum consumption, as calculated from the baseline established by the Secretary for fiscal year 1999.

“(2) **PLAN.**—

“(A) **REQUIREMENT.**—The regulations shall require each Federal agency to develop a plan to meet the required petroleum reduction level.

“(B) **MEASURES.**—The plan may allow an agency to meet the required petroleum reduction level through—

“(i) the use of alternative fuels;

“(ii) the acquisition of vehicles with higher fuel economy, including hybrid vehicles;

“(iii) the substitution of cars for light trucks;

“(iv) an increase in vehicle load factors;

“(v) a decrease in vehicle miles traveled;

“(vi) a decrease in fleet size; and

“(vii) other measures.

“(C) **REPLACEMENT TIRES.**—The regulations shall include a requirement that each Federal agency purchase energy-efficient replacement tires for the respective fleet vehicles of the agency.

“(b) **FEDERAL EMPLOYEE INCENTIVE PROGRAMS FOR REDUCING PETROLEUM CONSUMPTION.**—

“(1) **IN GENERAL.**—Each Federal agency shall actively promote incentive programs that encourage Federal employees and contractors to reduce petroleum through the use of practices such as—

“(A) telecommuting;

“(B) public transit;

“(C) carpooling; and

“(D) bicycling.

“(2) **MONITORING AND SUPPORT FOR INCENTIVE PROGRAMS.**—The Administrator of the General Services Administration, the Director of the Office of Personnel Management, and the Secretary of the Department of Energy shall monitor and provide appropriate support to agency programs described in paragraph (1).”.

(b) **TABLE OF CONTENTS AMENDMENT.**—The table of contents of the Energy Policy and Conservation Act (42 U.S.C. prec. 6201) is amended by adding at the end of the items relating to part J of title III the following:

“Sec. 400FF. Federal fleet conservation requirements.”.

#### SEC. 202. ASSISTANCE FOR STATE PROGRAMS TO RETIRE FUEL-INEFFICIENT MOTOR VEHICLES.

(a) **DEFINITIONS.**—In this section:

(1) **FUEL-EFFICIENT AUTOMOBILE.**—The term “fuel-efficient automobile” means a passenger automobile or a light-duty truck that has a fuel economy rating that is 40 percent greater than the average fuel economy standard prescribed pursuant to section 32902 of title 49, United States Code, or other law, applicable to the passenger automobile or light-duty truck.

(2) **FUEL-INEFFICIENT AUTOMOBILES.**—The term “fuel-inefficient automobile” means a passenger automobile or a light-duty truck manufactured in a model year more than 15 years before the fiscal year in which appro-

priations are made under subsection (f) that, at the time of manufacture, had a fuel economy rating that was equal to or less than [20?] miles per gallon.

(3) **LIGHT-DUTY TRUCK.**—

(A) **IN GENERAL.**—The term “light-duty truck” means an automobile that is not a passenger automobile.

(B) **INCLUSIONS.**—The term “light-duty truck” includes a pickup truck, a van, or a four-wheel-drive general utility vehicle, as those terms are defined in section 600.002-85 of title 40, Code of Federal Regulations.

(4) **STATE.**—The term “State” means any of the several States and the District of Columbia.

(b) **ESTABLISHMENT.**—The Secretary shall establish a program, to be known as the “National Motor Vehicle Efficiency Improvement Program,” under which the Secretary shall provide grants to States to operate voluntary programs to offer owners of fuel inefficient automobiles financial incentives to replace the automobiles with fuel efficient automobiles.

(c) **ELIGIBILITY CRITERIA.**—The Secretary shall approve a State plan and provide the funds made available under subsection (f), if the State plan—

(1) except as provided in paragraph (8), requires that all passenger automobiles and light-duty trucks turned in be scrapped, after allowing a period of time for the recovery of spare parts;

(2) requires that all passenger automobiles and light-duty trucks turned in be registered in the State in order to be eligible;

(3) requires that all passenger automobiles and light-duty trucks turned in be operational at the time that the passenger automobiles and light-duty trucks are turned in;

(4) restricts automobile owners (except not-for-profit organizations) from turning in more than 1 passenger automobile and 1 light-duty truck during a 1-year period;

(5) provides an appropriate payment to the person recycling the scrapped passenger automobile or light-duty truck for each turned-in passenger automobile or light-duty truck;

(6) subject to subsection (d)(2), provides a minimum payment to the automobile owner for each passenger automobile and light-duty truck turned in; and

(7) provides appropriate exceptions to the scrappage requirement for vehicles that qualify as antique cars under State law.

(d) **STATE PLAN.**—

(1) **IN GENERAL.**—To be eligible to receive funds under the program, the Governor of a State shall submit to the Secretary a plan to carry out a program under this section in that State.

(2) **ADDITIONAL STATE CREDIT.**—In addition to the payment under subsection (c)(6), the State plan may provide a credit that may be redeemed by the owner of the replaced fuel-inefficient automobile at the time of purchase of the new fuel-efficient automobile.

(e) **ALLOCATION FORMULA.**—The amounts appropriated pursuant to subsection (f) shall be allocated among the States on the basis of the number of registered motor vehicles in each State at the time that the Secretary needs to compute shares under this subsection.

(f) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to the Secretary such sums as are necessary to carry out this section, to remain available until expended.

#### SEC. 203. ASSISTANCE TO STATES TO REDUCE SCHOOL BUS IDLING.

(a) **STATEMENT OF POLICY.**—Congress encourages each local educational agency (as defined in section 9101(26) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801(26))) that receives Federal funds

under the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) to develop a policy to reduce the incidence of school bus idling at schools while picking up and unloading students.

(b) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to the Secretary of Energy, working in coordination with the Secretary of Education, \$5,000,000 for each of fiscal years 2007 through 2012 for use in educating States and local education agencies about—

(1) benefits of reducing school bus idling; and

(2) ways in which school bus idling may be reduced.

**SEC. 204. NEAR-TERM VEHICLE TECHNOLOGY PROGRAM.**

(a) **PURPOSES.**—The purposes of this section are—

(1) to enable and promote, in partnership with industry, comprehensive development, demonstration, and commercialization of a wide range of electric drive components, systems, and vehicles using diverse electric drive transportation technologies;

(2) to make critical public investments to help private industry, institutions of higher education, National Laboratories, and research institutions to expand innovation, industrial growth, and jobs in the United States;

(3) to expand the availability of the existing electric infrastructure for fueling light duty transportation and other on-road and nonroad vehicles that are using petroleum and are mobile sources of emissions—

(A) including the more than 3,000,000 reported units (such as electric forklifts, golf carts, and similar nonroad vehicles) in use on the date of enactment of this Act; and

(B) with the goal of enhancing the energy security of the United States, reduce dependence on imported oil, and reduce emissions through the expansion of grid supported mobility;

(4) to accelerate the widespread commercialization of all types of electric drive vehicle technology into all sizes and applications of vehicles, including commercialization of plug-in hybrid electric vehicles and plug-in hybrid fuel cell vehicles; and

(5) to improve the energy efficiency of and reduce the petroleum use in transportation.

(b) **DEFINITIONS.**—In this section:

(1) **BATTERY.**—The term “battery” means an energy storage device used in an on-road or nonroad vehicle powered in whole or in part using an off-board or on-board source of electricity.

(2) **ELECTRIC DRIVE TRANSPORTATION TECHNOLOGY.**—The term “electric drive transportation technology” means—

(A) vehicles that use an electric motor for all or part of their motive power and that may or may not use off-board electricity, including battery electric vehicles, fuel cell vehicles, engine dominant hybrid electric vehicles, plug-in hybrid electric vehicles, plug-in hybrid fuel cell vehicles, and electric rail; or

(B) equipment relating to transportation or mobile sources of air pollution that use an electric motor to replace an internal combustion engine for all or part of the work of the equipment, including corded electric equipment linked to transportation or mobile sources of air pollution.

(3) **ENGINE DOMINANT HYBRID ELECTRIC VEHICLE.**—The term “engine dominant hybrid electric vehicle” means an on-road or nonroad vehicle that—

(A) is propelled by an internal combustion engine or heat engine using—

(i) any combustible fuel;

(ii) an on-board, rechargeable storage device; and

(B) has no means of using an off-board source of electricity.

(4) **FUEL CELL VEHICLE.**—The term “fuel cell vehicle” means an on-road or nonroad vehicle that uses a fuel cell (as defined in section 3 of the Spark M. Matsunaga Hydrogen Research, Development, and Demonstration Act of 1990).

(5) **NONROAD VEHICLE.**—The term “nonroad vehicle” has the meaning given the term in section 216 of the Clean Air Act (42 U.S.C. 7550).

(6) **PLUG-IN HYBRID ELECTRIC VEHICLE.**—The term “plug-in hybrid electric vehicle” means an on-road or nonroad vehicle that is propelled by an internal combustion engine or heat engine using—

(A) any combustible fuel;

(B) an on-board, rechargeable storage device; and

(C) a means of using an off-board source of electricity.

(7) **PLUG-IN HYBRID FUEL CELL VEHICLE.**—The term “plug-in hybrid fuel cell vehicle” means a fuel cell vehicle with a battery powered by an off-board source of electricity.

(c) **PROGRAM.**—The Secretary shall conduct a program of research, development, demonstration, and commercial application for electric drive transportation technology, including—

(1) high capacity, high efficiency batteries;

(2) high efficiency on-board and off-board charging components;

(3) high power drive train systems for passenger and commercial vehicles and for nonroad equipment;

(4) control system development and power train development and integration for plug-in hybrid electric vehicles, plug-in hybrid fuel cell vehicles, and engine dominant hybrid electric vehicles, including—

(A) development of efficient cooling systems;

(B) analysis and development of control systems that minimize the emissions profile when clean diesel engines are part of a plug-in hybrid drive system; and

(C) development of different control systems that optimize for different goals, including—

(i) battery life;

(ii) reduction of petroleum consumption; and

(iii) green house gas reduction;

(5) nanomaterial technology applied to both battery and fuel cell systems;

(6) large-scale demonstrations, testing, and evaluation of plug-in hybrid electric vehicles in different applications with different batteries and control systems, including—

(A) military applications;

(B) mass market passenger and light-duty truck applications;

(C) private fleet applications; and

(D) medium- and heavy-duty applications;

(7) a nationwide education strategy for electric drive transportation technologies providing secondary and high school teaching materials and support for university education focused on electric drive system and component engineering;

(8) development, in consultation with the Administrator of the Environmental Protection Agency, of procedures for testing and certification of criteria pollutants, fuel economy, and petroleum use for light-, medium-, and heavy-duty vehicle applications, including consideration of—

(A) the vehicle and fuel as a system, not just an engine; and

(B) nightly off-board charging; and

(9) advancement of battery and corded electric transportation technologies in mobile source applications by—

(A) improvement in battery, drive train, and control system technologies; and

(B) working with industry and the Administrator of the Environmental Protection Agency to—

(i) understand and inventory markets; and

(ii) identify and implement methods of removing barriers for existing and emerging applications.

(d) **GOALS.**—The goals of the electric drive transportation technology program established under subsection (c) shall be to develop, in partnership with industry and institutions of higher education, projects that focus on—

(1) innovative electric drive technology developed in the United States;

(2) growth of employment in the United States in electric drive design and manufacturing;

(3) validation of the plug-in hybrid potential through fleet demonstrations; and

(4) acceleration of fuel cell commercialization through comprehensive development and commercialization of the electric drive technology systems that are the foundational technology of the fuel cell vehicle system.

(e) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to carry out this section \$300,000,000 for each of fiscal years 2007 through 2012.

**SEC. 205. LIGHTWEIGHT MATERIALS RESEARCH AND DEVELOPMENT.**

(a) **IN GENERAL.**—As soon as practicable after the date of enactment of this Act, the Secretary shall establish a research and development program to determine ways in which—

(1) the weight of vehicles may be reduced to improve fuel efficiency without compromising passenger safety; and

(2) the cost of lightweight materials (such as steel alloys and carbon fibers) required for the construction of lighter-weight vehicles may be reduced.

(b) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to carry out this section \$60,000,000 for each of fiscal years 2007 through 2012.

**SEC. 206. LOAN GUARANTEES FOR FUEL-EFFICIENT AUTOMOBILE MANUFACTURER AND SUPPLIERS.**

(a) **IN GENERAL.**—Section 712(a) of the Energy Policy Act of 2005 (42 U.S.C. 16062(a)) is amended in the second sentence by striking “grants to automobile manufacturers” and inserting “grants and loan guarantees under section 1703 to automobile manufacturers and suppliers”.

(b) **CONFORMING AMENDMENT.**—Section 1703(b) of the Energy Policy Act of 2005 (42 U.S.C. 16513(b)) is amended by striking paragraph (8) and inserting the following:

“(8) Production facilities for the manufacture of fuel-efficient vehicles or parts of such vehicles, including hybrid and advanced diesel vehicles.”.

**SEC. 207. FUNDING FOR ALTERNATIVE INFRASTRUCTURE FOR THE DISTRIBUTION OF TRANSPORTATION FUELS.**

(a) **IN GENERAL.**—There is established in the Treasury of the United States a trust fund, to be known as the “Alternative Fueling Infrastructure Trust Fund” (referred to in this section as the “Trust Fund”), consisting of such amounts as are deposited into the Trust Fund under subsection (b) and any interest earned on investment of amounts in the Trust Fund.

(b) **PENALTIES.**—The Secretary of Transportation shall remit 90 percent of the amount collected in civil penalties under section 32912 of title 49, United States Code, to the Trust Fund.

(c) **GRANT PROGRAM.**—

(1) **IN GENERAL.**—The Secretary of Energy shall obligate such sums as are available in the Trust Fund to establish a grant program to increase the number of locations at which consumers may purchase alternative transportation fuels.

(2) **ADMINISTRATION.**—

(A) IN GENERAL.—The Secretary may award grants under this subsection to—

(i) individual fueling stations; and  
(ii) corporations (including nonprofit corporations) with demonstrated experience in the administration of grant funding for the purpose of alternative fueling infrastructure.

(B) MAXIMUM AMOUNT OF GRANTS.—A grant provided under this subsection may not exceed—

(i) \$150,000 for each site of an individual fueling station; and  
(ii) \$500,000 for each corporation (including a nonprofit corporation).

(C) PRIORITIZATION.—The Secretary shall prioritize the provision of grants under this subsection to recognized nonprofit corporations that have proven experience and demonstrated technical expertise in the establishment of alternative fueling infrastructure, as determined by the Secretary.

(D) ADMINISTRATIVE EXPENSES.—Not more than 10 percent of the funds provided in any grant may be used by the recipient of the grant to pay administrative expenses.

(E) NUMBER OF VEHICLES.—In providing grants under this subsection, the Secretary shall consider the number of vehicles in service capable of using a specific type of alternative fuel.

(F) MATCH.—Grant recipients shall provide a non-Federal match of not less than \$1 for every \$3 of grant funds received under this subsection.

(G) LOCATIONS.—Each grant recipient shall select the locations for each alternative fuel station to be constructed with grant funds received under this subsection on a formal, open, and competitive basis.

(H) USE OF INFORMATION IN SELECTION OF RECIPIENTS.—In selecting grant recipients under this subsection, the Secretary may consider—

(i) public demand for each alternative fuel in a particular county based on State registration records indicating the number of vehicles that may be operated using alternative fuel; and

(ii) the opportunity to create or expand corridors of alternative fuel stations along interstates or highways.

(3) USE OF GRANT FUNDS.—Grant funds received under this subsection may be used to—

(A) construct new facilities to dispense alternative fuels;

(B) purchase equipment to upgrade, expand, or otherwise improve existing alternative fuel facilities; or

(C) purchase equipment or pay for specific turnkey fueling services by alternative fuel providers.

(4) FACILITIES.—Facilities constructed or upgraded with grant funds under this subsection shall—

(A) provide alternative fuel available to the public for a period not less than 4 years;

(B) establish a marketing plan to advance the sale and use of alternative fuels;

(C) prominently display the price of alternative fuel on the marquee and in the station;

(D) provide point of sale materials on alternative fuel;

(E) clearly label the dispenser with consistent materials;

(F) price the alternative fuel at the same margin that is received for unleaded gasoline; and

(G) support and use all available tax incentives to reduce the cost of the alternative fuel to the lowest practicable retail price.

(5) OPENING OF STATIONS.—

(A) IN GENERAL.—Not later than the date on which each alternative fuel station begins to offer alternative fuel to the public, the grant recipient that used grant funds to con-

struct the station shall notify the Secretary of the opening.

(B) WEBSITE.—The Secretary shall add each new alternative fuel station to the alternative fuel station locator on the website of the Department of Energy when the Secretary receives notification under this subsection.

(6) REPORTS.—Not later than 180 days after the receipt of a grant award under this subsection, and every 180 days thereafter, each grant recipient shall submit a report to the Secretary that describes—

(A) the status of each alternative fuel station constructed with grant funds received under this subsection;

(B) the quantity of alternative fuel dispensed at each station during the preceding 180-day period; and

(C) the average price per gallon of the alternative fuel sold at each station during the preceding 180-day period.

#### SEC. 208. DEPLOYMENT OF NEW TECHNOLOGIES TO REDUCE OIL USE IN TRANSPORTATION.

(a) FUEL FROM CELLULOSIC BIOMASS.—

(1) IN GENERAL.—The Secretary shall provide deployment incentives under this subsection to encourage a variety of projects to produce transportation fuel from cellulosic biomass, relying on different feedstocks in different regions of the United States.

(2) PROJECT ELIGIBILITY.—Incentives under this subsection shall be provided on a competitive basis to projects that produce fuel that—

(A) meet United States fuel and emission specifications;

(B) help diversify domestic transportation energy supplies; and

(C) improve or maintain air, water, soil, and habitat quality.

(3) INCENTIVES.—Incentives under this subsection may consist of—

(A) loan guarantees under section 1510 of the Energy Policy Act of 2005 (42 U.S.C. 16501), subject to section 1702 of that Act (22 U.S.C. 16512), for the construction of production facilities and supporting infrastructure; or

(B) production payments through a reverse auction in accordance with paragraph (4).

(4) REVERSE AUCTION.—

(A) IN GENERAL.—In providing incentives under this subsection, the Secretary shall—

(i) issue regulations under which producers of fuel from cellulosic biomass may bid for production payments under paragraph (3)(B); and

(ii) solicit bids from producers of different classes of transportation fuel, as the Secretary determines to be appropriate.

(B) REQUIREMENT.—The rules under subparagraph (A) shall require that incentives be provided to the producers that submit the lowest bid (in terms of cents per gallon) for each class of transportation fuel from which the Secretary solicits a bid.

(b) ADVANCED TECHNOLOGY VEHICLES MANUFACTURING INCENTIVE PROGRAM.—

(1) DEFINITIONS.—In this subsection:

(A) ADJUSTED FUEL ECONOMY.—The term “adjusted fuel economy” means the average fuel economy of a manufacturer for all light duty motor vehicles produced by the manufacturer, adjusted such that the fuel economy of each vehicle that qualifies for a credit shall be considered to be equal to the average fuel economy for the weight class of the vehicle for model year 2002.

(B) ADVANCED LEAN BURN TECHNOLOGY MOTOR VEHICLE.—The term “advanced lean burn technology motor vehicle” means a passenger automobile or a light truck with an internal combustion engine that—

(i) is designed to operate primarily using more air than is necessary for complete combustion of the fuel;

(ii) incorporates direct injection; and

(iii) achieves at least 125 percent of the city fuel economy of vehicles in the same size class as the vehicle for model year 2002.

(C) ADVANCED TECHNOLOGY VEHICLE.—The term “advanced technology vehicle” means a light duty motor vehicle that—

(i) is a hybrid motor vehicle or an advanced lean burn technology motor vehicle; and

(ii) meets—

(I) the Bin 5 Tier II emission standard established in regulations issued by the Administrator of the Environmental Protection Agency under section 202(i) of the Clean Air Act (42 U.S.C. 7521(i)), or a lower-numbered Bin emission standard;

(II) any new emission standard for fine particulate matter prescribed by the Administrator under that Act (42 U.S.C. 7401 et seq.); and

(III) at least 125 percent of the base year city fuel economy for the weight class of the vehicle.

(D) ENGINEERING INTEGRATION COSTS.—The term “engineering integration costs” includes the cost of engineering tasks relating to—

(i) incorporating qualifying components into the design of advanced technology vehicles; and

(ii) designing new tooling and equipment for production facilities that produce qualifying components or advanced technology vehicles.

(E) HYBRID MOTOR VEHICLE.—The term “hybrid motor vehicle” means a motor vehicle that draws propulsion energy from onboard sources of stored energy that are—

(i) an internal combustion or heat engine using combustible fuel; and

(ii) a rechargeable energy storage system.

(F) QUALIFYING COMPONENTS.—The term “qualifying components” means components that the Secretary determines to be—

(i) specially designed for advanced technology vehicles; and

(ii) installed for the purpose of meeting the performance requirements of advanced technology vehicles.

(2) MANUFACTURER FACILITY CONVERSION AWARDS.—The Secretary shall provide facility conversion funding awards under this subsection to automobile manufacturers and component suppliers to pay not more than 30 percent of the cost of—

(A) reequipping or expanding an existing manufacturing facility in the United States to produce—

(i) qualifying advanced technology vehicles; or

(ii) qualifying components; and

(B) engineering integration performed in the United States of qualifying vehicles and qualifying components.

(3) PERIOD OF AVAILABILITY.—An award under paragraph (2) shall apply to—

(A) facilities and equipment placed in service before December 30, 2017; and

(B) engineering integration costs incurred during the period beginning on the date of enactment of this Act and ending on December 30, 2017.

(4) IMPROVEMENT.—The Secretary shall issue regulations that require that, in order for an automobile manufacturer to be eligible for an award under this subsection during a particular year, the adjusted average fuel economy of the manufacturer for light duty vehicles produced by the manufacturer during the most recent year for which data are available shall be not less than the average fuel economy for all light duty motor vehicles of the manufacturer for model year 2002.

**SEC. 209. PRODUCTION INCENTIVES FOR CELLULOSIC BIOFUELS.**

Section 942(f) of the Energy Policy Act of 2005 (42 U.S.C. 16251(f)) is amended by striking “\$250,000,000” and inserting “\$200,000,000 for each of fiscal years 2007 through 2011”.

**TITLE III—FEDERAL PROGRAMS FOR THE CONSERVATION OF NATURAL GAS****SEC. 301. RENEWABLE PORTFOLIO STANDARD.**

(a) IN GENERAL.—Title VI of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2601 et seq.) is amended by adding at the end the following:

**“SEC. 610. FEDERAL RENEWABLE PORTFOLIO STANDARD.**

“(a) RENEWABLE ENERGY REQUIREMENT.—

“(1) IN GENERAL.—Each electric utility that sells electricity to electric consumers shall obtain a percentage of the base amount of electricity it sells to electric consumers in any calendar year from new renewable energy or existing renewable energy. The percentage obtained in a calendar year shall not be less than the amount specified in the following table:

<b>“Calendar year:</b>	<b>Minimum annual percentage:</b>
2008 through 2011 .....	2.55
2012 through 2015 .....	5.05
2016 through 2019 .....	7.55
2020 through 2030 .....	10.0

“(2) MEANS OF COMPLIANCE.—An electric utility shall meet the requirements of paragraph (1) by—

“(A) generating electric energy using new renewable energy or existing renewable energy;

“(B) purchasing electric energy generated by new renewable energy or existing renewable energy;

“(C) purchasing renewable energy credits issued under subsection (b); or

“(D) a combination of the foregoing.

“(b) RENEWABLE ENERGY CREDIT TRADING PROGRAM.—

“(1) IN GENERAL.—Not later than January 1, 2007, the Secretary shall establish a renewable energy credit trading program to permit an electric utility that does not generate or purchase enough electric energy from renewable energy to meet its obligations under subsection (a)(1) to satisfy such requirements by purchasing sufficient renewable energy credits.

“(2) ADMINISTRATION.—As part of the program, the Secretary shall—

“(A) issue renewable energy credits to generators of electric energy from new renewable energy;

“(B) sell renewable energy credits to electric utilities at the rate of 1.5 cents per kilowatt-hour (as adjusted for inflation under subsection (g));

“(C) ensure that a kilowatt hour, including the associated renewable energy credit, shall be used only once for purposes of compliance with this section; and

“(D) allow double credits for generation from facilities on Indian land, and triple credits for generation from small renewable distributed generators (meaning those no larger than 1 megawatt).

“(3) DURATION.—Credits under paragraph (2)(A) may only be used for compliance with this section for 3 years from the date issued.

“(4) TRANSFERS.—An electric utility that holds credits in excess of the amount needed to comply with subsection (a) may transfer such credits to another electric utility in the same utility holding company system.

“(5) EASTERN INTERCONNECT.—In the case of a retail electric supplier that is a member of a power pool located in the Eastern Interconnect and that is subject to a State renewable portfolio standard program that provides for compliance primarily through the acquisition of certificates or credits in lieu

of the direct acquisition of renewable power, the Secretary shall issue renewable energy credits in an amount that corresponds to the kilowatt-hour obligation represented by the State certificates and credits issued pursuant to the State program to the extent the State certificates and credits are associated with renewable resources eligible under this section.

“(c) ENFORCEMENT.—

“(1) CIVIL PENALTIES.—Any electric utility that fails to meet the renewable energy requirements of subsection (a) shall be subject to a civil penalty.

“(2) AMOUNT OF PENALTY.—The amount of the civil penalty shall be determined by multiplying the number of kilowatt-hours of electric energy sold to electric consumers in violation of subsection (a) by the greater of 1.5 cents (adjusted for inflation under subsection (g)) or 200 percent of the average market value of renewable energy credits during the year in which the violation occurred.

“(3) MITIGATION OR WAIVER.—The Secretary may mitigate or waive a civil penalty under this subsection if the electric utility was unable to comply with subsection (a) for reasons outside of the reasonable control of the utility. The Secretary shall reduce the amount of any penalty determined under paragraph (2) by an amount paid by the electric utility to a State for failure to comply with the requirement of a State renewable energy program if the State requirement is greater than the applicable requirement of subsection (a).

“(4) PROCEDURE FOR ASSESSING PENALTY.—The Secretary shall assess a civil penalty under this subsection in accordance with the procedures prescribed by section 333(d) of the Energy Policy and Conservation Act of 1954 (42 U.S.C. 6303).

“(d) STATE RENEWABLE ENERGY ACCOUNT PROGRAM.—

“(1) IN GENERAL.—The Secretary shall establish, not later than December 31, 2008, a State renewable energy account program.

“(2) DEPOSITS.—All money collected by the Secretary from the sale of renewable energy credits and the assessment of civil penalties under this section shall be deposited into the renewable energy account established pursuant to this subsection. The State renewable energy account shall be held by the Secretary and shall not be transferred to the Treasury Department.

“(3) USE.—Proceeds deposited in the State renewable energy account shall be used by the Secretary, subject to appropriations, for a program to provide grants to the State agency responsible for developing State energy conservation plans under section 362 of the Energy Policy and Conservation Act (42 U.S.C. 6322) for the purposes of promoting renewable energy production, including programs that promote technologies that reduce the use of electricity at customer sites such as solar water heating.

“(4) ADMINISTRATION.—The Secretary may issue guidelines and criteria for grants awarded under this subsection. State energy offices receiving grants under this section shall maintain such records and evidence of compliance as the Secretary may require.

“(5) PREFERENCE.—In allocating funds under this program, the Secretary shall give preference—

“(A) to States in regions which have a disproportionately small share of economically sustainable renewable energy generation capacity; and

“(B) to State programs to stimulate or enhance innovative renewable energy technologies.

“(e) RULES.—The Secretary shall issue rules implementing this section not later

than 1 year after the date of enactment of this section.

“(f) EXEMPTIONS.—This section shall not apply in any calendar year to an electric utility—

“(1) that sold less than 4,000,000 megawatt-hours of electric energy to electric consumers during the preceding calendar year; or

“(2) in Hawaii.

“(g) INFLATION ADJUSTMENT.—Not later than December 31 of each year beginning in 2008, the Secretary shall adjust for inflation the price of a renewable energy credit under subsection (b)(2)(B) and the amount of the civil penalty per kilowatt-hour under subsection (c)(2).

“(h) STATE PROGRAMS.—Nothing in this section shall diminish any authority of a State or political subdivision thereof to adopt or enforce any law or regulation respecting renewable energy, but, except as provided in subsection (c)(3), no such law or regulation shall relieve any person of any requirement otherwise applicable under this section. The Secretary, in consultation with States having such renewable energy programs, shall, to the maximum extent practicable, facilitate coordination between the Federal program and State programs.

“(i) RECOVERY OF COSTS.—

“(1) IN GENERAL.—The Commission shall issue and enforce such regulations as are necessary to ensure that an electric utility recovers all prudently incurred costs associated with compliance with this section.

“(2) APPLICABLE LAW.—A regulation under paragraph (1) shall be enforceable in accordance with the provisions of law applicable to enforcement of regulations under the Federal Power Act (16 U.S.C. 791a et seq.).

“(j) DEFINITIONS.—In this section:

“(1) BASE AMOUNT OF ELECTRICITY.—The term ‘base amount of electricity’ means the total amount of electricity sold by an electric utility to electric consumers in a calendar year, excluding—

“(A) electricity generated by a hydroelectric facility (including a pumped storage facility but excluding incremental hydropower); and

“(B) electricity generated through the incineration of municipal solid waste.

“(2) DISTRIBUTED GENERATION FACILITY.—The term ‘distributed generation facility’ means a facility at a customer site.

“(3) EXISTING RENEWABLE ENERGY.—The term ‘existing renewable energy’ means, except as provided in paragraph (7)(B), electric energy generated at a facility (including a distributed generation facility) placed in service prior to January 1, 2003, from solar, wind, or geothermal energy, ocean energy, biomass (as defined in section 203(a) of the Energy Policy Act of 2005), or landfill gas.

“(4) GEOTHERMAL ENERGY.—The term ‘geothermal energy’ means energy derived from a geothermal deposit (within the meaning of section 613(e)(2) of the Internal Revenue Code of 1986).

“(5) INCREMENTAL GEOTHERMAL PRODUCTION.—

“(A) IN GENERAL.—The term ‘incremental geothermal production’ means for any year the excess of—

“(i) the total kilowatt hours of electricity produced from a facility (including a distributed generation facility) using geothermal energy; over

“(ii) the average annual kilowatt hours produced at such facility for 5 of the previous 7 calendar years before the date of enactment of this section after eliminating the highest and the lowest kilowatt hour production years in such 7-year period.

“(B) SPECIAL RULE.—A facility described in subparagraph (A) that was placed in service at least 7 years before the date of enactment



of this section shall commence with the year in which such date of enactment occurs, reduce the amount calculated under subparagraph (A)(ii) each year, on a cumulative basis, by the average percentage decrease in the annual kilowatt hour production for the 7-year period described in subparagraph (A)(ii) with such cumulative sum not to exceed 30 percent.

“(6) **INCREMENTAL HYDROPOWER.**—The term ‘incremental hydropower’ means additional energy generated as a result of efficiency improvements or capacity additions made on or after the date of enactment of this section or the effective date of an existing applicable State renewable portfolio standard program at a hydroelectric facility that was placed in service before that date. The term does not include additional energy generated as a result of operational changes not directly associated with efficiency improvements or capacity additions. Efficiency improvements and capacity additions shall be measured on the basis of the same water flow information used to determine a historic average annual generation baseline for the hydroelectric facility and certified by the Secretary or the Federal Energy Regulatory Commission.

“(7) **NEW RENEWABLE ENERGY.**—The term ‘new renewable energy’ means—

“(A) electric energy generated at a facility (including a distributed generation facility) placed in service on or after January 1, 2003, from—

“(i) solar, wind, or geothermal energy or ocean energy;

“(ii) biomass (as defined in section 203(b) of the Energy Policy Act of 2005 (42 U.S.C. 15852(b)));

“(iii) landfill gas; or

“(iv) incremental hydropower; and

“(B) for electric energy generated at a facility (including a distributed generation facility) placed in service prior to the date of enactment of this section—

“(i) the additional energy above the average generation in the 3 years preceding the date of enactment of this section at the facility from—

“(I) solar or wind energy or ocean energy;

“(II) biomass (as defined in section 203(b) of the Energy Policy Act of 2005 (42 U.S.C. 15852(b)));

“(III) landfill gas; or

“(IV) incremental hydropower.

“(ii) incremental geothermal production.

“(8) **OCEAN ENERGY.**—The term ‘ocean energy’ includes current, wave, tidal, and thermal energy.

“(k) **SUNSET.**—This section expires on December 31, 2030.”

(b) **TABLE OF CONTENTS AMENDMENT.**—The table of contents of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. prec. 2601) is amended by adding at the end of the items relating to title VI the following:

“Sec. 610. Federal renewable portfolio standard.”

#### **SEC. 302. FEDERAL REQUIREMENT TO PURCHASE ELECTRICITY GENERATED BY RENEWABLE ENERGY.**

Section 203 of the Energy Policy Act of 2005 (42 U.S.C. 15852) is amended by striking subsection (a) and inserting the following:

“(a) **REQUIREMENT.**—The President, acting through the Secretary, shall ensure that, of the total quantity of electric energy the Federal Government consumes during any fiscal year, the following amounts shall be renewable energy:

“(1) Not less than 5 percent in each of fiscal years 2008 and 2009.

“(2) Not less than 7.5 percent in each of fiscal years 2010 through 2012.

“(3) Not less than 10 percent in fiscal years 2013 and each fiscal year thereafter.”

#### **TITLE IV—GENERAL ENERGY EFFICIENCY PROGRAMS**

##### **SEC. 401. ENERGY SAVINGS PERFORMANCE CONTRACTS.**

(a) **RETENTION OF SAVINGS.**—Section 546(c) of the National Energy Conservation Policy Act (42 U.S.C. 8256(c)) is amended by striking paragraph (5).

(b) **FINANCING FLEXIBILITY.**—Section 801(a)(2) of the National Energy Conservation Policy Act (42 U.S.C. 8287(a)(2)) is amended by adding at the end the following:

“(E) **SEPARATE CONTRACTS.**—In carrying out a contract under this title, a Federal agency may—

“(i) enter into a separate contract for energy services and conservation measures under the contract; and

“(ii) provide all or part of the financing necessary to carry out the contract.”

(c) **DEFINITION OF ENERGY SAVINGS.**—Section 804(2) of the National Energy Conservation Policy Act (42 U.S.C. 8287c(2)) is amended—

(1) by redesignating subparagraphs (A), (B), and (C) as clauses (i), (ii), and (iii), respectively, and indenting appropriately;

(2) by striking “means a reduction” and inserting “means—

“(A) a reduction”;

(3) by striking the period at the end and inserting a semicolon; and

(4) by adding at the end the following:

“(B) the increased efficient use of an existing energy source by cogeneration or heat recovery, and installation of renewable energy systems;

“(C) the sale or transfer of electrical or thermal energy generated on-site, but in excess of Federal needs, to utilities or non-Federal energy users; and

“(D) the increased efficient use of existing water sources in interior or exterior applications.”

(d) **ENERGY AND COST SAVINGS IN NONBUILDING APPLICATIONS.**—

(1) **DEFINITIONS.**—In this subsection:

(A) **NONBUILDING APPLICATION.**—The term “nonbuilding application” means—

(i) any class of vehicles, devices, or equipment that is transportable under the power of the applicable vehicle, device, or equipment by land, sea, or air and that consumes energy from any fuel source for the purpose of—

(I) that transportation; or

(II) maintaining a controlled environment within the vehicle, device, or equipment; and

(ii) any federally-owned equipment used to generate electricity or transport water.

(B) **SECONDARY SAVINGS.**—

(i) **IN GENERAL.**—The term “secondary savings” means additional energy or cost savings that are a direct consequence of the energy savings that result from the energy efficiency improvements that were financed and implemented pursuant to an energy savings performance contract.

(ii) **INCLUSIONS.**—The term “secondary savings” includes—

(I) energy and cost savings that result from a reduction in the need for fuel delivery and logistical support;

(II) personnel cost savings and environmental benefits; and

(III) in the case of electric generation equipment, the benefits of increased efficiency in the production of electricity, including revenues received by the Federal Government from the sale of electricity so produced.

(2) **STUDY.**—

(A) **IN GENERAL.**—As soon as practicable after the date of enactment of this Act, the Secretary and the Secretary of Defense shall jointly conduct, and submit to Congress and the President a report of, a study of the po-

tential for the use of energy savings performance contracts to reduce energy consumption and provide energy and cost savings in nonbuilding applications.

(B) **REQUIREMENTS.**—The study under this subsection shall include—

(i) an estimate of the potential energy and cost savings to the Federal Government, including secondary savings and benefits, from increased efficiency in nonbuilding applications;

(ii) an assessment of the feasibility of extending the use of energy savings performance contracts to nonbuilding applications, including an identification of any regulatory or statutory barriers to such use; and

(iii) such recommendations as the Secretary and Secretary of Defense determine to be appropriate.

##### **SEC. 402. DEPLOYMENT OF NEW TECHNOLOGIES FOR HIGH-EFFICIENCY CONSUMER PRODUCTS.**

(a) **DEFINITIONS.**—In this section:

(1) **ENERGY SAVINGS.**—The term “energy savings” means megawatt-hours of electricity or million British thermal units of natural gas saved by a product, in comparison to projected energy consumption under the energy efficiency standard applicable to the product.

(2) **HIGH-EFFICIENCY CONSUMER PRODUCT.**—The term “high-efficiency consumer product” means a covered product to which an energy conservation standard applies under section 325 of the Energy Policy and Conservation Act (42 U.S.C. 6295), if the energy efficiency of the product exceeds the energy efficiency required under the standard.

(b) **FINANCIAL INCENTIVES PROGRAM.**—Effective beginning October 1, 2006, the Secretary shall competitively award financial incentives under this section for the manufacture of high-efficiency consumer products.

(c) **REQUIREMENTS.**—

(1) **IN GENERAL.**—The Secretary shall make awards under this section to manufacturers of high-efficiency consumer products, based on the bid of each manufacturer in terms of dollars per megawatt-hour or million British thermal units saved.

(2) **ACCEPTANCE OF BIDS.**—In making awards under this section, the Secretary shall—

(A) solicit bids for reverse auction from appropriate manufacturers, as determined by the Secretary; and

(B) award financial incentives to the manufacturers that submit the lowest bids that meet the requirements established by the Secretary.

(d) **FORMS OF AWARDS.**—An award for a high-efficiency consumer product under this section shall be in the form of a lump sum payment in an amount equal to the product obtained by multiplying—

(1) the amount of the bid by the manufacturer of the high-efficiency consumer product; and

(2) the energy savings during the projected useful life of the high-efficiency consumer product, not to exceed 10 years, as determined under regulations issued by the Secretary.

##### **SEC. 403. NATIONAL MEDIA CAMPAIGN TO DECREASE OIL AND NATURAL GAS CONSUMPTION.**

(a) **IN GENERAL.**—The Secretary, acting through the Assistant Secretary for Energy Efficiency and Renewable Energy (referred to in this section as the “Secretary”), shall develop and conduct a national media campaign for the purpose of decreasing oil and natural gas consumption in the United States over the next decade.

(b) **CONTRACT WITH ENTITY.**—The Secretary shall carry out subsection (a) directly or through—

(1) competitively bid contracts with 1 or more nationally recognized media firms for

the development and distribution of monthly television, radio, and newspaper public service announcements; or

(2) collective agreements with 1 or more nationally recognized institutes, businesses, or nonprofit organizations for the funding, development, and distribution of monthly television, radio, and newspaper public service announcements.

(c) USE OF FUNDS.—

(1) IN GENERAL.—Amounts made available to carry out this section shall be used for the following:

(A) ADVERTISING COSTS.—

(i) The purchase of media time and space.  
(ii) Creative and talent costs.  
(iii) Testing and evaluation of advertising.  
(iv) Evaluation of the effectiveness of the media campaign.

(v) The negotiated fees for the winning bidder on requests from proposals issued either by the Secretary for purposes otherwise authorized in this section.

(vi) Entertainment industry outreach, interactive outreach, media projects and activities, public information, news media outreach, and corporate sponsorship and participation.

(B) ADMINISTRATIVE COSTS.—Operational and management expenses.

(2) LIMITATIONS.—In carrying out this section, the Secretary shall allocate not less than 85 percent of funds made available under subsection (e) for each fiscal year for the advertising functions specified under paragraph (1)(A).

(d) REPORTS.—The Secretary shall annually submit to Congress a report that describes—

(1) the strategy of the national media campaign and whether specific objectives of the campaign were accomplished, including—

(A) determinations concerning the rate of change of oil and natural gas consumption, in both absolute and per capita terms; and

(B) an evaluation that enables consideration whether the media campaign contributed to reduction of oil and natural gas consumption;

(2) steps taken to ensure that the national media campaign operates in an effective and efficient manner consistent with the overall strategy and focus of the campaign;

(3) plans to purchase advertising time and space;

(4) policies and practices implemented to ensure that Federal funds are used responsibly to purchase advertising time and space and eliminate the potential for waste, fraud, and abuse; and

(5) all contracts or cooperative agreements entered into with a corporation, partnership, or individual working on behalf of the national media campaign.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$5,000,000 for each of fiscal years 2006 through 2010.

**SEC. 404. ENERGY EFFICIENCY RESOURCE PROGRAMS.**

(a) ELECTRIC UTILITY PROGRAMS.—Section 111 of the Public Utilities Regulatory Policy Act of 1978 (16 U.S.C. 2621) is amended by adding at the end the following:

“(e) ENERGY EFFICIENCY RESOURCE PROGRAMS.—

“(1) DEFINITIONS.—In this subsection:

“(A) DEMAND BASELINE.—The term ‘demand baseline’ means the baseline determined by the Secretary for an appropriate period preceding the implementation of an energy efficiency resource program.

“(B) ENERGY EFFICIENCY RESOURCE PROGRAMS.—The term ‘energy efficiency resource program’ means an energy efficiency or other demand reduction program that is designed to reduce annual electricity consumption or peak demand of consumers

served by an electric utility by a percentage of the demand baseline of the utility that is equal to not less than 0.75 percent of the number of years during which the program is in effect.

“(2) PUBLIC HEARINGS; DETERMINATIONS.—

“(A) PUBLIC HEARING.—As soon as practicable after the date of enactment of this subsection, but not later than 3 years after that date, each State regulatory authority (with respect to each electric utility over which the State has ratemaking authority) and each nonregulated electric utility shall, after notice, conduct a public hearing on the benefits and feasibility of carrying out an energy efficiency resource program.

“(B) ENERGY EFFICIENCY RESOURCE PROGRAM.—A State regulatory authority or nonregulated utility shall carry out an energy efficiency resource program if, on the basis of a hearing under subparagraph (A), the State regulatory authority or nonregulated utility determines that the program would—

“(i) benefit end-use customers;

“(ii) be cost-effective based on total resource cost;

“(iii) serve the public welfare; and

“(iv) be feasible to carry out.

“(3) IMPLEMENTATION.—

“(A) STATE REGULATORY AUTHORITIES.—If a State regulatory authority makes a determination under paragraph (2)(B), the State regulatory authority shall—

“(i) require each electric utility over which the State has ratemaking authority to carry out an energy efficiency resource program; and

“(ii) allow such a utility to recover expenditures incurred by the utility in carrying out the energy efficiency resource program.

“(B) NONREGULATED ELECTRIC UTILITIES.—If a nonregulated electric utility makes a determination under paragraph (2)(B), the utility shall carry out an energy efficiency resource program.

“(4) UPDATING REGULATIONS.—A State regulatory authority or nonregulated utility may update periodically a determination under paragraph (2)(B) to determine whether an energy efficiency resource program should be—

“(A) continued;

“(B) modified; or

“(C) terminated.

“(5) EXCEPTION.—Paragraph (2) shall not apply to a State regulatory authority (or a nonregulated electric utility operating in the State) that demonstrates to the Secretary that an energy efficiency resource program is in effect in the State.”.

(b) GAS UTILITIES.—Section 303 of the Public Utilities Regulatory Policy Act of 1978 (15 U.S.C. 3203) is amended by adding at the end the following:

“(e) ENERGY EFFICIENCY RESOURCE PROGRAMS.—

“(1) DEFINITIONS.—In this subsection:

“(A) DEMAND BASELINE.—The term ‘demand baseline’ means the baseline determined by the Secretary for an appropriate period preceding the implementation of an energy efficiency resource program.

“(B) ENERGY EFFICIENCY RESOURCE PROGRAMS.—The term ‘energy efficiency resource program’ means an energy efficiency or other demand reduction program that is designed to reduce annual gas consumption or peak demand of consumers served by a gas utility by a percentage of the demand baseline of the utility that is equal to not less than 0.75 percent of the number of years during which the program is in effect.

“(2) PUBLIC HEARINGS; DETERMINATIONS.—

“(A) PUBLIC HEARING.—As soon as practicable after the date of enactment of this subsection, but not later than 3 years after that date, each State regulatory authority (with respect to each gas utility over which the State has ratemaking authority) and

each nonregulated gas utility shall, after notice, conduct a public hearing on the benefits and feasibility of carrying out an energy efficiency resource program.

“(B) ENERGY EFFICIENCY RESOURCE PROGRAM.—A State regulatory authority or nonregulated utility shall carry out an energy efficiency resource program if, on the basis of a hearing under subparagraph (A), the State regulatory authority or nonregulated utility determines that the program would—

“(i) benefit end-use customers;

“(ii) be cost-effective based on total resource cost;

“(iii) serve the public welfare; and

“(iv) be feasible to carry out.

“(3) IMPLEMENTATION.—

“(A) STATE REGULATORY AUTHORITIES.—If a State regulatory authority makes a determination under paragraph (2)(B), the State regulatory authority shall—

“(i) require each gas utility over which the State has ratemaking authority to carry out an energy efficiency resource program; and

“(ii) allow such a utility to recover expenditures incurred by the utility in carrying out the energy efficiency resource program.

“(B) NONREGULATED GAS UTILITIES.—If a nonregulated gas utility makes a determination under paragraph (2)(B), the utility shall carry out an energy efficiency resource program.

“(4) UPDATING REGULATIONS.—A State regulatory authority or nonregulated utility may update periodically a determination under paragraph (2)(B) to determine whether an energy efficiency resource program should be—

“(A) continued;

“(B) modified; or

“(C) terminated.

“(5) EXCEPTION.—Paragraph (2) shall not apply to a State regulatory authority (or a nonregulated gas utility operating in the State) that demonstrates to the Secretary that an energy efficiency resource program is in effect in the State.”.

**TITLE V—ASSISTANCE TO ENERGY CONSUMERS**

**SEC. 501. ENERGY EMERGENCY DISASTER RELIEF LOANS TO SMALL BUSINESS AND AGRICULTURAL PRODUCERS.**

(a) DEFINITIONS.—In this section—

(1) the term “Administrator” means the Administrator of the Small Business Administration; and

(2) the term “small business concern” has the meaning given the term in section 3 of the Small Business Act (15 U.S.C. 632).

(b) SMALL BUSINESS PRODUCER ENERGY EMERGENCY DISASTER LOAN PROGRAM.—

(1) DISASTER LOAN AUTHORITY.—Section 7(b) of the Small Business Act (15 U.S.C. 636(b)) is amended by inserting immediately after paragraph (3) the following:

“(4) ENERGY DISASTER LOANS.—

“(A) DEFINITIONS.—In this paragraph—

“(i) the term ‘base price index’ means the moving average of the closing unit price on the New York Mercantile Exchange for heating oil, natural gas, gasoline, or propane for the 10 days that correspond to the trading days described in clause (ii) in each of the most recent 2 preceding years;

“(ii) the term ‘current price index’ means the moving average of the closing unit price on the New York Mercantile Exchange, for the 10 most recent trading days, for contracts to purchase heating oil, natural gas, gasoline, or propane during the subsequent calendar month, commonly known as the ‘front month’; and

“(iii) the term ‘significant increase’ means—

“(I) with respect to the price of heating oil, natural gas, gasoline, or propane, any time the current price index exceeds the base price index by not less than 40 percent; and

“(II) with respect to the price of kerosene, any increase which the Administrator, in consultation with the Secretary of Energy, determines to be significant.

“(B) LOAN AUTHORITY.—The Administrator may make such loans, either directly or in cooperation with banks or other lending institutions through agreements to participate on an immediate or deferred basis, to assist a small business concern that has suffered or that is likely to suffer substantial economic injury on or after January 1, 2005, as the result of a significant increase in the price of heating oil, natural gas, gasoline, propane, or kerosene occurring on or after January 1, 2005.

“(C) INTEREST RATE.—Any loan or guarantee extended pursuant to this paragraph shall be made at the same interest rate as economic injury loans under paragraph (2).

“(D) MAXIMUM AMOUNT.—No loan may be made under this paragraph, either directly or in cooperation with banks or other lending institutions through agreements to participate on an immediate or deferred basis, if the total amount outstanding and committed to the borrower under this subsection would exceed \$1,500,000, unless such borrower constitutes a major source of employment in its surrounding area, as determined by the Administrator, in which case the Administrator, in the discretion of the Administrator, may waive the \$1,500,000 limitation.

“(E) DISASTER DECLARATION.—For purposes of assistance under this paragraph—

“(i) a declaration of a disaster area based on conditions specified in this paragraph shall be required, and shall be made by the President or the Administrator; or

“(ii) if no declaration has been made pursuant to clause (i), the Governor of a State in which a significant increase in the price of heating oil, natural gas, gasoline, propane, or kerosene has occurred may certify to the Administrator that small business concerns have suffered economic injury as a result of such increase and are in need of financial assistance which is not otherwise available on reasonable terms in that State, and upon receipt of such certification, the Administrator may make such loans as would have been available under this paragraph if a disaster declaration had been issued.

“(F) CONVERSION.—Notwithstanding any other provision of law, loans made under this paragraph may be used by a small business concern described in subparagraph (B) to convert from the use of heating oil, natural gas, gasoline, propane, or kerosene to a renewable or alternative energy source, including agriculture and urban waste, geothermal energy, cogeneration, solar energy, wind energy, or fuel cells.”.

(2) CONFORMING AMENDMENTS.—Section 3(k) of the Small Business Act (15 U.S.C. 632(k)) is amended—

(A) by inserting “, a significant increase in the price of heating oil, natural gas, gasoline, propane, or kerosene,” after “civil disorders”; and

(B) by inserting “other” before “economic”.

(C) AGRICULTURAL PRODUCER EMERGENCY LOANS.—

(1) IN GENERAL.—Section 321(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961(a)) is amended—

(A) in the first sentence—

(i) by striking “aquaculture operations have” and inserting “aquaculture operations (i) have”; and

(ii) by inserting before “: Provided,” the following: “, or (ii)(I) are owned or operated by such an applicant that is also a small business concern (as defined in section 3 of the Small Business Act (15 U.S.C. 632)), and (II) have suffered or are likely to suffer substantial economic injury on or after January

1, 2005, as the result of a significant increase in energy costs or input costs from energy sources occurring on or after January 1, 2005, in connection with an energy emergency declared by the President or the Secretary”; and

(B) in the third sentence, by inserting before the period at the end the following: “or by an energy emergency declared by the President or the Secretary”; and

(C) in the fourth sentence—

(i) by striking “or natural disaster” each place that term appears and inserting “, natural disaster, or energy emergency”; and

(ii) by inserting “or declaration” after “emergency designation”.

(2) FUNDING.—Funds available on the date of enactment of this Act for emergency loans under subtitle C of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961 et seq.) shall be available to carry out the amendments made by paragraph (1) to meet the needs resulting from natural disasters.

(d) GUIDELINES AND RULEMAKING.—

(1) GUIDELINES.—Not later than 30 days after the date of enactment of this Act, the Administrator and the Secretary of Agriculture shall each issue guidelines to carry out subsections (b) and (c), respectively, and the amendments made thereby, which guidelines shall become effective on the date of their issuance.

(2) RULEMAKING.—Not later than 30 days after the date of enactment of this Act, the Administrator, after consultation with the Secretary of Energy, shall promulgate regulations specifying the method for determining a significant increase in the price of kerosene under section 7(b)(4)(A)(iii)(II) of the Small Business Act, as added by this section.

(e) REPORTS.—

(1) SMALL BUSINESS ADMINISTRATION.—Not later than 12 months after the date on which the Administrator issues guidelines under subsection (d)(1), and annually thereafter, until the date that is 12 months after the end of the effective period of section 7(b)(4) of the Small Business Act, as added by this section, the Administrator shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives, a report on the effectiveness of the assistance made available under section 7(b)(4) of the Small Business Act, as added by this section, including—

(A) the number of small business concerns that applied for a loan under such section 7(b)(4) and the number of those that received such loans;

(B) the dollar value of those loans;

(C) the States in which the small business concerns that received such loans are located;

(D) the type of energy that caused the significant increase in the cost for the participating small business concerns; and

(E) recommendations for ways to improve the assistance provided under such section 7(b)(4), if any.

(2) DEPARTMENT OF AGRICULTURE.—Not later than 12 months after the date on which the Secretary of Agriculture issues guidelines under subsection (d)(1), and annually thereafter, until the date that is 12 months after the end of the effective period of the amendments made to section 321(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961(a)) by this section, the Secretary shall submit to the Committee on Small Business and Entrepreneurship and the Committee on Agriculture, Nutrition, and Forestry of the Senate and to the Committee on Small Business and the Committee on Agriculture of the House of Representatives, a report that—

(A) describes the effectiveness of the assistance made available under section 321(a)

of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961(a)), as amended by this section; and

(B) contains recommendations for ways to improve the assistance provided under such section 321(a).

(f) EFFECTIVE DATE.—

(1) SMALL BUSINESS.—The amendments made by subsection (b) shall apply during the 4-year period beginning on the earlier of the date on which guidelines are published by the Administrator under subsection (d)(1) or 30 days after the date of enactment of this Act, with respect to assistance under section 7(b)(4) of the Small Business Act, as added by this section.

(2) AGRICULTURE.—The amendments made by subsection (c) shall apply during the 4-year period beginning on the earlier of the date on which guidelines are published by the Secretary of Agriculture under subsection (d)(1) or 30 days after the date of enactment of this Act, with respect to assistance under section 321(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961(a)), as amended by this section.

#### SEC. 502. EFFICIENT AND SAFE EQUIPMENT REPLACEMENT PROGRAM FOR WEATHERIZATION PURPOSES.

(a) IN GENERAL.—Part A of title IV of the Energy Conservation and Production Act is amended—

(1) by redesignating section 422 (42 U.S.C. 6872) as section 423; and

(2) by inserting after section 421 (42 U.S.C. 6871) the following:

#### “SEC. 422. EFFICIENT AND SAFE EQUIPMENT REPLACEMENT PROGRAM FOR WEATHERIZATION PURPOSES.

“(a) ESTABLISHMENT OF PROGRAM.—The Secretary shall establish, within the Weatherization Assistance Program, a program to assist in the replacement of unsafe or highly inefficient heating and cooling units in low-income households.

“(b) ADMINISTRATION.—

“(1) IN GENERAL.—Except as otherwise provided in this subsection, the Secretary shall administer the program established under this section in accordance with this part.

“(2) EXEMPTION FOR HIGH-EFFICIENCY HEATING AND COOLING EQUIPMENT EXPENDITURES.—Assistance for high-efficiency heating and cooling equipment under this section shall be exempt from the standards established under section 413(b)(3) and from section 415(c).

“(3) IDENTIFICATION OF HEATING AND COOLING SYSTEM UPGRADES.—Assistance for system upgrades under this section shall be based on a standard weatherization audit and appropriate diagnostic procedures in use by the program.

“(4) WEATHERIZATION OF HOME RECEIVING NEW HEATING OR COOLING SYSTEM.—Assistance may be perceived for a home receiving a new heating or cooling system under this section regardless of whether the home is fully weatherized in the year that the home received a new heating system.

“(5) FUEL.—The Secretary shall make no rule prohibiting a grantee from installing high-efficiency equipment that uses a fuel (including a renewable fuel) most likely to result in reliable supply and the lowest practicable energy bills, regardless of the fuel previously used by the household.

“(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to carry out this section—

“(1) \$40,000,000 for fiscal year 2006;

“(2) \$50,000,000 for fiscal year 2007; and

“(3) \$60,000,000 for fiscal year 2008.”.

(b) TABLE OF CONTENTS AMENDMENT.—The table of contents of the Energy Conservation and Production Act (42 U.S.C. prec. 6901) is amended—

(1) by redesignating the item relating to section 422 as an item relating to section 423; and

(2) by inserting after the item relating to section 421 the following:

“Sec. 422. Efficient and safe equipment program.”.

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

# SECTION 1. SHORT TITLE; AMENDMENT OF CODE; TABLE OF CONTENTS.

(a) **SHORT TITLE.**—This Act may be cited as the “Enhanced Energy Security Tax Incentives Act of 2006”.

(b) **AMENDMENT OF 1986 CODE.**—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

(c) **TABLE OF CONTENTS.**—The table of contents for this Act is as follows:

Sec. 1. Short title; amendment of Code; table of contents.

## TITLE I—EXTENSION OF INCENTIVES

Sec. 101. Extension of credit for electricity produced from certain renewable resources.

Sec. 102. Extension and expansion of credit to holders of clean renewable energy bonds.

Sec. 103. Extension of energy efficient commercial buildings deduction.

Sec. 104. Extension and expansion of new energy efficient home credit.

Sec. 105. Extension of nonbusiness energy property credit.

Sec. 106. Extension of residential energy efficient property credit.

Sec. 107. Extension of credit for business installation of qualified fuel cells and stationary microturbine power plants.

Sec. 108. Extension of business solar investment tax credit.

Sec. 109. Extension of alternative fuel excise tax provisions, income tax credits, and tariff duties.

Sec. 110. Extension of full credit for qualified electric vehicles.

## TITLE II—INCENTIVES FOR ALTERNATIVE FUEL VEHICLES

Sec. 201. Consumer incentives to purchase advanced technology vehicles.

Sec. 202. Advanced technology motor vehicles manufacturing credit.

Sec. 203. Tax incentives for private fleets.

Sec. 204. Modification of alternative vehicle refueling property credit.

Sec. 205. Inclusion of heavy vehicles in limitation on depreciation of certain luxury automobiles.

Sec. 206. Idling reduction tax credit.

## TITLE III—ADDITIONAL INCENTIVES

Sec. 301. Energy credit for combined heat and power system property.

Sec. 302. Three-year applicable recovery period for depreciation of qualified energy management devices.

Sec. 303. Three-year applicable recovery period for depreciation of qualified water submetering devices.

## TITLE IV—REVENUE PROVISIONS

Sec. 401. Revaluation of LIFO inventories of large integrated oil companies.

Sec. 402. Elimination of amortization of geological and geophysical expenditures for major integrated oil companies.

Sec. 403. Modifications of foreign tax credit rules applicable to large integrated oil companies which are dual capacity taxpayers.

## TITLE I—EXTENSION OF INCENTIVES

### SEC. 101. EXTENSION OF CREDIT FOR ELECTRICITY PRODUCED FROM CERTAIN RENEWABLE RESOURCES.

Section 45(d) (relating to qualified facilities) is amended by striking “2008” each place it appears and inserting “2011”.

### SEC. 102. EXTENSION AND EXPANSION OF CREDIT TO HOLDERS OF CLEAN RENEWABLE ENERGY BONDS.

(a) **IN GENERAL.**—Section 54(m) (relating to termination) is amended by striking “2007” and inserting “2010”.

(b) **ANNUAL VOLUME CAP FOR BONDS ISSUED DURING EXTENSION PERIOD.**—Paragraph (1) of section 54(f) (relating to limitation on amount of bonds designated) is amended to read as follows:

“(1) **NATIONAL LIMITATION.**—

“(A) **INITIAL NATIONAL LIMITATION.**—With respect to bonds issued after December 31, 2005, and before January 1, 2008, there is a national clean renewable energy bond limitation of \$800,000,000.

“(B) **ANNUAL NATIONAL LIMITATION.**—With respect to bonds issued after December 31, 2007, and before January 1, 2011, there is a national clean renewable energy bond limitation for each calendar year of \$800,000,000.”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply to bonds issued after the date of the enactment of this Act.

### SEC. 103. EXTENSION OF ENERGY EFFICIENT COMMERCIAL BUILDINGS DEDUCTION.

Section 179D(h) (relating to termination) is amended by striking “2007” and inserting “2010”.

### SEC. 104. EXTENSION AND EXPANSION OF NEW ENERGY EFFICIENT HOME CREDIT.

(a) **EXTENSION.**—Section 45L(g) (relating to termination) is amended by striking “2007” and inserting “2010”.

(b) **INCLUSION OF 30 PERCENT HOMES.**—

(1) **IN GENERAL.**—Section 45L(c) (relating to energy saving requirements) is amended—

(A) by striking “or” at the end of paragraph (2),

(B) by redesignating paragraph (3) as paragraph (4), and

(C) by inserting after paragraph (2) the following new paragraph:

“(3) certified—

“(A) to have a level of annual heating and cooling energy consumption which is at least 30 percent below the annual level described in paragraph (1), and

“(B) to have building envelope component improvements account for at least 1/3 of such 30 percent, or”.

(2) **APPLICABLE AMOUNT OF CREDIT.**—Section 45L(a)(2) is amended by striking “paragraph (3)” and inserting “paragraph (3) or (4)”.

(3) **EFFECTIVE DATE.**—The amendments made by this subsection shall apply to qualified new energy efficient homes acquired after the date of the enactment of this Act.

### SEC. 105. EXTENSION OF NONBUSINESS ENERGY PROPERTY CREDIT.

Section 25C(g) (relating to termination) is amended by striking “2007” and inserting “2010”.

### SEC. 106. EXTENSION OF RESIDENTIAL ENERGY EFFICIENT PROPERTY CREDIT.

Section 25D(g) (relating to termination) is amended by striking “2007” and inserting “2010”.

### SEC. 107. EXTENSION OF CREDIT FOR BUSINESS INSTALLATION OF QUALIFIED FUEL CELLS AND STATIONARY MICROTURBINE POWER PLANTS.

Sections 48(c)(1)(E) and 48(c)(2)(E) (relating to termination) are each amended by striking “2007” and inserting “2010”.

### SEC. 108. EXTENSION OF BUSINESS SOLAR INVESTMENT TAX CREDIT.

Sections 48(a)(2)(A)(i)(II) and 48(a)(3)(A)(ii) (relating to termination) are each amended by striking “2008” and inserting “2011”.

### SEC. 109. EXTENSION OF ALTERNATIVE FUEL EXCISE TAX PROVISIONS, INCOME TAX CREDITS, AND TARIFF DUTIES.

(a) **BIODIESEL.**—Sections 40A(g), 6426(c)(6), and 6427(e)(5)(B) are each amended by striking “2008” and inserting “2010”.

(b) **ALTERNATIVE FUEL.**—

(1) **FUELS.**—Sections 6426(d)(4) and 6427(e)(5)(C) are each amended by striking “September 30, 2009” and inserting “December 31, 2010”.

(2) **REFUELING PROPERTY.**—Section 30C(g) is amended by striking “2009” and inserting “2010”.

(c) **ETHANOL TARIFF SCHEDULE.**—Headings 9901.00.50 and 9901.00.52 of the Harmonized Tariff Schedule of the United States (19 U.S.C. 3007) are each amended in the effective period column by striking “10/1/2007” each place it appears and inserting “1/1/2011”.

(d) **EFFECTIVE DATE.**—The amendments made by this section shall take effect on January 1, 2007.

### SEC. 110. EXTENSION OF FULL CREDIT FOR QUALIFIED ELECTRIC VEHICLES.

(a) **IN GENERAL.**—Section 30(e) is amended by striking “2006” and inserting “2010”.

(b) **REPEAL OF PHASEOUT.**—Section 30(b) (relating to limitations) is amended by striking paragraph (2) and by redesignating paragraph (3) as paragraph (2).

(c) **CREDIT ALLOWABLE AGAINST ALTERNATIVE MINIMUM TAX.**—Paragraph (2) of section 30(b), as redesignated by subsection (b), is amended to read as follows:

“(2) **APPLICATION WITH OTHER CREDITS.**—The credit allowed by subsection (a) for any taxable year shall not exceed the excess (if any) of—

“(A) the sum of the regular tax for the taxable year plus the tax imposed by section 55, over

“(B) the sum of the credits allowable under subpart A and section 27.”.

(d) **EFFECTIVE DATE.**—The amendments made by this section shall apply to taxable years beginning after December 31, 2005.

## TITLE II—INCENTIVES FOR ALTERNATIVE FUEL VEHICLES

### SEC. 201. CONSUMER INCENTIVES TO PURCHASE ADVANCED TECHNOLOGY VEHICLES.

(a) **ELIMINATION ON NUMBER OF NEW QUALIFIED HYBRID AND ADVANCED LEAN BURN TECHNOLOGY VEHICLES ELIGIBLE FOR ALTERNATIVE MOTOR VEHICLE CREDIT.**—

(1) **IN GENERAL.**—Section 30B is amended by striking subsection (f) and by redesignating subsections (g) through (j) as subsections (f) through (i), respectively.

(2) **CONFORMING AMENDMENTS.**—

(A) Paragraphs (4) and (6) of section 30B(h) are each amended by striking “(determined without regard to subsection (g))” and inserting “(determined without regard to subsection (f))”.

(B) Section 38(b)(25) is amended by striking “section 30B(g)(1)” and inserting “section 30B(f)(1)”.

(C) Section 55(c)(2) is amended by striking “section 30B(g)(2)” and inserting “section 30B(f)(2)”.

(D) Section 1016(a)(36) is amended by striking “section 30B(h)(4)” and inserting “section 30B(g)(4)”.

(E) Section 6501(m) is amended by striking “section 30B(h)(9)” and inserting “section 30B(g)(9)”.

(b) **EXTENSION OF ALTERNATIVE VEHICLE CREDIT FOR NEW QUALIFIED HYBRID MOTOR VEHICLES.**—Paragraph (3) of section 30B(i) (as redesignated by subsection (a)) is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply to property placed in service after December 31, 2005, in taxable years ending after such date.

**SEC. 202. ADVANCED TECHNOLOGY MOTOR VEHICLES MANUFACTURING CREDIT.**

(a) **IN GENERAL.**—Subpart B of part IV of subchapter A of chapter 1 (relating to foreign tax credit, etc.) is amended by adding at the end the following new section:

**“SEC. 30D. ADVANCED TECHNOLOGY MOTOR VEHICLES MANUFACTURING CREDIT.**

“(a) **CREDIT ALLOWED.**—There shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to 35 percent of so much of the qualified investment of an eligible taxpayer for such taxable year as does not exceed \$75,000,000.

“(b) **QUALIFIED INVESTMENT.**—For purposes of this section—

“(1) **IN GENERAL.**—The qualified investment for any taxable year is equal to the incremental costs incurred during such taxable year—

“(A) to re-equip, expand, or establish any manufacturing facility in the United States of the eligible taxpayer to produce advanced technology motor vehicles or to produce eligible components,

“(B) for engineering integration performed in the United States of such vehicles and components as described in subsection (d),

“(C) for research and development performed in the United States related to advanced technology motor vehicles and eligible components, and

“(D) for employee retraining with respect to the manufacturing of such vehicles or components (determined without regard to wages or salaries of such retrained employees).

“(2) **ATTRIBUTION RULES.**—In the event a facility of the eligible taxpayer produces both advanced technology motor vehicles and conventional motor vehicles, or eligible and non-eligible components, only the qualified investment attributable to production of advanced technology motor vehicles and eligible components shall be taken into account.

“(c) **ADVANCED TECHNOLOGY MOTOR VEHICLES AND ELIGIBLE COMPONENTS.**—For purposes of this section—

“(1) **ADVANCED TECHNOLOGY MOTOR VEHICLE.**—The term ‘advanced technology motor vehicle’ means—

“(A) any qualified electric vehicle (as defined in section 30(c)(1)),

“(B) any new qualified fuel cell motor vehicle (as defined in section 30B(b)(3)),

“(C) any new advanced lean burn technology motor vehicle (as defined in section 30B(c)(3)),

“(D) any new qualified hybrid motor vehicle (as defined in section 30B(d)(2)(A) and determined without regard to any gross vehicle weight rating),

“(E) any new qualified alternative fuel motor vehicle (as defined in section 30B(e)(4), including any mixed-fuel vehicle (as defined in section 30B(e)(5)(B)), and

“(F) any other motor vehicle using electric drive transportation technology (as defined in paragraph (3)).

“(2) **ELIGIBLE COMPONENTS.**—The term ‘eligible component’ means any component inherent to any advanced technology motor vehicle, including—

“(A) with respect to any gasoline or diesel-electric new qualified hybrid motor vehicle—

“(i) electric motor or generator,

“(ii) power split device,

“(iii) power control unit,

“(iv) power controls,

“(v) integrated starter generator, or

“(vi) battery,

“(B) with respect to any hydraulic new qualified hybrid motor vehicle—

“(i) hydraulic accumulator vessel,

“(ii) hydraulic pump, or

“(iii) hydraulic pump-motor assembly,

“(C) with respect to any new advanced lean burn technology motor vehicle—

“(i) diesel engine,

“(ii) turbocharger,

“(iii) fuel injection system, or

“(iv) after-treatment system, such as a particle filter or NOx absorber, and

“(D) with respect to any advanced technology motor vehicle, any other component submitted for approval by the Secretary.

“(3) **ELECTRIC DRIVE TRANSPORTATION TECHNOLOGY.**—The term ‘electric drive transportation technology’ means technology used by vehicles that use an electric motor for all or part of their motive power and that may or may not use off-board electricity, such as battery electric vehicles, fuel cell vehicles, engine dominant hybrid electric vehicles, plug-in hybrid electric vehicles, and plug-in hybrid fuel cell vehicles.

“(d) **ENGINEERING INTEGRATION COSTS.**—For purposes of subsection (b)(1)(B), costs for engineering integration are costs incurred prior to the market introduction of advanced technology vehicles for engineering tasks related to—

“(1) establishing functional, structural, and performance requirements for component and subsystems to meet overall vehicle objectives for a specific application,

“(2) designing interfaces for components and subsystems with mating systems within a specific vehicle application,

“(3) designing cost effective, efficient, and reliable manufacturing processes to produce components and subsystems for a specific vehicle application, and

“(4) validating functionality and performance of components and subsystems for a specific vehicle application.

“(e) **ELIGIBLE TAXPAYER.**—For purposes of this section, the term ‘eligible taxpayer’ means any taxpayer if more than 50 percent of its gross receipts for the taxable year is derived from the manufacture of motor vehicles or any component parts of such vehicles.

“(f) **LIMITATION BASED ON AMOUNT OF TAX.**—The credit allowed under subsection (a) for the taxable year shall not exceed the excess of—

“(1) the sum of—

“(A) the regular tax liability (as defined in section 26(b)) for such taxable year, plus

“(B) the tax imposed by section 55 for such taxable year and any prior taxable year beginning after 1986 and not taken into account under section 53 for any prior taxable year, over

“(2) the sum of the credits allowable under subpart A and sections 27, 30, and 30B for the taxable year.

“(g) **REDUCTION IN BASIS.**—For purposes of this subtitle, if a credit is allowed under this section for any expenditure with respect to any property, the increase in the basis of such property which would (but for this paragraph) result from such expenditure shall be reduced by the amount of the credit so allowed.

“(h) **NO DOUBLE BENEFIT.**—

“(1) **COORDINATION WITH OTHER DEDUCTIONS AND CREDITS.**—Except as provided in paragraph (2), the amount of any deduction or other credit allowable under this chapter for any cost taken into account in determining the amount of the credit under subsection (a) shall be reduced by the amount of such credit attributable to such cost.

“(2) **RESEARCH AND DEVELOPMENT COSTS.**—

“(A) **IN GENERAL.**—Except as provided in subparagraph (B), any amount described in subsection (b)(1)(C) taken into account in determining the amount of the credit under subsection (a) for any taxable year shall not be taken into account for purposes of deter-

mining the credit under section 41 for such taxable year.

“(B) **COSTS TAKEN INTO ACCOUNT IN DETERMINING BASE PERIOD RESEARCH EXPENSES.**—Any amounts described in subsection (b)(1)(C) taken into account in determining the amount of the credit under subsection (a) for any taxable year which are qualified research expenses (within the meaning of section 41(b)) shall be taken into account in determining base period research expenses for purposes of applying section 41 to subsequent taxable years.

“(i) **BUSINESS CARRYOVERS ALLOWED.**—If the credit allowable under subsection (a) for a taxable year exceeds the limitation under subsection (f) for such taxable year, such excess (to the extent of the credit allowable with respect to property subject to the allowance for depreciation) shall be allowed as a credit carryback and carryforward under rules similar to the rules of section 39.

“(j) **SPECIAL RULES.**—For purposes of this section, rules similar to the rules of section 179A(e)(4) and paragraphs (1) and (2) of section 41(f) shall apply

“(k) **ELECTION NOT TO TAKE CREDIT.**—No credit shall be allowed under subsection (a) for any property if the taxpayer elects not to have this section apply to such property.

“(l) **REGULATIONS.**—The Secretary shall prescribe such regulations as necessary to carry out the provisions of this section.

“(m) **TERMINATION.**—This section shall not apply to any qualified investment after December 31, 2010.”.

(b) **CONFORMING AMENDMENTS.**—

(1) Section 1016(a) is amended by striking “and” at the end of paragraph (36), by striking the period at the end of paragraph (37) and inserting “, and”, and by adding at the end the following new paragraph:

“(38) to the extent provided in section 30D(g).”.

(2) Section 6501(m) is amended by inserting “30D(k),” after “30C(e)(5).”.

(3) The table of sections for subpart B of part IV of subchapter A of chapter 1 is amended by inserting after the item relating to section 30C the following new item:

“Sec. 30D. Advanced technology motor vehicles manufacturing credit.”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply to amounts incurred in taxable years beginning after December 31, 2005.

**SEC. 203. TAX INCENTIVES FOR PRIVATE FLEETS.**

(a) **IN GENERAL.**—Subpart E of part IV of subchapter A of chapter 1 is amended by inserting after section 48B the following new section:

**“SEC. 48C. FUEL-EFFICIENT FLEET CREDIT.**

“(a) **GENERAL RULE.**—For purposes of section 46, the fuel-efficient fleet credit for any taxable year is 15 percent of the qualified fuel-efficient vehicle investment amount of an eligible taxpayer for such taxable year.

“(b) **VEHICLE PURCHASE REQUIREMENT.**—In the case of any eligible taxpayer which places less than 10 qualified fuel-efficient vehicles in service during the taxable year, the qualified fuel-efficient vehicle investment amount shall be zero.

“(c) **QUALIFIED FUEL-EFFICIENT VEHICLE INVESTMENT AMOUNT.**—For purposes of this section—

“(1) **IN GENERAL.**—The term ‘qualified fuel-efficient vehicle investment amount’ means the basis of any qualified fuel-efficient vehicle placed in service by an eligible taxpayer during the taxable year.

“(2) **QUALIFIED FUEL-EFFICIENT VEHICLE.**—The term ‘qualified fuel-efficient vehicle’ means an automobile which has a fuel economy which is at least 125 percent greater than the average fuel economy standard for an automobile of the same class and model year.

“(3) OTHER TERMS.—The terms ‘automobile’, ‘average fuel economy standard’, ‘fuel economy’, and ‘model year’ have the meanings given to such terms under section 32901 of title 49, United States Code.

“(d) ELIGIBLE TAXPAYER.—The term ‘eligible taxpayer’ means, with respect to any taxable year, a taxpayer who owns a fleet of 100 or more vehicles which are used in the trade or business of the taxpayer on the first day of such taxable year.

“(e) TERMINATION.—This section shall not apply to any vehicle placed in service after December 31, 2010.”.

(b) CREDIT TREATED AS PART OF INVESTMENT CREDIT.—Section 46 is amended by striking “and” at the end of paragraph (3), by striking the period at the end of paragraph (4) and inserting “, and”, and by adding at the end the following new paragraph: “(5) the fuel-efficient fleet credit.”.

(c) CONFORMING AMENDMENTS.—

(1) Section 49(a)(1)(C) is amended by striking “and” at the end of clause (iii), by striking the period at the end of clause (iv) and inserting “, and”, and by adding at the end the following new clause:

“(v) the basis of any qualified fuel-efficient vehicle which is taken into account under section 48C.”.

(2) The table of sections for subpart E of part IV of subchapter A of chapter 1 is amended by inserting after the item relating to section 48 the following new item:

“Sec. 48C. Fuel-efficient fleet credit.”.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to periods after December 31, 2005, in taxable years ending after such date, under rules similar to the rules of section 48(m) of the Internal Revenue Code of 1986 (as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990).

#### SEC. 204. MODIFICATION OF ALTERNATIVE VEHICLE REFUELING PROPERTY CREDIT.

(a) INCREASE IN CREDIT AMOUNT.—Subsection (a) of section 30C is amended by striking “30 percent” and inserting “50 percent”.

(b) CREDIT ALLOWABLE AGAINST ALTERNATIVE MINIMUM TAX.—Paragraph (2) of section 30C is amended to read as follows:

“(2) PERSONAL CREDIT.—The credit allowed under subsection (a) (after the application of paragraph (1)) for any taxable year shall not exceed the excess (if any) of—

“(A) the sum of the regular tax for the taxable year plus the tax imposed by section 55, over

“(B) the sum of the credits allowable under subpart A and sections 27, 30, and 30B.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2005.

#### SEC. 205. INCLUSION OF HEAVY VEHICLES IN LIMITATION ON DEPRECIATION OF CERTAIN LUXURY AUTOMOBILES.

(a) IN GENERAL.—Section 280F(d)(5)(A) (defining passenger automobile) is amended—

(1) by striking clause (ii) and inserting the following new clause:

“(ii)(I) which is rated at 6,000 pounds unloaded gross vehicle weight or less, or

“(II) which is rated at more than 6,000 pounds but not more than 14,000 pounds gross vehicle weight.”.

(2) by striking “clause (ii)” in the second sentence and inserting “clause (ii)(I)”.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after the date of the enactment of this Act.

#### SEC. 206. IDLING REDUCTION TAX CREDIT.

(a) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1 (relating to business-related credits) is amended by adding at the end the following new section:

#### “SEC. 45N. IDLING REDUCTION CREDIT.

“(a) GENERAL RULE.—For purposes of section 38, the idling reduction tax credit determined under this section for the taxable year is an amount equal to 25 percent of the amount paid or incurred for each qualifying idling reduction device placed in service by the taxpayer during the taxable year.

“(b) LIMITATION.—The maximum amount allowed as a credit under subsection (a) shall not exceed \$1,000 per device.

“(c) DEFINITIONS.—For purposes of subsection (a)—

“(1) QUALIFYING IDLING REDUCTION DEVICE.—The term ‘qualifying idling reduction device’ means any device or system of devices that—

“(A) is installed on a heavy-duty diesel-powered on-highway vehicle,

“(B) is designed to provide to such vehicle those services (such as heat, air conditioning, or electricity) that would otherwise require the operation of the main drive engine while the vehicle is temporarily parked or remains stationary,

“(C) the original use of which commences with the taxpayer,

“(D) is acquired for use by the taxpayer and not for resale, and

“(E) is certified by the Secretary of Energy, in consultation with the Administrator of the Environmental Protection Agency and the Secretary of Transportation, to reduce long-duration idling of such vehicle at a motor vehicle rest stop or other location where such vehicles are temporarily parked or remain stationary.

“(2) HEAVY-DUTY DIESEL-POWERED ON-HIGHWAY VEHICLE.—The term ‘heavy-duty diesel-powered on-highway vehicle’ means any vehicle, machine, tractor, trailer, or semitrailer propelled or drawn by mechanical power and used upon the highways in the transportation of passengers or property, or any combination thereof determined by the Federal Highway Administration.

“(3) LONG-DURATION IDLING.—The term ‘long-duration idling’ means the operation of a main drive engine, for a period greater than 15 consecutive minutes, where the main drive engine is not engaged in gear. Such term does not apply to routine stoppages associated with traffic movement or congestion.

“(d) NO DOUBLE BENEFIT.—For purposes of this section—

“(1) REDUCTION IN BASIS.—If a credit is determined under this section with respect to any property by reason of expenditures described in subsection (a), the basis of such property shall be reduced by the amount of the credit so determined.

“(2) OTHER DEDUCTIONS AND CREDITS.—No deduction or credit shall be allowed under any other provision of this chapter with respect to the amount of the credit determined under this section.

“(e) ELECTION NOT TO CLAIM CREDIT.—This section shall not apply to a taxpayer for any taxable year if such taxpayer elects to have this section not apply for such taxable year.

“(f) TERMINATION.—This section shall not apply to any property placed in service after December 31, 2010.”.

(b) CREDIT TO BE PART OF GENERAL BUSINESS CREDIT.—Subsection (b) of section 38 (relating to general business credit) is amended by striking “and” at the end of paragraph (29), by striking the period at the end of paragraph (30) and inserting “, plus”, and by adding at the end the following new paragraph:

“(31) the idling reduction tax credit determined under section 45N(a).”.

(c) CONFORMING AMENDMENTS.—

(1) The table of sections for subpart D of part IV of subchapter A of chapter 1 is

amended by inserting after the item relating to section 45M the following new item:

“Sec. 45N. Idling reduction credit”.

(2) Section 1016(a), as amended by this Act, is amended by striking “and” at the end of paragraph (37), by striking the period at the end of paragraph (38) and inserting “, and”, and by adding at the end the following:

“(39) in the case of a facility with respect to which a credit was allowed under section 45N, to the extent provided in section 45N(d)(A).”.

(3) Section 6501(m) is amended by inserting “45N(e),” after “45D(c)(4).”.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2006.

(e) DETERMINATION OF CERTIFICATION STANDARDS BY SECRETARY OF ENERGY FOR CERTIFYING IDLING REDUCTION DEVICES.—Not later than 6 months after the date of the enactment of this Act and in order to reduce air pollution and fuel consumption, the Secretary of Energy, in consultation with the Administrator of the Environmental Protection Agency and the Secretary of Transportation, shall publish the standards under which the Secretary, in consultation with the Administrator of the Environmental Protection Agency and the Secretary of Transportation, will, for purposes of section 45N of the Internal Revenue Code of 1986 (as added by this section), certify the idling reduction devices which will reduce long-duration idling of vehicles at motor vehicle rest stops or other locations where such vehicles are temporarily parked or remain stationary in order to reduce air pollution and fuel consumption.

#### TITLE III—ADDITIONAL INCENTIVES

#### SEC. 301. ENERGY CREDIT FOR COMBINED HEAT AND POWER SYSTEM PROPERTY.

(a) IN GENERAL.—Section 48(a)(3)(A) (defining energy property) is by striking “or” at the end of clause (iii), by inserting “or” at the end of clause (iv), and by adding at the end the following new clause:

“(v) combined heat and power system property.”.

(b) COMBINED HEAT AND POWER SYSTEM PROPERTY.—Section 48 is amended by adding at the end the following new subsection:

“(d) COMBINED HEAT AND POWER SYSTEM PROPERTY.—For purposes of subsection (a)(3)(A)(v)—

“(1) COMBINED HEAT AND POWER SYSTEM PROPERTY.—The term ‘combined heat and power system property’ means property comprising a system—

“(A) which uses the same energy source for the simultaneous or sequential generation of electrical power, mechanical shaft power, or both, in combination with the generation of steam or other forms of useful thermal energy (including heating and cooling applications),

“(B) which has an electrical capacity of not more than 15 megawatts or a mechanical energy capacity of not more than 2,000 horsepower or an equivalent combination of electrical and mechanical energy capacities,

“(C) which produces—

“(i) at least 20 percent of its total useful energy in the form of thermal energy which is not used to produce electrical or mechanical power (or combination thereof), and

“(ii) at least 20 percent of its total useful energy in the form of electrical or mechanical power (or combination thereof),

“(D) the energy efficiency percentage of which exceeds 60 percent, and

“(E) which is placed in service before January 1, 2011.

“(2) SPECIAL RULES.—

“(A) ENERGY EFFICIENCY PERCENTAGE.—For purposes of this subsection, the energy efficiency percentage of a system is the fraction—



“(i) the numerator of which is the total useful electrical, thermal, and mechanical power produced by the system at normal operating rates, and expected to be consumed in its normal application, and

“(ii) the denominator of which is the higher heating value of the primary fuel sources for the system.

“(B) DETERMINATIONS MADE ON BTU BASIS.—The energy efficiency percentage and the percentages under paragraph (1)(C) shall be determined on a Btu basis.

“(C) INPUT AND OUTPUT PROPERTY NOT INCLUDED.—The term ‘combined heat and power system property’ does not include property used to transport the energy source to the facility or to distribute energy produced by the facility.

“(D) CERTAIN EXCEPTION NOT TO APPLY.—The first sentence of the matter in subsection (a)(3) which follows subparagraph (D) thereof shall not apply to combined heat and power system property.

“(3) SYSTEMS USING BAGASSE.—If a system is designed to use bagasse for at least 90 percent of the energy source—

“(A) paragraph (1)(D) shall not apply, but

“(B) the amount of credit determined under subsection (a) with respect to such system shall not exceed the amount which bears the same ratio to such amount of credit (determined without regard to this paragraph) as the energy efficiency percentage of such system bears to 60 percent.

“(4) NONAPPLICATION OF CERTAIN RULES.—For purposes of determining if the term ‘combined heat and power system property’ includes technologies which generate electricity or mechanical power using back-pressure steam turbines in place of existing pressure-reducing valves or which make use of waste heat from industrial processes such as by using organic rankin, stirling, or kalina heat engine systems, paragraph (1) shall be applied without regard to subparagraphs (C) and (D) thereof.”

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to periods after December 31, 2006, in taxable years ending after such date, under rules similar to the rules of section 48(m) of the Internal Revenue Code of 1986 (as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990).

#### SEC. 302. THREE-YEAR APPLICABLE RECOVERY PERIOD FOR DEPRECIATION OF QUALIFIED ENERGY MANAGEMENT DEVICES.

(a) IN GENERAL.—Section 168(e)(3)(A) (defining 3-year property) is amended by striking “and” at the end of clause (ii), by striking the period at the end of clause (iii) and inserting “, and”, and by adding at the end the following new clause:

“(iv) any qualified energy management device.”

(b) DEFINITION OF QUALIFIED ENERGY MANAGEMENT DEVICE.—Section 168(i) (relating to definitions and special rules) is amended by inserting at the end the following new paragraph:

“(18) QUALIFIED ENERGY MANAGEMENT DEVICE.—

“(A) IN GENERAL.—The term ‘qualified energy management device’ means any energy management device which is placed in service before January 1, 2011, by a taxpayer who is a supplier of electric energy or a provider of electric energy services.

“(B) ENERGY MANAGEMENT DEVICE.—For purposes of subparagraph (A), the term ‘energy management device’ means any meter or metering device which is used by the taxpayer—

“(i) to measure and record electricity usage data on a time-differentiated basis in at least 4 separate time segments per day, and

“(ii) to provide such data on at least a monthly basis to both consumers and the taxpayer.”

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after the date of the enactment of this Act, in taxable years ending after such date.

#### SEC. 303. THREE-YEAR APPLICABLE RECOVERY PERIOD FOR DEPRECIATION OF QUALIFIED WATER SUBMETERING DEVICES.

(a) IN GENERAL.—Section 168(e)(3)(A) (defining 3-year property), as amended by this Act, is amended by striking “and” at the end of clause (iii), by striking the period at the end of clause (iv) and inserting “, and”, and by adding at the end the following new clause:

“(v) any qualified water submetering device.”

(b) DEFINITION OF QUALIFIED WATER SUBMETERING DEVICE.—Section 168(i) (relating to definitions and special rules), as amended by this Act, is amended by inserting at the end the following new paragraph:

“(19) QUALIFIED WATER SUBMETERING DEVICE.—

“(A) IN GENERAL.—The term ‘qualified water submetering device’ means any water submetering device which is placed in service before January 1, 2011, by a taxpayer who is an eligible resupplier with respect to the unit for which the device is placed in service.

“(B) WATER SUBMETERING DEVICE.—For purposes of this paragraph, the term ‘water submetering device’ means any submetering device which is used by the taxpayer—

“(i) to measure and record water usage data, and

“(ii) to provide such data on at least a monthly basis to both consumers and the taxpayer.

“(C) ELIGIBLE RESUPPLIER.—For purposes of subparagraph (A), the term ‘eligible resupplier’ means any taxpayer who purchases and installs qualified water submetering devices in every unit in any multi-unit property.”

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after the date of the enactment of this Act, in taxable years ending after such date.

### TITLE IV—REVENUE PROVISIONS

#### SEC. 401. REVALUATION OF LIFO INVENTORIES OF LARGE INTEGRATED OIL COMPANIES.

(a) GENERAL RULE.—Notwithstanding any other provision of law, if a taxpayer is an applicable integrated oil company for its last taxable year ending in calendar year 2005, the taxpayer shall—

(1) increase, effective as of the close of such taxable year, the value of each historic LIFO layer of inventories of crude oil, natural gas, or any other petroleum product (within the meaning of section 4611) by the layer adjustment amount, and

(2) decrease its cost of goods sold for such taxable year by the aggregate amount of the increases under paragraph (1).

If the aggregate amount of the increases under paragraph (1) exceed the taxpayer's cost of goods sold for such taxable year, the taxpayer's gross income for such taxable year shall be increased by the amount of such excess.

(b) LAYER ADJUSTMENT AMOUNT.—For purposes of this section—

(1) IN GENERAL.—The term “layer adjustment amount” means, with respect to any historic LIFO layer, the product of—

(A) \$18.75, and

(B) the number of barrels of crude oil (or in the case of natural gas or other petroleum products, the number of barrel-of-oil equivalents) represented by the layer.

(2) BARREL-OF-OIL EQUIVALENT.—The term “barrel-of-oil equivalent” has the meaning given such term by section 29(d)(5) (as in effect before its redesignation by the Energy Tax Incentives Act of 2005).

(c) APPLICATION OF REQUIREMENT.—

(1) NO CHANGE IN METHOD OF ACCOUNTING.—Any adjustment required by this section shall not be treated as a change in method of accounting.

(2) UNDERPAYMENTS OF ESTIMATED TAX.—No addition to the tax shall be made under section 6655 of the Internal Revenue Code of 1986 (relating to failure by corporation to pay estimated tax) with respect to any underpayment of an installment required to be paid with respect to the taxable year described in subsection (a) to the extent such underpayment was created or increased by this section.

(d) APPLICABLE INTEGRATED OIL COMPANY.—For purposes of this section, the term “applicable integrated oil company” means an integrated oil company (as defined in section 291(b)(4) of the Internal Revenue Code of 1986) which has an average daily worldwide production of crude oil of at least 500,000 barrels for the taxable year and which had gross receipts in excess of \$1,000,000,000 for its last taxable year ending during calendar year 2005. For purposes of this subsection all persons treated as a single employer under subsections (a) and (b) of section 52 of the Internal Revenue Code of 1986 shall be treated as 1 person and, in the case of a short taxable year, the rule under section 448(c)(3)(B) shall apply.

#### SEC. 402. ELIMINATION OF AMORTIZATION OF GEOLOGICAL AND GEOPHYSICAL EXPENDITURES FOR MAJOR INTEGRATED OIL COMPANIES.

(a) IN GENERAL.—Section 167(h) is amended by adding at the end the following new paragraph:

“(5) NONAPPLICATION TO MAJOR INTEGRATED OIL COMPANIES.—This subsection shall not apply with respect to any expenses paid or incurred for any taxable year by any integrated oil company (as defined in section 291(b)(4)) which has an average daily worldwide production of crude oil of at least 500,000 barrels for such taxable year.”

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect as if included in the amendment made by section 1329(a) of the Energy Policy Act of 2005.

#### SEC. 403. MODIFICATIONS OF FOREIGN TAX CREDIT RULES APPLICABLE TO LARGE INTEGRATED OIL COMPANIES WHICH ARE DUAL CAPACITY TAXPAYERS.

(a) IN GENERAL.—Section 901 (relating to credit for taxes of foreign countries and of possessions of the United States) is amended by redesignating subsection (m) as (n) and by inserting after subsection (l) the following new subsection:

“(m) SPECIAL RULES RELATING TO LARGE INTEGRATED OIL COMPANIES WHICH ARE DUAL CAPACITY TAXPAYERS.—

“(1) GENERAL RULE.—Notwithstanding any other provision of this chapter, any amount paid or accrued by a dual capacity taxpayer which is a large integrated oil company to a foreign country or possession of the United States for any period shall not be considered a tax—

“(A) if, for such period, the foreign country or possession does not impose a generally applicable income tax, or

“(B) to the extent such amount exceeds the amount (determined in accordance with regulations) which—

“(i) is paid by such dual capacity taxpayer pursuant to the generally applicable income tax imposed by the country or possession, or

“(ii) would be paid if the generally applicable income tax imposed by the country or

possession were applicable to such dual capacity taxpayer.

Nothing in this paragraph shall be construed to imply the proper treatment of any such amount not in excess of the amount determined under subparagraph (B).

“(2) DUAL CAPACITY TAXPAYER.—For purposes of this subsection, the term ‘dual capacity taxpayer’ means, with respect to any foreign country or possession of the United States, a person who—

“(A) is subject to a levy of such country or possession, and

“(B) receives (or will receive) directly or indirectly a specific economic benefit (as determined in accordance with regulations) from such country or possession.

“(3) GENERALLY APPLICABLE INCOME TAX.—For purposes of this subsection—

“(A) IN GENERAL.—The term ‘generally applicable income tax’ means an income tax (or a series of income taxes) which is generally imposed under the laws of a foreign country or possession on income derived from the conduct of a trade or business within such country or possession.

“(B) EXCEPTIONS.—Such term shall not include a tax unless it has substantial application, by its terms and in practice, to—

“(i) persons who are not dual capacity taxpayers, and

“(ii) persons who are citizens or residents of the foreign country or possession.

“(4) LARGE INTEGRATED OIL COMPANY.—For purposes of this subsection, the term ‘large integrated oil company’ means, with respect to any taxable year, an integrated oil company (as defined in section 291(b)(4)) which—

“(A) had gross receipts in excess of \$1,000,000,000 for such taxable year, and

“(B) has an average daily worldwide production of crude oil of at least 500,000 barrels for such taxable year.”

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply to taxes paid or accrued in taxable years beginning after the date of the enactment of this Act.

(2) CONTRARY TREATY OBLIGATIONS UPHOLD.—The amendments made by this section shall not apply to the extent contrary to any treaty obligation of the United States.

By Mr. BROWNBACK (for himself, Mr. KYL and Mrs. HUTCHISON):

S. 2749. A bill to update the Silk Road Strategy Act of 1999 to modify targeting of assistance in order to support the economic and political independence of the countries of Central Asia and the South Caucasus in recognition of political and economic changes in these regions since enactment of the original legislation; to the Committee on Foreign Relations.

Mr. BROWNBACK. Mr. President, I rise to introduce the Silk Road Strategy Act of 2006. Joining me as original cosponsors are Senators KYL and HUTCHISON. I would like to extend my thanks to both of my colleagues and their staff for their assistance and guidance on many of the provisions in the bill.

The original Silk Road Strategy Act of 1999 saw the countries of the Caucasus and Central Asia—specifically, Armenia, Azerbaijan, Georgia, Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan and Uzbekistan—as a distinct region bound by history and common interests with a shared poten-

tial that was of critical importance to the United States.

The goals of that legislation were as follows: to promote independent, democratic government; to promote the protection of human rights, tolerance, and pluralism; to aid in the resolution of conflicts and support political, economic, and security cooperation in order to foster regional stability and economic interdependence; to promote financial and economic development based on market principles; to aid in the development of communications, transportation, health and human services infrastructure; to promote and protect the interests of U.S. businesses and investments.

These basic policy goals have not changed; however, historic events since 1999 have had a significant impact on the region's political systems, economic conditions, and security situation which affect U.S. perceptions of and interests in the region. These changes include: the September 11, 2001 terrorist attack on the United States, which clarified the nature and source of the key threats facing this country; the Operation Enduring Freedom in Afghanistan and the removal of the Taliban regime; the series of “colored revolutions” in Georgia, Ukraine and Kyrgyzstan; Deteriorating relations between the U.S. and certain regional leaders, especially Uzbekistan's President Islam Karimov, and the closure of the U.S. base in that country; the growing influence of regional powers, namely Russia and China; greater U.S. oil and gas interests in the Caspian region; and the threat posed by Iran, which is seeking to develop a nuclear potential.

In light of these changes, the Silk Road Act needs to be updated and revised to better address some of the new challenges the U.S. faces in its relations with Central Asia and the Caucasus.

The U.S.'s vital interests in the Caspian region include: ensuring the independence and security of Azerbaijan and Georgia, through which critical oil and gas pipelines transit; containing Iran; ensuring access to oil and gas reserves; maintaining good relations with Kazakhstan; promoting peaceful resolution of conflicts; and keeping Russian geopolitical ambitions in check.

Further East, U.S. interests include: helping Kyrgyzstan to make its Tulip Revolution a success; the political stabilization of Afghanistan and enhancement of its security by defeating the Taliban and Al Qaeda and its satellite organizations; political reform and liberalization in the countries of Central Asia to neutralize radical Islamic movements, such as Hizb-ut-Tahrir al-Islami, HUT—Islamic Army of Liberation; reduction of drug production and exports; creation and/or support of the U.S. military base network; and social and economic development in the states of Central Asia.

To these ends, among other priorities, this bill emphasizes the impor-

tance of East-West gas and oil pipelines, such as the Baku-Tbilisi-Ceyhan pipeline, BTC. BTC ensures Azerbaijan's security and economic future, and binds the country with neighboring Georgia and Turkey, anchoring Azerbaijan in the network of Western states and institutions.

The bill also includes Afghanistan as a Silk Road country and promotes the integration of Afghanistan with neighboring Central Asian states in terms of security, trade, infrastructure and energy grids.

In all the states of Central Asia and the Caucasus, it is critical to promote democratic development. Among this bill's initiatives are calls for supporting independent media outlets, especially electronic media, and also for satellite TV programming, to provide authoritative news and more diverse opinions than are otherwise available. Specifically, it supports satellite TV broadcasting into Uzbekistan, Turkmenistan and Iran and the activities of their diasporas in the United States. Furthermore, the bill offers assistance for the establishment of civil service institutes to train civil servants at all levels in the rule of law, conduct of elections, respect for citizens' rights, and the needs of a market economy.

No less important is the need to accelerate and broaden economic reform and modernization in the Silk Road countries. Accordingly, this bill provides assistance in the privatization of state enterprises and deregulation of the economy.

The bill also calls for assistance with the establishment of the Caspian Bank of Reconstruction and Development, CBRD, to help Silk Road states address problems caused by increased revenues from energy exports, and dangers to macroeconomic stability and overheating of the economy infrastructure, as well as promote development in the region.

In light of Trans-Caspian Oil and Gas Pipelines, this bill encourages the governments of Azerbaijan, Kazakhstan and especially Turkmenistan to improve their business climate and investor confidence by fully disclosing their internationally audited hydrocarbon reserve.

The bill strongly supports activities that promote the participation of U.S. companies and investors in the planning, financing, and construction of infrastructure for communications, transportation, including air transportation, and energy and trade including highways, railroads, port facilities, shipping, banking, insurance, telecommunications networks, and gas and oil pipelines.

Furthermore, the bill would assist in the removal of legal and institutional barriers to continental and regional trade and the harmonization of border and tariff regimes, including improved mechanisms for transit through Pakistan to Afghanistan and the rest of Central Asia.

With respect to the World Trade Organization, the bill offers support to Silk Road countries seeking WTO accession, providing assistance in reform as needed. Recognizing that PNTR status, through graduation from the Jackson-Vanik Amendment of 1974 Trade Act, and WTO membership have been extended to Armenia, Georgia and Kyrgyzstan, the bill calls for extending the same status to the other two most advanced economies of the region, Azerbaijan and Kazakhstan, by graduating them from the Jackson-Vanik Amendment, extending PNTR status and aiding in WTO accession. But before that support is offered, it is important for the two countries to demonstrate that they are capable of dealing with the demands of a vibrant economy in a democratic setting.

A detailed examination of this bill will reveal many more initiatives. But as you can see, Mr. President, the Silk Road Strategy Act of 2006 takes a comprehensive approach to the region, encompassing security, economic development, democratic governance and human rights. I believe it targets the key issues that U.S. policymakers must address in our ever more important effort to establish solid, long-lasting relationships with the countries of the Silk Road. I hope my colleagues will support this bill and I look forward to discussing it with them.

By Mr. DEMINT:

S. 2750. A bill to improve access to emergency medical services through medical liability reform and additional Medicare payments; to the Committee on Finance.

Mr. DEMINT. Mr. President, I rise to introduce legislation to strengthen our nation's emergency departments, which are the backbone of our health care safety net.

Events of recent years—9/11, Hurricanes Katrina and Rita—have allowed all of us to see our emergency departments in action, 24 hours a day, 7 days a week. With every natural disaster or terrorist attack, emergency physicians, on-call specialists and nurses are on the front lines. Many times, it's their expertise that recognizes a problem. For example, it was the diagnosis and prompt communication of the incidence of anthrax that prevented more deaths a couple years ago here in D.C. Likewise, should we face pandemic influenza, it is likely to be discovered first in our emergency rooms.

Federal law requires that each person who comes to an emergency department be stabilized. Yet health plans are paying less and less of this cost, and many of the 45 million patients without health insurance can't pay at all. In fact, more than one-third of all emergency department patients are uninsured or are Medicaid or SCHIP enrollees. This results in huge amounts of uncompensated care in our nation's emergency departments, which threatens their viability and everyone's access to emergency care.

Unfortunately, America's emergency patients are suffering because emergency departments are not supported well enough to handle day-to-day emergencies, let alone a pandemic flu or terrorist attack. Patients wait hours to see physicians, "boarding" sometimes for days in emergency departments and diverted in ambulances to other hospitals. This gridlock threatens access to emergency care for everyone—both insured and uninsured.

Emergency departments are underfunded and suffer from severe staffing shortages. A new study just released by the Robert Wood Johnson Foundation and the American College of Emergency Physicians found that three-fourths of emergency medical directors reported inadequate on-call specialist coverage, compared with two-thirds in 2004: a sure sign that a bad situation is getting even worse.

Frivolous lawsuits and the nation's broken medical liability system are also driving up the costs of health care for everyone and threaten to leave already disadvantaged patients without access to necessary health care services.

But, even in the best of times, the number of visits to emergency departments continue to increase, while the number of emergency departments in hospitals continue to decrease. In fact, we've even seen a number of emergency departments have to close their doors.

Surprisingly, there are no standard measures to report the extent of overcrowding in emergency departments. During the last Congress, the Government Accountability Office (GAO) surveyed hospital emergency departments and reported back to Congress—providing us with the data needed to begin to address these issues.

The GAO report told Congress that patient "boarding" in the emergency department was the most common factor associated with overcrowding. The term "boarding" refers to those patients who have been admitted to the hospital but have not yet been moved from the emergency department to an inpatient hospital bed. When these patients remain in the emergency department long after the decision to admit them is made (at times on gurneys in halls and elsewhere)—it diminishes the space to care for other patients, and adversely impacts the staff and other resources.

My bill requires Medicare to establish regulations to reduce or eliminate overcrowding and boarding of emergency department patients. We have the data to recognize this problem. Hopefully, national standards coupled with incentive payments for those hospitals implementing the standards and documenting improvement will improve the quality of care in this country.

My legislation, the "Access to Emergency Medical Services Act," directly addresses the issues of low reimbursement, emergency department overcrowding, and increasing medical liability insurance costs.

First, my bill expands the current liability protection granted to commissioned officers and employees of the Public Health Service to include Medicare participating hospitals or emergency departments subject to the Emergency Medical Treatment and Labor Act (EMTALA). This would also cover physicians and physician groups employed by, under contract, or on-call for duty to stabilize an individual with an emergency medical condition. This safeguard does not prevent someone from taking legal action. Rather, the bill requires that any tort or medical liability case must be brought against the United States, which in turn must defend any civil action or proceeding. Awards for malpractice judgments would be paid from a specific fund established for this purpose.

Second, my bill increases physician payments by 10% for services provided to Medicare beneficiaries in the emergency department of a hospital or critical access hospital. EMTALA is an unfunded federal mandate. Current law does not require health insurance companies, governments or individuals to pay for services that have been provided. As a result, emergency physicians bear the brunt of uncompensated care. This increased reimbursement recognizes and funds this mandate, and I hope it will go a long way toward improving physician recruitment and retention.

Finally, my bill provides financial incentive payments to hospitals that meet standards for prompt admissions of emergency department patients requiring inpatient hospital services. The bill would increase payments to these hospitals by 10 percent for Medicare beneficiaries' emergency department visits. The payments would be made only if the hospital certifies, subject to audit, that it met the standards for prompt admission.

The issues addressed by my bill impact each one of us. When you, or a family member, need the emergency room, you don't want to worry about it being crowded, closed, under-funded, or not having the staff it needs.

Emergency physicians, nurses and on-call specialists are the heroes in America's hospitals, working under incredibly difficult conditions on patients who need critical attention. Congress needs to step up and take action. The "Access to Emergency Medical Services Act" is an important first step to address these issues.

By Mr. NELSON of Nebraska (for himself and Mr. DOMENICI):

S. 2751. A bill to strengthen the National Oceanic and Atmospheric Administration's drought monitoring and forecasting capabilities; to the Committee on Commerce, Science, and Transportation.

Mr. NELSON of Nebraska. Mr. President, I rise today to introduce legislation that would establish the "National Integrated Drought Information System" (NIDIS) within the National

Oceanic and Atmospheric Administration (NOAA) for purposes of improving drought monitoring and forecasting capabilities.

Over the last decade, several severe and long-term droughts have occurred in the United States. Recent severe drought conditions across the Nation and in particular in the West have created life-threatening situations, as well as financial burdens for both government and individuals.

Extremely dry conditions have led to numerous forest and rangeland fires, burning hundreds of thousands of acres of land, destroying homes and communities, and eliminating critical habitats for wildlife and grazing lands for livestock. The subsequent ash and sediment loading threatens the health of our streams. In addition to the millions of board-feet of timber lost, these fires have cost hundreds of millions of dollars to fight and have put thousands of lives at risk.

The droughts have caused shortages of grain and other agricultural products resulting in soaring prices that will be passed on to consumers. In addition, deteriorating soil conditions and lack of forage are devastating the farm and ranching communities. The droughts have negatively affected livestock market prices and caused the premature selloffs of herds.

The droughts have threatened municipal water supplies, causing many communities to develop new water management plans which institute water restrictions and other water conservation measures. Drought causes social, economic and environmental consequences including negative effects on commerce and industry, tourism, air, water and other natural resources, and quality of life for our citizens, ranging from limits on recreational opportunities to loss of employment.

The fiscal impacts of drought on individuals and governments are significant. According to NOAA, the federal government spends on average \$6–8 billion per year on drought. The most devastating of these was the 1988 drought in the central and eastern U.S. which caused severe losses to agriculture and related industries totaling \$40 billion and an estimated 5,000–10,000 deaths.

The issue of drought is one I have been involved with for many years. Fortunately, drought conditions are improving in Nebraska, but we have endured a number of very difficult years struggling with the impact drought has had on our economy and environment and the social implications that go along with a disaster like this.

One of my biggest frustrations the past few years as an elected official, trying to help the areas of my State devastated by drought, has been making people understand that this drought really was a disaster—as much as a hurricane, or an earthquake, or a tornado.

I even named the drought in Nebraska—Drought David—in an effort to

crystallize it so people could see that it is the same kind of experience as any other natural disaster.

Unlike other natural disasters, however, droughts are much more difficult to identify. It is hard to miss an oncoming flood or tornado—or their immediate aftermath. Drought, and its effects, is much harder to quantify. It develops slowly; it doesn't necessarily have a beginning point or an ending point but it spans over an extended period of time.

Because it is difficult to forecast and plan for droughts, it is especially important that we have programs in place such as the National Drought Mitigation Center at the University of Nebraska-Lincoln. The Drought Mitigation Center, among other things, maintains a web-based information clearinghouse, provides drought monitoring, prepares the weekly U.S. Drought Monitor which covers all 50 States, and develops drought policy and planning techniques. I believe it is crucial to encourage more investment in research programs such as the Drought Mitigation Center.

The research done upfront in monitoring drought trends will help our capabilities to mitigate and respond to its effects in a much more effective manner. It is cost effective to support programs such as the National Drought Mitigation Center and I advocate for continued support for this important program.

The National Drought Policy Commission stated in their May 2000 report to Congress that “Drought is the most obstinate and pernicious of the dramatic events that Nature conjures up. It can last longer and extend across larger areas than hurricanes, tornadoes, floods and earthquakes . . . causing hundreds of millions of dollars in losses, and dashing hopes and dreams.” Among its recommendations to move the country toward a more proactive approach to drought preparedness and response, the Commission called for improved “collaboration among scientists and managers to enhance the effectiveness of observation networks, monitoring, prediction, information delivery, and applied research and to foster public understanding of and preparedness for drought.”

The call for improved drought monitoring and forecasting has also been advocated by the Western Governors' Association (WGA). In the WGA policy resolution adopted in June 2005, “Future Management of Drought,” the Governors state that NIDIS “would provide water users across the board—farmers, ranchers, utilities, tribes, land managers, business owners, recreationalists, wildlife managers, and decision-makers at all levels of government—with the ability to assess their drought risk in real time and before the onset of drought, in order to make informed and timely decisions that may mitigate a drought's impacts. The Governors urge Congress and the President to authorize NIDIS and provide funding for its implementation.”

NIDIS has also become a key component of the multi-national effort to create the Global Earth Observation System of Systems (GEOSS), a mechanism for linking the individual networks of satellites, ocean buoys, weather stations and other instruments scattered across the globe. The U.S. Integrated Earth Observation System (IEOS), the U.S. contribution to GEOSS, has identified NIDIS as one of six “near-term opportunities” in their Strategic Plan.

Finally, the Administration supports this program. Funding for NIDIS is included in the President's FY 2007 budget request.

The National Integrated Drought Information System Act of 2006 that Senator DOMENICI and I are introducing today would authorize the much needed drought early warning system envisioned by the National Drought Policy Commission, the Western Governors' Association, and the Integrated Earth Observation System. If enacted, this bill will allow our Nation to become much more proactive in mitigating and avoiding the costly impacts and contentious conflicts that so often happen today when water shortages and droughts occur.

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

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

S. 2751

*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 “National Integrated Drought Information System Act of 2006”.

#### SEC. 2. NOAA PROGRAM TO MONITOR AND FORECAST DROUGHTS.

(a) IN GENERAL.—The Under Secretary of Commerce for Oceans and Atmosphere shall establish a National Integrated Drought Information System within the National Oceanic and Atmospheric Administration.

(b) SYSTEM FUNCTIONS.—The System shall—

(1) provide an effective drought early warning system that—

(A) is a comprehensive system that collects and integrates information on the key indicators of drought in order to make usable, reliable, and timely drought forecasts and assessments of drought, including assessments of the severity of drought conditions and impacts;

(B) communicates drought forecasts, drought conditions, and drought impacts on an ongoing basis to—

- (i) decisionmakers at the Federal, regional, State, tribal, and local levels of government;
- (ii) the private sector; and
- (iii) the public,

in order to facilitate better informed, more timely decisions and support drought mitigation and preparedness programs that will reduce impacts and costs; and

(C) includes timely (where possible real-time) data, information, and products that reflect local, regional, and State differences in drought conditions; and

(2) coordinate, and integrate as practicable, Federal research in support of a drought early warning system, improved

forecasts, and the development of mitigation and preparedness tools and techniques;

(3) build upon existing drought forecasting, assessment, and mitigation programs at the National Oceanic and Atmospheric Administration, including programs conducted in partnership with other Federal departments and agencies and existing research partnerships, such as that with the National Drought Mitigation Center at the University of Nebraska-Lincoln; and

(4) be incorporated into the Global Earth Observation System of Systems.

(c) **CONSULTATION.**—The Under Secretary shall consult with relevant Federal, regional, State, tribal, and local government agencies, research institutions, and the private sector in the development of the National Integrated Drought Information System.

(d) **COOPERATION FROM OTHER FEDERAL AGENCIES.**—Each Federal agency shall cooperate as appropriate with the Under Secretary in carrying out this Act.

(e) **DROUGHT DEFINED.**—In this section, the term “drought” means a deficiency in precipitation—

(1) that leads to a deficiency in surface or sub-surface water supplies (including rivers, streams, wetlands, ground water, soil moisture, reservoir supplies, lake levels, and snow pack); and

(2) that causes or may cause—

(A) substantial economic or social impacts; or

(B) substantial physical damage or injury to individuals, property, or the environment.

### SEC. 3. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary of Commerce for use by the Under Secretary of Commerce for Oceans and Atmosphere in implementing section 2—

(1) \$8,000,000 for fiscal year 2007;

(2) \$9,000,000 for fiscal year 2008;

(3) \$10,000,000 for each of fiscal years 2009 and 2010; and

(4) \$11,000,000 for each of fiscal years 2011 and 2012.

Mr. DOMENICI. Mr. President, I rise today to join Senator NELSON of Nebraska to introduce the National Integrated Drought Information System Act of 2006. I would like to thank Senator BEN NELSON; his strong leadership and hard work on this bill has been key in bringing us forward on this important issue.

Drought is a unique emergency situation; it creeps in unlike other abrupt weather disasters. Without a national drought policy we constantly live not knowing what the next year will bring. Unfortunately, when we find ourselves facing a drought, towns often scramble to drill new water wells, fires often sweep across bone dry forests and farmers and ranchers are forced to watch their way of life blow away with the dust. This year, my home State of New Mexico is facing a very real threat of devastating drought, as our snow pack was far below average.

We must be vigilant and prepare ourselves for quick action as this next drought cycle begins. Better planning on our part could limit some of the damage felt by drought. I submit that this bill is the exact tool needed for facilitating better planning.

This Act establishes the National Integrated Drought Information System within the National Oceanic and Atmospheric Administration to improve national drought preparedness, infor-

mation collection and analysis. This information system collects and integrates information on key indicators of drought in order to make usable, reliable and timely drought forecasts and assessments. This information will be disseminated to federal, state, tribal and local decision makers in order to better prepare them for the effects of drought.

The impacts of drought are also very costly. According to NOAA, there have been 12 different drought events since 1980 that resulted in damages and costs exceeding \$1 billion each. In 2000, severe drought in the South-Central and Southeastern states caused losses to agriculture and related industries of over \$4 billion. Western wildfires that year totaled over \$2 billion in damages. The Eastern drought in 1999 led to \$1 billion in losses. These are just a few of the statistics.

On April 18, 2006, the Texas Agriculture Experiment Station predicted a dramatic decrease in water flows and reservoir storage throughout New Mexico. Early predictions indicate that river water supply will be at 54 percent due primarily to receiving half our annual snow pack and above average temperatures in my state. Additionally, several of our reservoirs are at severely diminished capacity. Specifically, the Elephant Butte, El Vado and Caballo reservoirs will all be below 10 percent of capacity by Labor Day. Several New Mexico communities have already begun to institute water restrictions in preparation for what is predicted to be one of the worst years on record. As this drought persists, I want to ensure each New Mexican that I am committed to doing everything possible to make sure they have the tools and information they need to make the best decisions.

While drought affects the economic and environmental well-being of the entire nation, the United States has lacked a cohesive strategy for dealing with serious drought emergencies. As many of you know, the impact of drought emerges gradually rather than suddenly, as is the case with other natural disasters.

I am pleased to be following through on what I started in 1997. The bill that we are introducing today is the next step in implementing a national, cohesive drought policy. The bill recognizes that drought is a recurring phenomenon that causes serious economic and environmental loss and that a national drought policy is needed to ensure an integrated, coordinated strategy.

By Mr. AKAKA:

S. 2753. A bill to require a program to improve the provision of caregiver assistance services for veterans; to the Committee on Veterans' Affairs.

Mr. AKAKA. Mr. President, I rise proudly today to introduce legislation that would provide assistance to those who care for our Nation's veterans. These caregivers provide a great serv-

ice to our country and play a vital role in providing non-institutional long-term health care for veterans.

There is deep concern regarding the anticipated number of veterans that will need long-term care by the year 2010. In 2005, there were almost one million veterans age 85 and over, and by 2010, it is anticipated that the number of veterans in this age category will grow to 1.3 million. The Department of Veterans Affairs (VA) will be faced with a crisis related to the demand for care of this population, and we must help VA prepare for this situation.

VA has been disturbingly inactive in instituting the long-term care provisions of the 1999 Millennium Health Care Act. The General Accounting Office has been the most critical, citing major inconsistencies across the VA system in the implementation of non-institutional care. During the Committee on Veterans' Affairs' oversight work in Hawaii, we found that the Kauai clinic lacked a home care specialist and the Maui clinic was arbitrarily limiting non-institutional care. Caregivers are crucial in bridging these gaps in non-institutional long-term care services.

With more veterans returning from combat with severely debilitating injuries, young spouses and parents have been forced to take on an unexpected role as caregivers. Many have interrupted their own careers to dedicate time and attention to the care and rehabilitation of loved ones. These caregivers do not plan for this to happen and are not prepared mentally or financially for their new role. Therefore, we must protect, educate, and lend a helping hand to the caregivers who take on the responsibility and costly burden of caring for veterans, both young and old.

This legislation serves to provide comprehensive assistance to these caregivers. By providing such services as respite care, caregivers can have time to run errands and attend to their own health concerns. They can rest easier knowing that there is someone there to care for their disabled veteran while they are out. Another service provided through this legislation is adult-day care for veterans. This serves a dual purpose in that it provides short-term supervision and also gives veterans a place to go for some camaraderie.

The last years of a veteran's life can be difficult for both the veteran and for the caregiver. This legislation would also provide hospice services so that this period is one of peace and comfort.

Other services that would support caregivers under this legislation include education, training, transportation services, readjustment services, rehabilitation services, home care services, and any other new and innovative modalities of non-institutional long-term care.

I cannot try to quantify the invaluable service that caregivers provide.

What can be done is to make funds available to carry out programs to assist them. The legislation authorizes \$10 million to be allocated to individual medical facilities within VA, especially to those in rural areas without a long-term care facility, based upon the proposals submitted by the facilities. In efforts to evaluate the improvements made in caregiver assistance services, a report shall be submitted to Congress by the Secretary no later than a year after enactment of this bill. The report should include information on the allocation of funds to facilities and a description of the improvements made with the funds.

Let us meet these caregivers halfway by giving them the assistance they need to care for the veterans that depend on them. I ask my colleagues to join me in supporting this effort.

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. 2753

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

#### SECTION 1. IMPROVEMENT OF SERVICES FOR CAREGIVERS OF VETERANS.

(a) IN GENERAL.—The Secretary of Veterans Affairs shall carry out a program to expand and improve the services that assist caregivers of veterans, including veterans of the Global War on Terrorism.

(b) CAREGIVER ASSISTANCE SERVICES.—For purposes of this section, the term “caregiver assistance services” includes the following:

- (1) Adult-day health care services.
- (2) Coordination of services needed by veterans, including services for readjustment and rehabilitation.
- (3) Transportation services.
- (4) Caregiver support services, including education, training, and certification of family members in caregiver activities.
- (5) Home care services.
- (6) Respite care.
- (7) Hospice services.
- (8) Any modalities of non-institutional long-term care.

#### (c) FUNDING.—

(1) SOURCE OF FUNDS.—In carrying out the program required by subsection (a), the Secretary shall identify, from funds available to the Department of Veterans Affairs for medical care, an amount not less than \$10,000,000 to be available to carry out the program and to be allocated to facilities of the Department pursuant to subsection (d).

(2) MINIMUM ALLOCATION OF FUNDS.—In identifying available amounts pursuant to paragraph (1), the Secretary shall ensure that, after the allocation of funds under subsection (d), the total expenditure for programs in support of caregiver assistance services for veterans is not less than \$10,000,000 in excess of the baseline amount.

(3) BASELINE AMOUNT.—For purposes of paragraph (2), the baseline amount is the amount of the total expenditures on programs in support of caregiver assistance services for veterans for the most recent fiscal year for which final expenditure amounts are known, adjusted to reflect any subsequent increase in applicable costs to support such services through the Veterans Health Administration.

(d) ALLOCATION OF FUNDS TO FACILITIES.—The Secretary shall allocate funds identified

pursuant to subsection (c)(1) to individual medical facilities of the Department in such amounts as the Secretary determines appropriate based upon proposals submitted by such facilities for the use of such funds for improvements to the support of the provision of caregiver assistance services for veterans. Special consideration should be given to rural facilities, including those without a long-term care facility of the Department.

(e) REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report on the implementation of this section. The report shall include information on the allocation of funds to facilities of the Department under subsection (d) and a description of the improvements made with funds so allocated to the support of the provision of caregiver assistance services for veterans.

#### SUBMITTED RESOLUTIONS

#### SENATE RESOLUTION 465—EXPRESSING THE SENSE OF THE SENATE WITH RESPECT TO CHILDHOOD STROKE AND DESIGNATING MAY 6, 2006, AS “NATIONAL CHILDHOOD STROKE AWARENESS DAY”

Mr. CHAMBLISS (for himself and Mr. FRIST) submitted the following resolution; which was considered and agreed to:

#### S. RES. 465

Whereas a stroke, also known as a “cerebrovascular accident”, is an acute neurologic injury that occurs when the blood supply to a part of the brain is interrupted by—

- (1) a clot in the artery; or
- (2) a burst of the artery;

Whereas a stroke is a medical emergency that can cause permanent neurologic damage or even death if not promptly diagnosed and treated;

Whereas 26 out of every 100,000 newborns and almost 3 out of every 100,000 children have a stroke each year;

Whereas an individual can have a stroke before birth;

Whereas stroke is among the top 10 causes of death for children in the United States;

Whereas 12 percent of all children who experience a stroke die as a result;

Whereas the death rate for children who experience a stroke before the age of 1 year is the highest out of all age groups;

Whereas many children who experience a stroke will suffer serious, long-term neurological disabilities, including—

- (1) hemiplegia, which is paralysis of 1 side of the body;
- (2) seizures;
- (3) speech and vision problems; and
- (4) learning difficulties;

Whereas those disabilities may require ongoing physical therapy and surgeries;

Whereas the permanent health concerns and treatments resulting from strokes that occur during childhood and young adulthood have a considerable impact on children, families, and society;

Whereas very little is known about the cause, treatment, and prevention of childhood stroke;

Whereas medical research is the only means by which the citizens of the United States can identify and develop effective treatment and prevention strategies for childhood stroke; and

Whereas early diagnosis and treatment of childhood stroke greatly improves the chances that the affected child will recover and not experience a recurrence: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates May 6, 2006, as “National Childhood Stroke Awareness Day”; and

(2) urges the people of the United States to support the efforts, programs, services, and advocacy of organizations that work to enhance public awareness of childhood stroke, including—

(A) the Children's Hemiplegia and Stroke Association;

(B) the American Stroke Association, a division of the American Heart Association; and

(C) the National Stroke Association.

#### SENATE RESOLUTION 466—DESIGNATING MAY 20, 2006, AS “NEGRO LEAGUERS RECOGNITION DAY”

Mr. NELSON of Florida (for himself, Mr. TALENT, Mr. DEWINE, Mr. REID, and Mr. BROWNBACK) submitted the following resolution; which was considered and agreed to:

#### S. RES. 466

Whereas even though African Americans were excluded from playing in the major leagues of their time with their white counterparts, the desire of many African Americans to play baseball could not be repressed;

Whereas Major League Baseball did not fully integrate its league until July 1959;

Whereas African Americans began organizing their own professional baseball teams in 1885;

Whereas the skills and abilities of Negro League players eventually made Major League Baseball realize the need to integrate the sport;

Whereas six separate baseball leagues, known collectively as the “Negro Baseball Leagues”, were organized by African Americans between 1920 and 1960;

Whereas the Negro Baseball Leagues included exceptionally talented players who played the game at its highest level;

Whereas on May 20, 1920, the Negro National League, the first successful Negro League, played its first game;

Whereas Andrew “Rube” Foster, on February 13, 1920, at the Paseo YMCA in Kansas City, Missouri, founded the Negro National League and also managed and played for the Chicago American Giants, and later was inducted into the Baseball Hall of Fame;

Whereas Leroy “Satchel” Paige, who began his long career in the Negro Leagues and did not make his Major League debut until the age of 42, is considered one of the greatest pitchers the game has ever seen, and during his long career thrilled millions of baseball fans with his skill and legendary showboating, and was later inducted into the Baseball Hall of Fame;

Whereas Josh Gibson, who was the greatest slugger of the Negro Leagues, tragically died months before the integration of baseball, and was later inducted into the Baseball Hall of Fame;

Whereas Jackie Robinson, whose career began with the Negro League Kansas City Monarchs, became the first African American to play in the Major Leagues in April 1947, was named Major League Baseball Rookie of the Year in 1947, subsequently led the Brooklyn Dodgers to 6 National League pennants and a World Series championship, and was later inducted into the Baseball Hall of Fame;

Whereas Larry Doby, whose career began with the Negro League Newark Eagles, became the first African American to play in



the American League in July 1947, was an All-Star 9 times in Negro League and Major League Baseball, and was later inducted into the Baseball Hall of Fame;

Whereas John Jordan "Buck" O'Neil was a player and manager of the Negro League Kansas City Monarchs, became the first African American coach in the Major Leagues with the Chicago Cubs in 1962, served on the Veterans Committee of the National Baseball Hall of Fame, chairs the Negro Leagues Baseball Museum Board of Directors, and has worked tirelessly to promote the history of the Negro Leagues; and

Whereas by achieving success on the baseball field, African American baseball players helped break down color barriers and integrate African Americans into all aspects of society in the United States: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates May 20, 2006, as "Negro Leaguers Recognition Day"; and

(2) recognizes the teams and players of the Negro Baseball Leagues for their achievements, dedication, sacrifices, and contributions to both baseball and our Nation.

**SENATE RESOLUTION 467—EXPRESSING THE SENSE OF THE SENATE THAT THE PRESIDENT SHOULD USE ALL DIPLOMATIC MEANS NECESSARY AND REASONABLE TO INFLUENCE OIL-PRODUCING NATIONS TO IMMEDIATELY INCREASE OIL PRODUCTION AND THAT THE SECRETARY OF ENERGY SHOULD SUBMIT TO CONGRESS A REPORT DETAILING THE ESTIMATED PRODUCTION LEVELS AND ESTIMATED PRODUCTION CAPACITY OF ALL MAJOR OIL-PRODUCING COUNTRIES.**

Mr. THUNE (for himself and Mr. FRIST) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES 467

*Resolved by the Senate, That is the sense of the Senate that—*

(1) the President should use all diplomatic means necessary and reasonable to influence oil producing nations to immediately increase oil production levels to—

(A) increase the supply on the world market; and

(B) reduce the price of oil;

(2) a major oil-producing country is a country that—

(A) had an average level of production of crude oil, oil sands, or natural gas to liquids that exceeded 1,000,000 barrels per day during the previous calendar year; and

(B) has crude oil, shale oil, or oil sands reserves of at least 6,000,000,000 barrels, as recognized by the Department of Energy; and

(3) not later than June 30, 2006, the Secretary of Energy should submit to Congress a report detailing the estimated production levels and estimated production capacity of all major oil-producing countries.

**SENATE RESOLUTION 468—SUPPORTING THE CONTINUED ADMINISTRATION OF CHANNEL ISLANDS NATIONAL PARK, INCLUDING SANTA ROSA ISLAND, IN ACCORDANCE WITH THE LAWS (INCLUDING REGULATIONS) AND POLICIES OF THE NATIONAL PARK SERVICE**

Mrs. FEINSTEIN (for herself and Mrs. BOXER) submitted the following resolution; which was referred to the Committee on Energy and Natural Resources:

S. RES 468

Whereas Channel Islands National Monument was designated in 1938 by President Franklin D. Roosevelt under the authority of the Act of June 8, 1906 (16 U.S.C. 431 note);

Whereas the Monument was expanded to include additional islands and redesignated as Channel Islands National Park in 1980 to protect the nationally significant natural, scenic, wildlife, marine, ecological, archaeological, cultural, and scientific values of the Channel Islands in California;

Whereas Santa Rosa Island was acquired by the United States in 1986 for approximately \$29,500,000 for the purpose of restoring the native ecology of the Island and making the Island available to the public for recreational uses;

Whereas Santa Rosa Island contains numerous prehistoric and historic artifacts and provides important habitat for several threatened and endangered species;

Whereas under a court-approved settlement, the nonnative elk and deer populations are scheduled to be removed from the Park by 2011 and the Island is to be restored to management consistent with other National Parks; and

Whereas there have been recent proposals to remove Santa Rosa Island from the administration of the National Park Service or to direct the management of the Island in a manner inconsistent with existing legal requirements and the sound management of Park resources: Now, therefore, be it

*Resolved*, That—

(1) Channel Islands National Park, including Santa Rosa Island, should continue to be administered by the National Park Service in accordance with the National Park Service Organic Act (16 U.S.C. 1 et seq.) and other applicable laws;

(2) the National Park Service should manage Santa Rosa Island in a manner that ensures that—

(A) the natural, scenic, and cultural resources of the Island are properly protected, restored, and interpreted for the public; and

(B) visitors to the Park are provided with a safe and enjoyable Park experience; and

(3) the National Park Service should not be directed to manage Santa Rosa Island in a manner—

(A) that would result in the public being denied access to significant portions of the Island; or

(B) that is inconsistent with the responsibility of the National Park Service to protect native resources within the Park, including threatened and endangered species.

Mrs. FEINSTEIN. Mr. President, I rise today to submit a Senate resolution concerning Channel Islands National Park, with Senator BOXER as an original cosponsor.

We firmly believe that Channel Islands National Park, including Santa Rosa Island, should continue to be administered by the National Park Service in accordance with the laws, regula-

tions, and policies of the National Park Service, including the National Park Service Organic Act.

Channel Islands National Monument was designated in 1938 by President Franklin D. Roosevelt under the authority of the Antiquities Act.

The monument was expanded to include additional islands and redesignated as Channel Islands National Park in 1980 in order to protect the nationally significant natural, scenic, wildlife, marine, ecological, archaeological, cultural, and scientific values of the Channel Islands in California.

Santa Rosa Island was acquired by the United States in 1986 for approximately \$30 million for the purpose of restoring its native ecology and making the island available to the public for recreational uses. The previous owners of the Island retained only an agreement for the non-commercial use and occupancy of a 7.6-acre parcel of land through 2011.

The non-native elk and deer population are to be removed from the park by 2011 under a court-approved settlement and the Island restored to management consistent with other national parks.

We introduce this resolution to express our concern with a provision that the House Armed Services Committee has included in the House version of the Defense authorization bill.

The provision would prohibit the Park Service from carrying out the court-approved settlement's direction to remove the population of non-native deer and elk.

To the contrary, we believe that Congress should not direct the National Park Service to manage Santa Rosa Island in a manner that would result in the public being denied access to significant portions of the Island for any substantial period of time.

If the Park Service is unable to manage the non-native deer and elk population, the population will likely be managed through the present practice of privately organized hunting editions that currently require the closure of about 90 percent of the Island to the general public for 4–5 months out of the year. The national parks belong to the American people, and the parks should remain freely open to the people.

We also believe that Congressional direction for Santa Rosa Island should not be inconsistent with the requirement to protect and enhance native park resources, including threatened and endangered species.

There are 11 endangered or threatened plant and animal species on the Island, many of which would be harmed by the proposal.

In particular, the bald eagle is at risk from eating carcasses containing lead bullets used by the hunters; the Santa Rosa Island fox is preyed upon by golden eagles attracted by fawns and other deer; and the Island's endangered plants are threatened by the deer and elk.

In addition, there are substantial archaeological resources on the Island

which could be at risk, including potentially the oldest discovered human remains in North America, 13,000 years old, and remains of the rare pygmy mammoth.

In summary, we believe that the National Park Service should manage Santa Rosa Island to ensure that the Island's natural, scenic, and cultural resources are properly protected, restored, and interpreted for the public, and that park visitors are provided with a safe and enjoyable park experience.

I urge my colleagues to support this Senate resolution.

#### AMENDMENTS SUBMITTED AND PROPOSED

SA 3860. Mr. COCHRAN (for Mr. BYRD) proposed an amendment to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes.

#### TEXT OF AMENDMENTS

**SA 3860.** Mr. COCHRAN (for Mr. BYRD) proposed an amendment to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; as follows:

At the appropriate place, insert the following:

*Provided further,* That unexpended balances for Health Resources and Services Administration grant number 7C6HF03601-01-00, appropriated in P.L. 106-554, shall remain available until expended.

#### NOTICES OF HEARINGS/MEETINGS

##### COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. DOMENICI. Mr. President, I would like to announce for the information of the Senate and the public that an oversight hearing has been scheduled before the Committee on Energy and Natural Resources.

The hearing will be held on Thursday, May 11, 2006 at 10 a.m. in room SD-366 of the Dirksen Building.

The purpose of the hearing is to receive testimony regarding the status of the Yucca Mountain Repository Project within the Office of Civilian Radioactive Waste Management at the Department of Energy.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510-6150.

For further information, please contact Clint Williamson at (202) 224-7556 or Steve Waskiewicz at (202) 228-6195.

#### AUTHORITY FOR COMMITTEES TO MEET

##### COMMITTEE ON ARMED SERVICES

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the Com-

mittee on Armed Services be authorized to meet during the session of the Senate on Thursday, May 4, 2006 at 9:30 a.m. in closed session to mark up the National Defense Authorization Act for fiscal year 2007.

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

##### COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the senate on Thursday, May 4, 2006, at 10:30 a.m. to markup an original bill entitled "Financial Services Regulatory Relief Act of 2006."

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

##### COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Thursday, May 4, at 10 a.m. The purpose of this meeting is to consider the nomination of Dirk Kempthorne of Idaho to be Secretary of the Interior.

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

##### COMMITTEE ON THE JUDICIARY

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a markup on Thursday, May 4, 2006, at 9:30 a.m. in the Dirksen Senate Office Building Room 226. The agenda is attached.

I. Nominations: Norman Randy Smith, to be U.S. Circuit Judge for the Ninth Circuit; Brett Kavanaugh, to be U.S. Circuit Judge for the DC Circuit; Milan D. Smith, Jr., to be U.S. Circuit Judge for the Ninth Circuit; Renee Marie Bumb, to be U.S. District Judge for the District of New Jersey; Noel Lawrence Hillman, to be U.S. District Judge for the District of New Jersey; Peter G. Sheridan, to be U.S. District Judge for the District of New Jersey; Susan Davis Wigenton, to be U.S. District Judge for the District of New Jersey.

II. Bills: S. 2453, National Security Surveillance Act of 2006, Specter; S. 2455, Terrorist Surveillance Act of 2006, DeWine, Graham; S. 2468, A bill to provide standing for civil actions for declaratory and injunctive relief to persons who refrain from electronic communications through fear of being subject to warrantless electronic surveillance for foreign intelligence purposes, and for other purposes, Schumer; S. 2039, Prosecutors and Defenders Incentive Act of 2005, Durbin, Specter, DeWine, Leahy, Kennedy, Feinstein, Feingold, Schumer.

III. Matters: S.J. Res. 1, Marriage Protection Amendment, Allard, Sessions, Kyl, Hatch, Cornyn, Coburn, Brownback, DeWine.

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

##### SELECT COMMITTEE ON INTELLIGENCE

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on May 4, 2006 at 2:30 p.m., to hold a closed hearing.

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

##### SUBCOMMITTEE ON AFRICAN AFFAIRS

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the Subcommittee on African Affairs be authorized to meet during the session of the Senate on Thursday, May 4, 2006, at 2:30 p.m. to hold a hearing on Housing and Urbanization Issues in Africa.

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

##### SUBCOMMITTEE ON THE CONSTITUTION, CIVIL RIGHTS, AND PROPERTY RIGHTS

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the Subcommittee on the Constitution, Civil Rights and Property Rights be authorized to meet to conduct a markup S.J. Res. 12, the Flag Desecration Resolution, on Thursday, May 4, 2006 at 1 p.m., in Dirksen 226.

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

##### SUBCOMMITTEE ON SURFACE TRANSPORTATION AND MERCHANT MARINE

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the Subcommittee on Surface Transportation and Merchant Marine be authorized to meet on Thursday, May 4, 2006, at 10 a.m., on Protecting Consumers from Fraudulent Practices in the Moving Industry.

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

##### SUBCOMMITTEE ON TRADE, TOURISM AND ECONOMIC DEVELOPMENT

Mr. ALEXANDER. Mr. President, I ask unanimous consent Subcommittee on Trade, Tourism and Economic Development be authorized to meet on Thursday, May 4, 2006, at 2:30 p.m., on Promoting Economic Development Opportunities Through Nano Commercialization.

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

#### MEASURES PLACED ON THE CALENDAR—S. 22 AND S. 23

Mr. FRIST. Mr. President, I understand there are two bills at the desk due for a second reading.

The PRESIDING OFFICER. The Senator is correct. The clerk will read the titles of the bills for the second time.

The assistant legislative clerk read as follows:

A bill (S. 22) to improve patient access to health care services and provide improved medical care by reducing the excessive burden the liability system places on the health care delivery system.

A bill (S. 23) to improve women's access to health care services and provide improved medical care by reducing the excessive burden the liability system places on the delivery of obstetrical and gynecological services.

Mr. FRIST. In order to place the bills on the calendar under the provisions of

rule XIV, I object to further proceeding en bloc.

The PRESIDING OFFICER. Objection having been heard, the bills will be placed on the calendar.

#### SEX OFFENDER REGISTRATION AND NOTIFICATION ACT

Mr. FRIST. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of Calendar No. 251, S. 1086.

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

The assistant legislative clerk read as follows:

A bill (S. 1086) to improve the national program to register and monitor individuals who commit crimes against children or sex offenses.

The Senate proceeded to consider the bill, which had been reported from the Committee on the Judiciary, with amendments.

[Strike the parts shown in black brackets and insert the parts shown in italic.]

S. 1086

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

#### SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

[(a) SHORT TITLE.—This Act may be cited as—

[(1) the “Jacob Wetterling, Megan Nicole Kanka, and Pam Lychner Sex Offender Registration and Notification Act”; or

[(2) the “Sex Offender Registration and Notification Act”].

[(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

[Sec. 1. Short title; table of contents.]

#### TITLE I—JACOB WETTERLING, MEGAN NICOLE KANKA, & PAM LYCHNER SEX OFFENDER REGISTRATION AND NOTIFICATION PROGRAM

[Sec. 101. Jacob Wetterling, Megan Nicole Kanka, & Pam Lychner Sex Offender Registration and Notification Program.

[Sec. 102. Definitions.

[Sec. 103. Duty of covered individuals to provide information.

[Sec. 104. Duty of covered individuals on parole or supervised release to comply with device requirements.

[Sec. 105. Duties of Attorney General and State or tribal actors.

[Sec. 106. State and tribal sex offender registries.

[Sec. 107. National Sex Offender Registry.

[Sec. 108. Development and availability of registry management software.

[Sec. 109. DNA database for covered individuals.

[Sec. 110. Duty of courts to determine whether an individual is a sexually violent predator.

[Sec. 111. Duty of Attorney General to determine whether State or tribal actors are qualified.

[Sec. 112. Use of other Federal information to track sex offenders.

[Sec. 113. Implementation by State and tribal actors and assistance grants to those actors.

[Sec. 114. Immunity for good faith conduct.

[Sec. 115. Regulations.

[Sec. 116. Authorization of appropriations.

#### TITLE II—AMENDATORY PROVISIONS, TRANSITION PROVISIONS, AND EFFECTIVE DATE

[Sec. 201. Failure to provide information a deportable offense.

[Sec. 202. Repeal.

[Sec. 203. Conforming amendments to title 18, United States Code.

[Sec. 204. Effective date.

#### TITLE I—JACOB WETTERLING, MEGAN NICOLE KANKA, & PAM LYCHNER SEX OFFENDER REGISTRATION AND NOTIFICATION PROGRAM

##### SEC. 101. JACOB WETTERLING, MEGAN NICOLE KANKA, & PAM LYCHNER SEX OFFENDER REGISTRATION AND NOTIFICATION PROGRAM.

[(a) IN GENERAL.—The Attorney General shall carry out this title through a program to be known as the Jacob Wetterling, Megan Nicole Kanka, & Pam Lychner Sex Offender Registration and Notification Program.

[(b) REFERENCES TO FORMER PROGRAM OR FORMER LAW.—Any reference (other than a reference in this Act) in a law, regulation, document, paper, or other record of the United States to the program carried out under subtitle A of title XVII of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14071 et seq.), or to any provision of that subtitle, shall be deemed to be a reference to the program referred to in subsection (a), or to the appropriate provision of this title, as the case may be.

##### SEC. 102. DEFINITIONS.

[In this Act:

[(1) COVERED INDIVIDUAL.—The term “covered individual” means any of the following:

[(A) An individual who has been convicted of a covered offense against a minor.

[(B) An individual who has been convicted of a sexually violent offense.

[(C) An individual described in section 4042(c)(4) of title 18, United States Code.

[(D) An individual sentenced by a court martial for conduct in a category specified by the Secretary of Defense under section 115(a)(8)(C) of title I of Public Law 105–119 (10 U.S.C. 951 note).

[(E) An individual who is a sexually violent predator.

[(2) COVERED OFFENSE AGAINST A MINOR.—

[(A) IN GENERAL.—Except as provided in subparagraphs (B) and (C), the term “covered offense against a minor” means an offense (whether under the law of a State actor or tribal actor, Federal law, military law, or the law of a foreign country) that is comparable to or more severe than any of the following offenses:

[(i) Kidnapping of a minor, except by a parent of the minor.

[(ii) False imprisonment of a minor, except by a parent of the minor.

[(iii) Criminal sexual conduct toward a minor.

[(iv) Solicitation of a minor to engage in sexual conduct.

[(v) Use of a minor in a sexual performance.

[(vi) Solicitation of a minor to practice prostitution.

[(vii) Any conduct that by its nature is a sexual offense against a minor.

[(viii) Possession, production, or distribution of child pornography, as described in section 2251, 2252, or 2252A of title 18, United States Code.

[(ix) Use of the Internet to facilitate or commit a covered offense against a minor.

[(x) An attempt to commit a covered offense against a minor.

[(B) EXCEPTION.—The term does not include an offense if the conduct on which the offense is based is criminal only because of the age of the victim and the individual who committed the offense had not attained the

age of 18 years when the offense was committed.

[(C) INCLUSION.—The term includes a violation of section 103 of this Act.

[(3) DOMICILE.—The term “domicile” means, with respect to an individual, any place that serves as the primary place at which the individual lives.

[(4) DOMICILE STATE.—The term “domicile State” means, with respect to an individual, the State actor or tribal actor within the jurisdiction of which is the individual’s domicile.

[(5) EDUCATIONAL INSTITUTION.—The term “educational institution” includes (whether public or private) any secondary school, trade or professional institution, and institution of higher education.

[(6) EMPLOYMENT.—The term “employment” includes carrying on a vocation and covers any labor or service rendered (whether as a volunteer or for compensation or for government or educational benefit) on a full-time or part-time basis.

[(7) JURISDICTION.—The term “jurisdiction”, with respect to a tribal actor, means the Indian country (as defined in section 1151 of title 18, United States Code) of that tribal actor.

[(8) SCHOOL STATE.—The term “school State” means, with respect to an individual, the State actor or tribal actor within the jurisdiction of which the educational institution at which the individual is a student is located.

[(9) SEXUALLY VIOLENT OFFENSE.—The term “sexually violent offense” means an offense (whether under the law of a State actor or tribal actor, Federal law, military law, or the law of a foreign country) that is comparable to or more severe than any of the following offenses:

[(A) Aggravated sexual abuse or sexual abuse (as described in sections 2241 and 2242 of title 18, United States Code).

[(B) An offense an element of which is engaging in physical contact with another person with intent to commit aggravated sexual abuse or sexual abuse.

[(10) SEXUALLY VIOLENT PREDATOR.—The term “sexually violent predator” means an individual who—

[(A) has a conviction for a sexually violent offense; or

[(B) suffers from a mental abnormality (as defined in section 110 of this Act) or personality disorder that makes the person likely to engage in a predatory (as defined in section 110 of this Act) sexually violent offense.

[(11) STATE ACTOR.—The term “State actor” means any of the following:

[(A) A State.

[(B) The District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the United States Virgin Islands, or any other territory or possession of the United States.

[(12) STUDENT.—The term “student” means an individual who, whether on a full-time or part-time basis, enrolls in or attends an educational institution.

[(13) TRIBAL ACTOR.—The term “tribal actor” means a federally recognized Indian tribe.

[(14) WORK STATE.—The term “work State” means, with respect to an individual, the State actor or tribal actor within the jurisdiction of which the individual’s place of employment is located.

##### SEC. 103. DUTY OF COVERED INDIVIDUALS TO PROVIDE INFORMATION.

[(a) INFORMATION REQUIRED PERIODICALLY.—A covered individual shall, for the life of that individual (except as provided in this section), provide information as follows:

[(1) REGISTRATION INFORMATION.—Immediately after being sentenced for an offense

that qualifies the individual as a covered individual (or, if the individual is imprisoned for that offense, immediately before completing the term of imprisonment), and thereafter at least once every 6 months (or, in the case of a sexually violent predator, at least once every 3 months), the individual shall appear before a person designated by the individual's domicile State and provide—

[(A) the individual's name;  
[(B) the individual's Social Security number;

[(C) the address of the individual's domicile;

[(D) the license plate number of, and other identifying information with respect to, each vehicle owned or operated by the individual;

[(E) any address at which the individual expects to have a domicile in the future;

[(F) the name and address of any person who employs the individual and the address at which the individual is so employed; and

[(G) the name and address of any educational institution at which the individual is employed or is a student.

[(2) PHOTOGRAPH.—Immediately after being sentenced for an offense that qualifies the individual as a covered individual (or, if the individual is imprisoned for that offense, immediately before completing the term of imprisonment), and thereafter at least once every 12 months, the individual shall appear before a person designated by the individual's domicile State and submit to the taking of a photograph.

[(3) FINGERPRINTS.—Immediately after being sentenced for an offense that qualifies the individual as a covered individual (or, if the individual is imprisoned for that offense, immediately before completing the term of imprisonment), and thereafter at least once every 12 months, the individual shall appear before a person designated by the individual's domicile State and submit to the taking of fingerprints.

[(4) OTHER REGULATORY REQUIREMENTS.—The Attorney General may, by regulation, require the individual to provide any information that the Attorney General considers appropriate on any basis, and at any time and in any manner, that the Attorney General considers appropriate.

[(5) INDIVIDUAL IN CUSTODY IN STATE OTHER THAN DOMICILE STATE.—Whenever an individual is required by any paragraph of this subsection to provide information immediately after being sentenced (or immediately before completing a term of imprisonment) and the State actor or tribal actor that has sentenced (or imprisoned) the individual is not the individual's domicile State—

[(A) the individual shall provide that information (in the same time, place, and manner as prescribed by that paragraph) to an appropriate official of the State actor or tribal actor that has sentenced (or imprisoned) the individual; and

[(B) the State actor or tribal actor that has sentenced (or imprisoned) the individual shall promptly make available that information to the individual's domicile State.

[(b) INFORMATION REQUIRED UPON CHANGE OF REGISTRY INFORMATION.—A covered individual shall, for the life of that individual (except as provided in this section), provide information as follows:

[(1) CHANGE OF ADDRESS.—Not more than 3 days after establishing a new domicile, the individual shall—

[(A) appear before a person designated by the individual's domicile State and provide the address of the new domicile, and the address of the previous domicile; and

[(B) if the new domicile and the previous domicile are not both within the jurisdiction of a single State actor or tribal actor qualified under this Act, appear before a person

designated by the individual's new domicile State and—

[(i) provide the address of the new domicile and the address of the previous domicile; and  
[(ii) submit to the taking of a photograph and the taking of fingerprints.

[(2) CHANGE OF EMPLOYMENT.—Not more than 3 days after beginning, or ceasing, to be employed by an employer, the individual shall appear before, and provide notice of the beginning or ceasing, and the name and address of the employer, to—

[(A) a person designated by the individual's domicile State; and

[(B) if the individual's work State is different from the domicile State, a person designated by the individual's work State.

[(3) CHANGE OF STUDENT STATUS.—Not more than 3 days after beginning, or ceasing, to be a student at an educational institution, the individual shall appear before, and provide notice of the beginning or ceasing, and the name and address of the educational institution, to—

[(A) a person designated by the individual's domicile State; and

[(B) if the individual's school State is different from the domicile State, a person designated by the individual's school State.

[(c) DUTY TO PROVIDE INFORMATION TO ATTORNEY GENERAL.—

[(1) IF STATE ACTOR OR TRIBAL ACTOR NOT QUALIFIED.—Whenever an individual is required by subsection (a) or (b) to provide information to a State actor or tribal actor, and the actor is not qualified for purposes of this Act, the individual shall also provide that information (in the same time, place, and manner as prescribed in subsection (a) or (b), as the case may be) to the Attorney General, and a failure to do so shall be treated for purposes of this Act as a violation of subsection (a) or (b), as the case may be.

[(2) IF PROVIDING INFORMATION TO MORE THAN ONE STATE.—Whenever an individual is required by subsection (a) or (b) to provide information to more than one State actor or tribal actor, the individual shall also provide that information (in the same time, place, and manner as prescribed in subsection (a) or (b), as the case may be) to the Attorney General, and a failure to do so shall be treated for purposes of this Act as a violation of subsection (a) or (b), as the case may be.

[(d) PUNISHMENT.—

[(1) IN GENERAL.—A covered individual who violates subsection (a) or (b) shall—

[(A) on the first conviction, be fined under title 18, United States Code, and imprisoned not more than 5 years (or, in the case of a sexually violent predator, not more than 10 years), and shall thereafter be subject to supervised release for not less than 36 months; and

[(B) on any conviction after the first, be fined under title 18, United States Code, and imprisoned not more than 20 years (or, in the case of a sexually violent predator, for life), and shall thereafter be subject to supervised release for life.

[(2) STRICT CULPABILITY.—In a prosecution for a violation of subsection (a) or (b), the state of mind of the individual committing the violation is not an element of the offense and it need not be proven that the individual had any particular state of mind with respect to any element of the offense.

[(3) AFFIRMATIVE DEFENSE.—In a prosecution for a violation of subsection (a) or (b), it is an affirmative defense that uncontrollable circumstances prevented the individual from complying, and that the individual did not contribute to the creation of such circumstances in reckless disregard of the requirement to comply, and that the individual complied as soon as such circumstances ceased to exist.

[(4) VIOLATIONS ARE CONTINUING.—A violation of subsection (a) or (b) is a continuing violation for purposes of the statute of limitations.

[(e) EXCEPTION FOR CERTAIN INDIVIDUALS.—Subsections (a) and (b) apply to any covered individual, unless each of the following is true with respect to the covered individual:

[(1) The individual is not a sexually violent predator.

[(2) The individual has only one conviction for an offense that qualifies the individual as a covered individual.

[(3) A period of at least 20 years, excluding ensuing periods of imprisonment, has expired since the date on which the individual was sentenced for, or completed the term of imprisonment for, the conviction described in paragraph (2).

[(4) the conviction referred to in paragraph (2) was not for aggravated sexual abuse (as defined in section 2241 of title 18, United States Code) or a comparable, or more severe, offense.

#### **[SEC. 104. DUTY OF COVERED INDIVIDUALS ON PAROLE OR SUPERVISED RELEASE TO COMPLY WITH DEVICE REQUIREMENTS.]**

[(a) IN GENERAL.—A covered individual shall comply with any requirements that the Attorney General prescribes under subsection (b)—

[(1) for the period of supervised release or parole, if the individual has only one conviction for an offense that qualifies the individual as a covered individual; and

[(2) for the life of the individual, in all other cases.

[(b) REGULATIONS REQUIRED.—

[(1) IN GENERAL.—The Attorney General, in consultation with State actors and tribal actors, shall prescribe regulations to ensure that every covered individual referred to in subsection (a) wears and maintains a device that transmits information about the individual's whereabouts to the domicile State.

[(2) PENALTIES FOR FAILURE TO COMPLY.—The regulations shall include penalties for the failure of the covered individual to wear or maintain the device.

[(3) DEVICES AND PROCEDURES.—The regulations shall describe the devices to be used and, for each such device, the procedures to be followed by the individual and the domicile State. The type of device to be used may vary from domicile State to domicile State, from offense to offense, or both.

#### **[SEC. 105. DUTIES OF ATTORNEY GENERAL AND STATE OR TRIBAL ACTORS.]**

[(a) WHEN AN INDIVIDUAL PROVIDES INFORMATION.—Whenever an individual is required by this Act to provide information (including information such as photographs and fingerprints) to the Attorney General, to a State actor or tribal actor, or to both, the Attorney General (or the actor, or both, as the case may be) shall—

[(1) ensure that the individual complies with the requirement;

[(2) ensure that the information provided is accurate and complete;

[(3) ensure that the information provided is included in the National Sex Offender Registry; and

[(4) ensure that the information is promptly—

[(A) made available to any law enforcement agency responsible for the area in which the individual's domicile is located and to the State law enforcement agency of the domicile State;

[(B) entered into the appropriate records or data system of the actor; and

[(C) made available by the actor, together with information relating to criminal history, to the Attorney General.

[(b) WHEN A COVERED INDIVIDUAL IS MISSING.—

[(1) STATE OR TRIBAL ACTOR.—Whenever information is made known to a State actor or tribal actor that an individual has violated section 103(a)(1) or section 103(b), the actor shall promptly notify the Attorney General of that information.

[(2) ATTORNEY GENERAL.—Whenever information is made known to the Attorney General that an individual has violated section 103(a)(1) or section 103(b), or is notified of information under paragraph (1), the Attorney General shall—

[(A) revise the National Sex Offender Registry to reflect that information; and

[(B) add the name of the individual to the wanted person file of the National Crime Information Center and create a wanted persons record: *Provided*, That an arrest warrant which meets the requirements for entry into the file is issued in connection with the violation.

[(C) WHEN A COVERED INDIVIDUAL CHANGES ADDRESS.—

[(1) IN GENERAL.—The Attorney General and each State actor or tribal actor shall ensure that, whenever information is made known to the Attorney General or to that actor (as the case may be) that a covered individual has established a new domicile, and the individual's new domicile State and previous domicile State are not the same, the information about the new domicile and all other information collected under this Act about the individual is promptly made available to—

[(A) the local law enforcement agencies responsible for the area in which the previous domicile is located, and to those responsible for the area in which the new domicile is located;

[(B) the previous domicile State; and

[(C) the new domicile State.

[(2) ELECTRONIC FORWARDING.—In addition to the requirements of paragraph (1), the Attorney General shall ensure (through the National Sex Offender Registry or otherwise) that, whenever information is made known to the Attorney General that a covered individual has established a new domicile, and the individual's new domicile State and previous domicile State are not the same, the information about the new domicile and all other information collected under this Act about the individual is automatically and immediately, by means of electronic forwarding, transmitted to the new domicile State, if the new domicile State is qualified for purposes of this Act.

[(d) WHEN A COVERED INDIVIDUAL IS SENTENCED OR COMPLETES A TERM OF IMPRISONMENT.—The Attorney General and each State actor or tribal actor shall ensure that, immediately after a covered individual is sentenced for an offense that qualifies the individual as a covered individual (or, if the individual is imprisoned for that offense, immediately before completing the term of imprisonment), a responsible official—

[(1) notifies the Attorney General that the individual has completed the term of imprisonment; and

[(2) notifies the individual of the individual's duties under this Act.

#### **[SEC. 106. STATE AND TRIBAL SEX OFFENDER REGISTRIES.**

[(a) STATEWIDE REGISTRY REQUIRED.—Each State actor or tribal actor shall maintain, throughout its jurisdiction, a single comprehensive registry of information collected under this Act.

[(b) RELEASE OF INFORMATION IN REGISTRY.—Each State actor or tribal actor shall have in effect, throughout its jurisdiction, a single public information program that includes the following elements:

[(1) INTERNET SITE.—

[(A) IN GENERAL.—The actor shall release to the public, through an Internet site main-

tained by the actor, all information, except for Social Security numbers and information relating to a covered individual for an offense committed when the covered individual had not attained the age of 18 years, collected under this Act. The site shall have multiple field search capability and shall include, for each covered individual, the name, aliases, home address, work address, photograph, conviction for which registration is required, and risk level. The site shall include, as much as practicable, links to sex offender safety and education resources.

[(B) INTEGRATION OF STATE SITES.—The actor shall consult with other State actors and tribal actors to ensure, as much as practicable, that the site integrates with and shares information with the sites maintained by those other actors.

[(C) CORRECTION OF ERRORS.—The site shall contain instructions on the process for correcting information that a person alleges to be erroneous.

[(D) RISK LEVEL.—For purposes of this paragraph, the risk level for an individual shall be determined under procedures established by the actor, under which the individual is provided notice and an opportunity to present evidence, including witnesses, to the trier of fact, and upon proof of indigent status is provided counsel at the expense of the actor. The actor shall establish not fewer than two risk levels.

[(2) COMMUNITY NOTIFICATION.—Appropriate law enforcement agencies shall release information collected under this Act relating to a covered individual to—

[(A) public and private schools, child care providers, and businesses that provide services or products to children, located within a radius, prescribed by the Attorney General, of the home or work address of the individual; and

[(B) residents who reside within a radius, prescribed by the Attorney General, of the home or work address of the individual.

[(c) PUBLICATION OF NUMBER OF OFFENDERS REGISTERED.—Every three months, the Attorney General shall collect from each State actor and tribal actor information on the total number of covered individuals included in the registry maintained by that State actor or tribal actor. The Attorney General shall release that information to the public in a manner consistent with this Act.

[(d) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Attorney General shall submit to Congress a report on the feasibility of requiring State actors and tribal actors to actively notify individuals within a community should a covered individual move into that community.

#### **[SEC. 107. NATIONAL SEX OFFENDER REGISTRY.**

[(a) IN GENERAL.—The Attorney General shall maintain a database to track the whereabouts and movements of covered individuals. The database shall be known as the National Sex Offender Registry.

[(b) DISCRETIONARY RELEASE OF INFORMATION.—

[(1) IN GENERAL.—Subject to paragraph (2), the Attorney General may release information in the National Sex Offender Registry concerning a covered individual if the Attorney General determines that the information released is relevant and necessary to protect the public.

[(2) IDENTITY OF VICTIM.—The Attorney General shall not, under paragraph (1), release the identity of the victim of an offense by reason of which an individual is a covered individual.

[(c) REQUIRED DISCLOSURES TO CRIMINAL JUSTICE AGENCIES.—The Attorney General shall disclose information in the National Sex Offender Registry—

[(1) to Federal, State, and local criminal justice agencies—

[(A) for law enforcement purposes; and

[(B) for releases of information under subsection (b); and

[(2) to Federal, State, and local governmental agencies responsible for conducting employment-related background checks under section 3 of the National Child Protection Act of 1993 (42 U.S.C. 5119a).

#### **[SEC. 108. DEVELOPMENT AND AVAILABILITY OF REGISTRY MANAGEMENT SOFTWARE.**

[(a) DEVELOPMENT OF SOFTWARE REQUIRED.—The Attorney General, in consultation with State actors and tribal actors, shall develop a software application that can be used by State actors and tribal actors for purposes of this Act. The software shall operate in such a manner that a State actor or tribal actor can, by using the software, fully comply with all the requirements under this Act for collecting, managing, and exchanging information (including exchanging information with other State actors and tribal actors).

[(b) AVAILABILITY TO STATE AND TRIBAL ACTORS.—

[(1) IN GENERAL.—The Attorney General shall make the software developed under this section available to State actors and tribal actors. The first complete edition of the software shall be made available within 2 years after the date of the enactment of this Act.

[(2) FEE.—The Attorney General shall make the software available under paragraph (1) for a fee not more than one percent of the Attorney General's cost to develop, implement, and support the software.

[(c) SUPPORT.—The Attorney General shall ensure that a State actor or tribal actor purchasing the software is provided technical support for the installation of the software and for maintaining the software.

#### **[SEC. 109. DNA DATABASE FOR COVERED INDIVIDUALS.**

[(a) DATABASE REQUIRED.—The Attorney General shall establish and maintain a database for the purposes of—

[(1) managing DNA information with respect to covered individuals; and

[(2) making that information available to Federal, State, and local law enforcement agencies for use by those agencies in a manner consistent with this Act.

[(b) REGULATIONS.—Under regulations issued by the Attorney General—

[(1) Federal, State, and local agencies and other entities may submit DNA information to the Attorney General for inclusion in the database;

[(2) Federal, State, and local law enforcement agencies may compare DNA information against other DNA information in the database; and

[(3) Federal, State, and local prosecutors may use DNA information in prosecutions.

#### **[SEC. 110. DUTY OF COURTS TO DETERMINE WHETHER AN INDIVIDUAL IS A SEXUALLY VIOLENT PREDATOR.**

[(a) IN GENERAL.—A determination of whether an individual is a sexually violent predator for purposes of this Act shall be made by a court after considering the recommendation of a board composed of experts in the behavior and treatment of sex offenders, victims' rights advocates, and representatives of law enforcement agencies.

[(b) WAIVER.—The Attorney General may waive the requirements of subsection (a) with respect to a State actor or tribal actor if the Attorney General determines that the State actor or tribal actor has established alternative procedures or legal standards for designating a person as a sexually violent predator.

[(c) DEFINITIONS.—In this section:

[(1) MENTAL ABNORMALITY.—The term "mental abnormality" means a congenital or acquired condition of an individual that affects the emotional or volitional capacity of

the individual in a manner that predisposes that individual to the commission of criminal sexual acts to a degree that makes the person a menace to the health and safety of other persons.

[(2) PREDATORY.—The term “predatory” means an act directed at an individual (whether or not a relationship with that individual has been established or promoted) for the primary purpose of victimization.

**[SEC. 111. DUTY OF ATTORNEY GENERAL TO DETERMINE WHETHER STATE OR TRIBAL ACTORS ARE QUALIFIED.]**

[(a) IN GENERAL.—A determination of whether a State actor or tribal actor is qualified for purposes of this Act shall be made by the Attorney General in accordance with this section.

[(b) REQUIREMENTS.—The Attorney General may determine that a State actor or tribal actor is qualified if, as determined by the Attorney General, each of the following apply:

[(1) The actor has in effect, throughout its jurisdiction, laws that implement the requirements of section 103, or substantially similar requirements, with respect to each covered individual whose domicile is within that jurisdiction.

[(2) The actor participates in the National Sex Offender Registry in the manner that the Attorney General considers appropriate.

[(3) The actor ensures that an audit of the activities carried out under this Act is carried out at least once each year and that the findings of each audit are promptly reported to the Attorney General.

[(c) REPORTS TO CONGRESS.—Each year, the Attorney General shall submit to Congress a report identifying the extent to which each State actor or tribal actor is qualified for purposes of this Act.

**[SEC. 112. USE OF OTHER FEDERAL INFORMATION TO TRACK SEX OFFENDERS.]**

[(a) TAXPAYER INFORMATION.—The Secretary of the Treasury, in coordination with the Attorney General, shall develop and maintain a system under which taxpayer information that pertains to a covered individual and is useful in locating the individual, or in verifying information with respect to the individual, is made available to Federal, State, and local law enforcement agencies for use by those agencies in a manner consistent with this Act.

[(b) SOCIAL SECURITY INFORMATION.—The Secretary of Health and Human Services, in coordination with the Attorney General, shall develop and maintain a system under which Social Security information that pertains to a covered individual and is useful in locating the individual, or in verifying information with respect to the individual, is made available to Federal, State, and local law enforcement agencies for use by those agencies in a manner consistent with this Act.

**[SEC. 113. IMPLEMENTATION BY STATE AND TRIBAL ACTORS AND ASSISTANCE GRANTS TO THOSE ACTORS.]**

[(a) IMPLEMENTATION BY STATE AND TRIBAL ACTORS.—

[(1) IN GENERAL.—Each State actor or tribal actor shall have not more than 3 years from the date of the enactment of this Act in which to fully implement this Act.

[(2) IMPLEMENTATION BY TRIBES AND INDIAN COUNTRY.—The Attorney General shall coordinate with the Secretary of the Interior to assist tribal actors in fully implementing this Act throughout the jurisdiction of each tribal actor.

[(b) INELIGIBILITY FOR FUNDS.—

[(1) IN GENERAL.—For any fiscal year after the expiration of the period specified in subsection (a)(1), a State actor or tribal actor that fails to fully implement this Act shall not receive 10 percent of the funds that would otherwise be allocated for that fiscal

year to the actor under any of the following programs:

[(A) BYRNE.—Subpart 1 of Part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3750 et seq.), whether characterized as the Edward Byrne Memorial State and Local Law Enforcement Assistance Programs, the Edward Byrne Memorial Justice Assistance Grant Program, or otherwise.

[(B) LLEBG.—The Local Government Law Enforcement Block Grants program.

[(C) OTHER LAW ENFORCEMENT GRANTS.—Any other program under which the Attorney General provides grants or other financial assistance, except for the SOMA program under this section.

[(2) REALLOCATION.—Amounts not allocated under a program referred to in paragraph (1) to an actor for failure to fully implement this Act shall be reallocated under that program to State actors and tribal actors that have not failed to fully implement this Act.

[(C) SEX OFFENDER MANAGEMENT ASSISTANCE PROGRAM.—

[(1) IN GENERAL.—From amounts made available to carry out this subsection, the Attorney General shall carry out a program, to be known as the Sex Offender Management Assistance program (in this section referred to as the “SOMA program”), under which the Attorney General awards a grant to each State actor or tribal actor to offset costs directly associated with implementing this Act.

[(2) DISTRIBUTION OF FUNDS.—Each grant awarded under the SOMA program shall be distributed directly to the State actor or tribal actor for distribution by that actor to public entities within that actor.

[(3) USES.—

[(A) IN GENERAL.—Subject to subparagraph (B), each grant awarded under the SOMA program shall be used for training, salaries, equipment, materials, and other costs directly associated with implementing this Act, including the costs of acquiring and using devices in carrying out section 104.

[(B) DATABASES OF INDIVIDUALS IN CUSTODY.—Up to 10 percent of a grant awarded under the SOMA program may be used to participate in one or more databases that identify individuals in custody, such as the JusticeXchange database.

[(4) ELIGIBILITY.—

[(A) APPLICATION.—To be eligible to receive a grant under the SOMA program, the chief executive of a State actor or tribal actor shall, on an annual basis, submit to the Attorney General an application (in such form and containing such information as the Attorney General may reasonably require) assuring that—

[(i) the actor has fully implemented (or is making a good faith effort to fully implement) this Act; and

[(ii) where applicable, the actor has penalties comparable to or greater than Federal penalties for crimes listed in this Act, except that the Attorney General may waive the requirement of this clause if an actor demonstrates an overriding need for assistance under the SOMA program.

[(B) REGULATIONS.—Not later than 90 days after the date of the enactment of this Act, the Attorney General shall promulgate regulations to implement the procedures used (including the information that must be included and the requirements that the State actors or tribal actors must meet) in submitting an application under the SOMA program.

[(5) ALLOCATION OF FUNDS.—In allocating funds under the SOMA program, the Attorney General may consider the number of covered individuals registered in each actor’s registry.

[(6) INCORPORATION OF CERTAIN TRAINING PROGRAMS.—Before implementing the SOMA program, the Attorney General shall study the feasibility of incorporating into the SOMA program the activities of any technical assistance or training program established as a result of section 40152 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13941). In a case in which incorporating such activities into the SOMA program will eliminate duplication of efforts or administrative costs, the Attorney General shall take administrative actions, as allowable, and make recommendations to Congress to incorporate such activities into the SOMA program.

[(d) INCENTIVES.—

[(1) BONUS PAYMENTS FOR EARLY COMPLIANCE.—A State actor or tribal actor that has fully implemented this Act within 2 years after the date of the enactment of this Act is eligible for a bonus payment under the SOMA program for the fiscal year after the Attorney General certifies that the actor has achieved full implementation. The amount of the bonus payment shall be equal to 5 percent of the funds that the actor received under the SOMA program for the preceding fiscal year. However, if the actor has fully implemented this Act within 1 year after such date of enactment, the amount of the bonus payment shall instead be equal to 10 percent of the funds that the actor received under the SOMA program for the preceding fiscal year. An actor may receive a bonus payment under this paragraph only once during the course of the SOMA program.

[(2) REDUCED PAYMENTS FOR LATE COMPLIANCE.—A State actor or tribal actor that has failed to fully implement this Act within 3 years after the date of the enactment of this Act is subject to a payment reduction under the SOMA program for the following fiscal year. The amount of the payment reduction shall be equal to 5 percent of the funds that would otherwise be allocated to the actor under the SOMA program for that fiscal year. In addition, if the actor has failed to fully implement this Act within 4 years after such date of enactment, the amount of the payment reduction shall be equal to 10 percent of the funds that would otherwise be allocated to the actor under the SOMA program for that fiscal year. An actor may be subject to a payment reduction under this paragraph only twice during the course of the SOMA program.

[(e) REPORTS TO CONGRESS.—Each year, the Attorney General shall submit to Congress a report identifying the extent to which each State actor or tribal actor has fully implemented this Act.

**[SEC. 114. IMMUNITY FOR GOOD FAITH CONDUCT.]**

[A law enforcement agency, an employee of a law enforcement agency, a contractor acting at the direction of a law enforcement agency, and an officer of a State actor or tribal actor are immune from liability for good faith efforts to carry out this Act.

**[SEC. 115. REGULATIONS.]**

[The Attorney General shall issue regulations to carry out this Act.

**[SEC. 116. AUTHORIZATION OF APPROPRIATIONS.]**

[There is authorized to be appropriated for each of fiscal years 2006 through 2009 such sums as may be necessary to carry out this Act.

**[TITLE II—AMENDATORY PROVISIONS, TRANSITION PROVISIONS, AND EFFECTIVE DATE]**

**[SEC. 201. FAILURE TO PROVIDE INFORMATION A DEPORTABLE OFFENSE.]**

[Section 237(a)(2)(A) of the Immigration and Nationality Act (8 U.S.C. 1227(a)(2)(A)) is amended—

[(1) by redesignating clause (v) as clause (vi); and



[(2) by inserting after clause (iv) the following new clause:

[(v) FAILURE TO PROVIDE REGISTRATION INFORMATION AS A SEX OFFENDER.—Any alien who is convicted under subsection (d) of section 103 of the Sex Offender Registration and Notification Act of a violation of subsection (a) or (b) of such section is deportable.”]

#### **[SEC. 202. REPEAL.]**

[Sections 170101 (42 U.S.C. 14071) and 170102 (42 U.S.C. 14072) of the Violent Crime Control and Law Enforcement Act of 1994 are repealed.]

#### **[SEC. 203. CONFORMING AMENDMENTS TO TITLE 18, UNITED STATES CODE.]**

[The following provisions of title 18, United States Code, are each amended by striking “and that the person register in any State where the person resides, is employed, carries on a vocation, or is a student (as such terms are defined under section 170101(a)(3) of the Violent Crime Control and Law Enforcement Act of 1994)” and inserting “and that the person comply with the Sex Offender Registration and Notification Act”:]

[(1) PROBATION.—Section 3563(a)(8).

[(2) SUPERVISED RELEASE.—Section 3583(d).

#### **[SEC. 204. EFFECTIVE DATE.]**

[This Act and the amendments made by this Act take effect on the date that is 6 months after the date of the enactment of this Act.]

#### **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

(a) **SHORT TITLE.**—This Act may be cited as—

(1) the “Jacob Wetterling, Megan Nicole Kanka, and Pam Lychner Sex Offender Registration and Notification Grant Act”;

(2) the “Sex Offender Registration and Notification Act”; or

(3) the “Jetseta Gage Prevention and Deterrence of Crimes Against Children Act of 2005”.

(b) **TABLE OF CONTENTS.**—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Effective date.

#### **TITLE I—JACOB WETTERLING, MEGAN NICOLE KANKA, AND PAM LYCHNER SEX OFFENDER REGISTRATION AND NOTIFICATION GRANT PROGRAM**

Sec. 101. Jacob Wetterling, Megan Nicole Kanka, and Pam Lychner Sex Offender Registration and Notification Grant Program.

Sec. 102. Definitions.

Sec. 103. Assistance grants to participating States.

Sec. 104. Duty of covered individuals to provide information.

Sec. 105. Duties of Attorney General and participating States.

Sec. 106. Participating state sex offender registries.

Sec. 107. Development and availability of registry management software.

Sec. 108. Election by Indian tribes.

Sec. 109. Provision of notice and access to Indian tribes.

Sec. 110. Applicability to minors.

Sec. 111. Rule of construction.

Sec. 112. Immunity for good faith conduct.

Sec. 113. State unconstitutionality.

Sec. 114. Regulations.

Sec. 115. Authorization of appropriations.

Sec. 116. Effect on current law.

#### **TITLE II—DRU SJODIN NATIONAL SEX OFFENDER PUBLIC DATABASE ACT OF 2005**

Sec. 201. Short title and definitions.

Sec. 202. National sex offender public registry.

Sec. 203. Release of high-risk inmates.

#### **TITLE III—JETSETA GAGE PREVENTION AND DETERRENCE OF CRIMES AGAINST CHILDREN ACT OF 2005**

Sec. 301. Short title.

Sec. 302. Assured punishment for violent crimes against children.

Sec. 303. Increased penalties for sexual offenses against children.

#### **TITLE IV—JESSICA LUNSFORD AND SARAH LUNDE ACT**

Sec. 401. Short title.

Sec. 402. Pilot program for monitoring sexual offenders.

#### **TITLE V—MISCELLANEOUS PROVISIONS**

Sec. 501. Access to Interstate Identification Index.

Sec. 502. Limitation on liability for NCMC.

Sec. 503. Missing child reporting requirements.

Sec. 504. Treatment and management of sex offenders in the Bureau of Prisons.

Sec. 505. Authorization for American Prosecutors Research Institute.

Sec. 506. Sex offender apprehension grants.

Sec. 507. Access to Federal crime information databases by educational agencies for certain purposes.

Sec. 508. Grants to combat sexual abuse of children.

Sec. 509. Severability.

Sec. 510. Failure to provide information a deportable offense.

Sec. 511. Repeal.

Sec. 512. Conforming amendments to title 18, United States Code.

#### **TITLE VI—COMPREHENSIVE EXAMINATION OF SEX OFFENDER ISSUES**

Sec. 601. Comprehensive examination of sex offender issues.

#### **SEC. 2. EFFECTIVE DATE.**

This Act and the amendments made by this Act take effect on the date that is 6 months after the date of the enactment of this Act.

#### **TITLE I—JACOB WETTERLING, MEGAN NICOLE KANKA, AND PAM LYCHNER SEX OFFENDER REGISTRATION AND NOTIFICATION GRANT PROGRAM**

##### **SEC. 101. JACOB WETTERLING, MEGAN NICOLE KANKA, AND PAM LYCHNER SEX OFFENDER REGISTRATION AND NOTIFICATION GRANT PROGRAM.**

The Attorney General shall establish guidelines for States’ sex offender registration programs pursuant to this title. Collectively, the guidelines and the programs shall be known as the “Jacob Wetterling, Megan Nicole Kanka, and Pam Lychner Sex Offender Registration and Notification Program”.

##### **SEC. 102. DEFINITIONS.**

In this title:

(1) **COVERED INDIVIDUAL.**—The term “covered individual” means any adult or juvenile in a participating domicile State, participating work State, or participating school State convicted as an adult—

(A) who has been convicted of a covered offense against a minor;

(B) who has been convicted of a sexually violent offense;

(C) who has been convicted of an offense described in paragraph (2);

(D) who has been convicted of an offense under State law that is similar to the offenses described in described in paragraph (2);

(E) who is described in section 4042(c)(4) of title 18, United States Code, except for those convicted of a violation of section 2257 or 2258 of title 18, United States Code; or

(F) who has been sentenced by a court martial for conduct in a category specified by the Secretary of Defense under section 115(a)(8)(C) of title I of Public Law 105–119 (10 U.S.C. 951 note).

(2) **COVERED OFFENSE AGAINST A MINOR.**—

(A) **IN GENERAL.**—Except as provided in subparagraph (C), the term “covered offense against a minor” means an offense (whether under the law of a State, Federal law, or military law) that is comparable to or more severe than any of the following offenses:

(i) Kidnapping of a minor, except by a parent or guardian of the minor, if sexual conduct to-

ward the minor is proved beyond a reasonable doubt.

(ii) False imprisonment of a minor, except by a parent or guardian of the minor, if sexual conduct toward the minor is proved beyond a reasonable doubt.

(iii) Criminal sexual conduct toward a minor.

(iv) Solicitation of a minor to engage in sexual conduct.

(v) Use of a minor in a sexual performance.

(vi) Solicitation of a minor to practice prostitution.

(vii) Possession, production, or distribution of child pornography, as described in section 2251, 2252, or 2252A of title 18, United States Code.

(viii) Use of the Internet to facilitate or commit a covered offense against a minor or to attempt to commit such an offense against an agent of the government who has been represented to be a minor.

(ix) Video voyeurism as described in section 1801 of title 18, United States Code, when committed against a minor.

(x) An attempt or conspiracy to commit any of the offenses listed in this definition.

(B) **CONVICTIONS UNDER THE LAWS OF A FOREIGN COUNTRY.**—The term “covered offense against a minor” includes convictions for offenses specified in subparagraph (A) that have been obtained under the laws of any foreign nation that has been certified by the Attorney General, after notice and an opportunity for a hearing, as having a sufficiently reliable criminal justice system.

(C) **EXCEPTION FOR CERTAIN OFFENSES.**—The term “covered offense against a minor” does not include an offense if the conduct on which the offense is based is criminal only because of the age of the victim, and if individual had committed the offense either had not attained the age of 18 years or was less than 4 years older than the victim when the offense was committed.

(3) **DOMICILE.**—The term “domicile” means, with respect to an individual, any place that serves as the primary place at which the individual lives.

(4) **DOMICILE STATE.**—The term “domicile State” means, with respect to an individual, the State within the jurisdiction of which is the individual’s domicile.

(5) **EDUCATIONAL INSTITUTION.**—The term “educational institution” includes (whether public or private) any secondary school, trade or professional institution, and institution of higher education.

(6) **EMPLOYMENT.**—The term “employment” includes carrying on a vocation and covers any labor or service rendered (whether as a volunteer or for compensation or for government or educational benefit) on a full-time or part-time basis.

(7) **MINOR.**—The term “minor” means any person who has not attained the age of 18 years or the age of consent in the relevant jurisdiction, whichever age is lower.

(8) **NATIONAL SEX OFFENDER REGISTRY.**—The term “National Sex Offender Registry” means the database maintained by the Attorney General pursuant to section 105.

(9) **NATIONAL SEX OFFENDER PUBLIC REGISTRY.**—The term “National Sex Offender Public Registry” means the Internet site maintained by the Attorney General pursuant to section 202.

(10) **PARTICIPATING STATE.**—The term “participating State” means a State participating in the grant program authorized under this title.

(11) **SCHOOL STATE.**—The term “school State” means, with respect to an individual, the State within the jurisdiction of which the educational institution at which the individual is a student is located.

(12) **SEXUALLY VIOLENT OFFENSE.**—The term “sexually violent offense” means an offense (whether under the law of a State, Federal law, military law, or the law of a foreign country) that is comparable to or more severe than any of the following offenses:

(A) Aggravated sexual abuse or sexual abuse (as described in sections 2241 and 2242 of title 18, United States Code).

(B) An attempt or conspiracy to commit such an offense.

(13) **STATE**.—The term “State” means any of the following:

(A) A State.

(B) The District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the United States Virgin Islands, or the Northern Mariana Islands.

(C) A federally recognized Indian tribe that has elected in accordance with section 108 to carry out this Act as a jurisdiction subject to its provisions.

(14) **STUDENT**.—The term “student” means an individual who, whether on a full-time or part-time basis, enrolls in or attends an educational institution.

(15) **TIER I INDIVIDUAL**.—The term “Tier I individual” means an individual required to register under this title who is subject to the least intensive registration requirements, as determined in accordance with criteria promulgated under section 106(b)(1)(E).

(16) **TIER II INDIVIDUAL**.—The term “Tier II individual” means an individual required to register under this title who is subject to more intensive registration requirements than Tier I individuals, as determined in accordance with criteria promulgated under section 106(b)(1)(E).

(17) **TIER III INDIVIDUAL**.—The term “Tier III individual” means an individual required to register under this title who is subject to the most intensive registration requirements, as determined in accordance with criteria promulgated under section 106(b)(1)(E).

(18) **WORK STATE**.—The term “work State” means, with respect to an individual, the State within the jurisdiction of which the individual’s current place of employment is located or, if the individual is unemployed, the individual’s most recent place of employment.

#### **SEC. 103. ASSISTANCE GRANTS TO PARTICIPATING STATES.**

(a) **SEX OFFENDER MANAGEMENT ASSISTANCE PROGRAM**.—

(1) **IN GENERAL**.—From amounts made available to carry out this subsection, the Attorney General shall carry out a program, to be known as the Sex Offender Management Assistance program (in this section referred to as the “SOMA program”), under which the Attorney General may award grants to participating States to offset costs directly associated with implementing this title.

(2) **DISTRIBUTION OF FUNDS**.—Each grant awarded under the SOMA program shall be distributed directly to the participating State for distribution by that participating State to public entities, including local governments and law enforcement agencies, within that participating State.

(3) **USES**.—Up to 10 percent of a grant awarded under the SOMA program may be used to participate in 1 or more databases that identify individuals in custody.

(4) **ELIGIBILITY**.—

(A) **IN GENERAL**.—To be eligible to receive a grant under the SOMA program in a fiscal year and except as provided in subparagraph (B), the chief executive of a participating State shall submit to the Attorney General an application (in such form, at such a time, and containing such information as the Attorney General may reasonably require) assuring that—

(i) the participating State has substantially implemented (or is making a good faith effort to substantially implement) this title; and

(ii) the participating State has made the failure of a covered individual to register as required a felony.

(B) **EXCEPTION**.—The Attorney General may waive the requirement of subparagraph (A) if a participating State demonstrates an overriding need for assistance under the SOMA program.

(5) **ALLOCATION OF FUNDS**.—In allocating funds under the SOMA program, the Attorney

General may consider the number of covered individuals registered in each participating State’s registry.

(6) **INCORPORATION OF CERTAIN TRAINING PROGRAMS**.—

(A) **STUDY**.—During the course of implementing the SOMA program, the Attorney General shall study the feasibility of incorporating into the SOMA program the activities of any technical assistance or training program established as a result of section 40152 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13941).

(B) **INCORPORATING**.—In a case in which incorporating such activities into the SOMA program will eliminate duplication of efforts or administrative costs, the Attorney General shall take administrative actions, as allowable, and make recommendations to Congress to incorporate such activities into the SOMA program.

(b) **INCENTIVES; BONUS PAYMENTS FOR EARLY COMPLIANCE**.—

(1) **BONUS**.—A participating State that has substantially implemented this title within 2 years after the date of the enactment of this Act is eligible for a bonus payment under the SOMA program for the fiscal year after the Attorney General certifies that the participating State has achieved substantial implementation.

(2) **AMOUNT**.—The amount of the bonus payment under paragraph (1) shall be—

(A) equal to 5 percent of the funds that the participating State received under the SOMA program for the preceding fiscal year; or

(B) if the participating State has substantially implemented this title within 1 year after the date of enactment of this Act, the amount of the bonus payment shall be equal to 10 percent of the funds that the participating State received under the SOMA program for the preceding fiscal year.

(3) **ONE PAYMENT**.—A participating State may receive a bonus payment under this subsection only once during the course of the SOMA program.

(c) **REPORTS TO CONGRESS**.—Each year, the Attorney General shall submit to Congress a report identifying the extent to which each participating State has implemented this title.

#### **SEC. 104. DUTY OF COVERED INDIVIDUALS TO PROVIDE INFORMATION.**

(a) **INFORMATION REQUIRED PERIODICALLY**.—A covered individual shall, for the life of that individual (except as provided in this section), provide information as follows:

(1) **REGISTRATION INFORMATION**.—Initially during the time period specified in accordance with paragraph (4), and thereafter as provided in paragraph (5), the individual shall—

(A) appear before persons designated by the individual’s participating domicile State, participating work State (if different from the participating domicile State), and participating school State (if different from the participating domicile State); and

(B) provide to such persons—

(i) the individual’s name and aliases;

(ii) the individual’s Social Security number;

(iii) the address where the individual maintains or will maintain his domicile;

(iv) a photocopy of a valid driver’s license or identification card issued to the individual from the Department of Motor Vehicles in the individual’s domicile State;

(v) the license plate number of, and other identifying information with respect to, each vehicle owned or operated by the individual;

(vi) the name and address of the place where the individual is employed or will be employed; and

(vii) the name and address of any educational institution at which the individual is a student or will be a student.

(2) **PHOTOGRAPH**.—Initially during the time period specified in accordance with paragraph (4), and thereafter at least once every 12 months, the individual shall appear before persons designated by the individual’s partici-

pating domicile State, participating work State (if different from the participating domicile State), and participating school State (if different from the participating domicile State) and submit to the taking of a photograph.

(3) **FINGERPRINTS**.—During the time period specified in accordance with paragraph (4), the individual shall appear before persons designated by the individual’s participating domicile State, participating work State (if different from the participating domicile State), and participating school State (if different from the participating domicile State) and submit to the taking of fingerprints. This paragraph does not apply if the State determines that it already has a valid set of fingerprints in its possession.

(4) **TIMING OF INITIAL REGISTRATION**.—The Attorney General shall prescribe the time period within which a covered individual must fulfill the initial registration requirements set forth in paragraphs (1), (2), and (3).

(5) **ONGOING REGISTRATION**.—

(A) **IN GENERAL**.—The ongoing registration requirement under paragraph (1) is—

(i) for Tier I individuals every 12 months;

(ii) for Tier II individuals every 6 months; and

(iii) for Tier III individuals every 3 months.

(B) **EXEMPTION**.—A covered individual is exempt from the ongoing registration requirement of this subsection if the covered individual is incarcerated at the time specified in subparagraph (A).

(6) **COVERED INDIVIDUAL IN CUSTODY OF A STATE OTHER THAN DOMICILE STATE**.—A covered individual who, during the time period specified in accordance with paragraph (4), is in the custody of a participating State that is not the individual’s participating domicile State, shall fulfill the initial registration requirements set forth in paragraphs (1), (2), and (3) by providing the specified information to an appropriate official of the jurisdiction that is holding the individual in custody. The official shall promptly make available that information to the individual’s domicile State.

(7) **INDIVIDUAL IN FEDERAL OR MILITARY CUSTODY**.—Whenever an individual is a covered individual on the basis of subparagraph (C), (E) or (F) of section 102(1), the procedure upon release or sentencing of the individual shall be as provided in section 4042(c) of title 18, United States Code, or section 115(a)(8)(C) of title I of Public Law 105-119. The individual shall promptly register and continue to register as provided in this section in each participating domicile, work, and school State of the individual. To the extent that any procedure or requirement of this section cannot be applied to the individual, the Attorney General may specify alternative procedures and requirements for the registration of such individuals in participating domicile, work, and school States.

(8) **RETROACTIVE APPLICATION**.—The Attorney General shall have the authority to—

(A) specify the applicability of the requirements of this title to individuals who are covered individuals based on a conviction or sentencing that occurred prior to the date of enactment or who are, as of the date of enactment of this Act, incarcerated or under a non-incarcerative sentence for some other offense;

(B) specify the applicability of the requirements of this title to all other individuals who are covered individuals based on a conviction or sentencing that occurred prior to the enactment date of this Act or the implementation of the requirements of this title by a participating State; and

(C) specify procedures and methods for the registration of individuals to whom the requirements of this title apply pursuant to subparagraph (A) or (B).

(b) **REQUIREMENT TO REGISTER AND KEEP REGISTRATION INFORMATION CURRENT**.—

(1) **REGISTRATION REQUIREMENT**.—A covered individual shall, for the life of that individual (except as provided in this section), promptly register in each participating domicile, work,

and school State of the individual and keep the registration information current. To the extent that the procedures or requirements for registering or updating registration information in any participating domicile, work, or school State are not fully specified in this section, the Attorney General may specify such procedures and requirements.

(2) **CHANGES TO REGISTRATION INFORMATION OF CERTAIN OFFENDERS.**—The following shall apply to changes of registration information under this section for Tier II and Tier III individuals:

(A) **CHANGE OF NAME.**—Not more than 5 days after changing his or her name, the individual shall appear before persons designated by the individual's participating domicile State, participating work State (if different from the participating domicile State), and participating school State (if different from the participating domicile State) and provide the new name.

(B) **CHANGE OF ADDRESS.**—Not more than 5 days before or after establishing a new domicile, the individual shall—

(i) appear before persons designated by the individual's participating domicile State, participating work State (if different from the participating domicile State), and participating school State (if different from the participating domicile State) and provide the address of the new domicile and the address of the previous domicile; and

(ii) if the new domicile and the previous domicile are not both within the jurisdiction of a single participating State under this Act—

(I) appear before a person designated by the individual's previous participating domicile State (and appear before persons designated by the individual's participating work State (if different from the previous participating domicile State) and participating school State (if different from the previous participating domicile State)) and fulfill the requirements of clause (i); and

(II) appear before a person designated by the individual's new participating domicile State to—

(aa) provide the designated person the address of the new domicile and the address of the previous domicile; and

(bb) submit to the taking of a photograph and, unless the participating State determines that it already possesses a valid set, fingerprints.

(C) **CHANGE OF EMPLOYMENT.**—Not more than 5 days before or after beginning, or ceasing, employment by an employer, the individual shall appear before, and provide notice of the beginning or ceasing, and the name and address of the employer, to—

(i) a person designated by the individual's participating domicile State; and

(ii) if the individual's participating work State is different from the domicile State, a person designated by the individual's participating work State.

(D) **CHANGE OF STUDENT STATUS.**—Not more than 5 days before, after beginning, or ceasing to be a student at an educational institution, the individual shall appear before, and provide notice of the beginning or ceasing, and the name and address of the educational institution, to—

(i) a person designated by the individual's participating domicile State; and

(ii) if the individual's participating school State is different from the domicile State, a person designated by the individual's participating school State.

(C) **PUNISHMENT.**—

(1) **IN GENERAL.**—Whoever—

(A) knowingly fails to register in any jurisdiction in which such person is required to register under this title; and

(B) (i) has been convicted of a Federal offense, an offense under the Uniform Code of Military Justice, or a tribal offense, for which registration is required by such Act or law; or

(ii) travels in interstate or foreign commerce.

shall be fined under this title and imprisoned according to the penalties in paragraphs (2) and (3).

(2) **FIRST CONVICTION.**—On the first conviction under paragraph (1)—

(A) a Tier I individual shall be fined under title 18, United States Code, or imprisoned not more than 3 years, or both;

(B) a Tier II individual shall be fined under title 18, United States Code, or imprisoned not more than 5 years, or both; and

(C) a Tier III individual shall be fined under title 18, United States Code, or imprisoned not more than 10 years, or both.

(3) **SUBSEQUENT CONVICTIONS.**—On any conviction after the first under paragraph (1)—

(A) a Tier I individual shall be fined under title 18, United States Code, or imprisoned not more than 10 years, or both;

(B) a Tier II individual shall be fined under title 18, United States Code, or imprisoned not more than 20 years, or both; and

(C) a Tier III individual shall be fined under title 18, United States Code, or imprisoned for any term of years or for life, or both.

(4) **AFFIRMATIVE DEFENSE.**—In a prosecution for a violation under this section, it is an affirmative defense—

(A) that uncontrollable circumstances prevented the individual from complying;

(B) the individual did not contribute to the creation of such circumstances in reckless disregard of the requirement to comply; and

(C) the individual complied as soon as such circumstances ceased to exist.

(5) **CONTINUING VIOLATIONS.**—A violation under this section is a continuing violation for purposes of the statute of limitations.

(6) **EXCEPTIONS.**—An individual may petition for relief from the requirements of subsections (a) and (b) based on a claim that—

(A) the conviction that subjected the individual to those requirements has been overturned;

(B) the individual's inclusion on the applicable registry is the result of an administrative or clerical error; or

(C) the individual has been pardoned by the chief executive of the jurisdiction in which the individual was convicted of the crime that subjected the individual to the requirements of subsections (a) and (b).

(d) **EXCEPTIONS FOR CERTAIN INDIVIDUALS.**—Subsections (a) and (b) apply to any covered individual, except as provided as follows:

(1) **TIER I INDIVIDUALS.**—The individual is a Tier I individual and both of the following apply:

(A) The individual has only 1 conviction for an offense that qualifies the individual as a covered individual.

(B) A period of at least 10 years, excluding ensuing periods of incarceration, has expired since the date on which the individual was sentenced for, or completed the term of imprisonment for, the conviction described in subparagraph (A).

(2) **TIER II INDIVIDUALS.**—The individual is a Tier II individual and both of the following apply:

(A) The individual has only 1 conviction for an offense that qualifies the individual as a covered individual.

(B) A period of at least 20 years, excluding ensuing periods of incarceration, has expired since the date on which the individual was sentenced for, or completed the term of imprisonment for, the conviction described in subparagraph (A).

## **SEC. 105. DUTIES OF ATTORNEY GENERAL AND PARTICIPATING STATES.**

(a) **DUTY TO OBTAIN ACKNOWLEDGMENT OF OBLIGATIONS.**—

(1) **IN GENERAL.**—During the time period specified in paragraph (2), an appropriate official shall—

(A) inform each covered individual of the duty to register and of that individual's ongoing obligations under this title;

(B) require the individual to read and sign a form affirming that—

(i) the duty to register has been explained to the individual;

(ii) the individual's ongoing obligations under this title have been explained to the individual; and

(iii) the individual understands the registration requirements; and

(C) ensure that the individual has completed the initial registration process.

(2) **APPROPRIATE TIME PERIOD.**—The Attorney General shall prescribe an appropriate time period during which the requirements set forth in paragraph (1) shall be fulfilled.

(3) **FULFILLMENT.**—The requirements of paragraph (1) shall be fulfilled—

(A) before a covered individual has been released from custody; or

(B) if the covered individual is not in custody, shortly after the individual has been sentenced.

(b) **OBTAINING AND SHARING INFORMATION.**—

(1) **OBTAINING INFORMATION.**—When an individual appears before the Attorney General or a participating State to provide information pursuant to this title (including information such as photographs and fingerprints), the Attorney General (or the participating State, or both, as the case may be) shall—

(A) ensure that the individual complies with the applicable requirements of this title;

(B) ensure that the information provided is accurate and complete; and

(C) ensure that the information provided is promptly entered into the appropriate records or data system of the participating State.

(2) **SHARING INFORMATION.**—

(A) **DOMICILE STATE.**—The domicile State of an individual, and the State which originally registers the individual if different from the domicile State, shall promptly notify each domicile, work, and school State of the individual of which it is aware concerning the individual's domicile, employment, or student status in such State and shall make available to each such State the information concerning the individual.

(B) **CHANGE IN DOMICILE.**—If a domicile State of an individual is informed by the individual, or otherwise becomes aware, that there will be or has been a change in the individual's domicile State, the domicile State shall promptly notify the new domicile State and make available to the new domicile State the information concerning the individual.

(C) **AVAILABLE INFORMATION.**—A domicile State shall promptly make available the information concerning an individual to a law enforcement agency or agencies in the State having jurisdiction where—

(i) the individual's domicile is located;

(ii) the individual's place of employment is located; and

(iii) any educational institution at which the individual is a student is located.

(c) **ENTRY OF INFORMATION INTO THE NATIONAL SEX OFFENDER REGISTRY.**—

(1) **MAINTENANCE OF A NATIONAL SEX OFFENDER REGISTRY.**—The Attorney General shall maintain a national database at the Federal Bureau of Investigation, to be known as the National Sex Offender Registry, which shall include information concerning covered individuals who are required to register in the sex offender registry of any jurisdiction. Information may be released from the National Sex Offender Registry to criminal justice agencies, and to other entities as the Attorney General may provide.

(2) **PARTICIPATION IN THE NATIONAL SEX OFFENDER REGISTRIES.**—Each participating State shall, in the time and manner provided by the Attorney General—

(A) submit to the Attorney General the information concerning each covered individual under this title, which shall be included in the National Sex Offender Registry or other databases as appropriate;

(B) submit the information described in subparagraph (A) in a manner that allows the Attorney General to include it in the National Sex Offender Registries; and

(C) participate in the National Sex Offender Public Registry maintained pursuant to section 202.

(d) WHEN A COVERED INDIVIDUAL IS MISSING.—

(1) STATE.—Whenever a participating State is unable to verify the address of or locate a covered individual, the participating State shall promptly notify the Attorney General.

(2) ATTORNEY GENERAL.—Whenever information is made known to the Attorney General under paragraph (1) that a State is unable to verify the address of or locate a covered individual, the Attorney General shall—

(A) revise the National Sex Offender Registry to reflect that information; and

(B) add the name of the individual to the wanted person file of the National Crime Information Center and create a wanted persons record if an arrest warrant that meets the requirements for entry into the file is issued in connection with the violation.

(3) INVESTIGATION.—The Attorney General shall use the authority provided in section 566(e)(1)(B) of title 28, United States Code, the authority to investigate offenses under chapter 49 of title 18, United States Code, and the authority provided in any other relevant provision of law, as appropriate, to assist States and other jurisdictions in locating and apprehending covered individuals and any other individuals who violate sex offender registration requirements.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary for fiscal years 2006 through 2008 to carry out this section.

#### SEC. 106. PARTICIPATING STATE SEX OFFENDER REGISTRIES.

(a) STATEWIDE REGISTRY REQUIRED.—Each participating State shall maintain, throughout its jurisdiction, a single comprehensive registry of information collected under this title.

(b) RELEASE OF INFORMATION IN REGISTRY.—Each participating State shall have in effect, throughout its jurisdiction, a single public information program that includes the following elements:

(1) INTERNET SITE.—

(A) INFORMATION.—

(i) IN GENERAL.—Except as provided in clause (iii), the participating State shall release to the public, through an Internet site maintained by the State that shall have multiple field search capability, the following information for Tier II and III individuals whose domicile State, work State, or school State is the same as the participating State:

(I) The name and any known aliases of the individual.

(II) The date of birth of the individual.

(III) A physical description of the individual.

(IV) The current photograph of the individual.

(V) The domicile address of the individual.

(VI) The address of the individual's place of employment.

(VII) The address of any educational institution at which the individual is a student.

(VIII) The nature and date of all offenses qualifying the individual as a covered individual.

(IX) The date on which the individual was released from prison, or placed on parole, supervised release, or probation, for the most recent offense qualifying the individual as a covered individual.

(X) Tier designation for the individual.

(XI) Compliance status of the individual.

(ii) TIER I INDIVIDUALS.—The participating State may, at its discretion, include information about Tier I individuals on its Internet site.

(iii) VICTIMS.—The participating State shall make every effort not to disclose the identity of the victim of an offense. Information about a covered individual whose duty to register is based solely on offenses against intrafamilial minors may, after consultation with the victim, be limited or withheld in its entirety from an

Internet site or registry, at the discretion of the participating State.

(iv) LINKS.—The site shall include, as much as practicable, links to sex offender safety and education resources.

(B) INTEGRATION OF STATE SITES.—The participating State shall consult with other States to ensure, as much as practicable, that the site integrates with and shares information with the sites maintained by those other States.

(C) CORRECTION OF ERRORS.—The site shall contain instructions on the process for correcting information that a person alleges to be erroneous.

(D) WARNING.—The site shall include a warning that the information presented should not be used to injure, harass, or commit a criminal act against any individual named in the registry or residing or working at any reported address. The warning shall note that any such action could result in criminal prosecution.

(E) TIER DESIGNATION.—

(i) IN GENERAL.—The participating State shall establish 3 tier designations. The tier designation of an individual shall be determined under criteria promulgated by the participating State in accordance with the participating State's resources and local priorities.

(ii) SEXUALLY VIOLENT OFFENDERS.—All individuals convicted of sexually violent offenses shall be designated as Tier III individuals.

(iii) PHYSICAL CONTACT OF A SEXUAL NATURE WITH A MINOR.—All individuals convicted of any offense, an element of which is physical contact of a sexual nature with a minor, shall be designated as Tier II or Tier III individuals.

(2) COMMUNITY NOTIFICATION.—

(A) TIER II INDIVIDUALS.—Appropriate law enforcement agencies in participating States shall release information collected under this title relating to Tier II individuals to public and private schools, including institutions of higher learning, child care providers, and businesses that provide services or products to children, located within a radius, prescribed by the participating State, of the home or work address of the individual.

(B) TIER III INDIVIDUALS.—Appropriate law enforcement agencies in participating States shall release information collected under this title relating to Tier III individuals to—

(i) public and private schools, including institutions of higher learning, child care providers, and businesses that provide services or products to children, located within a radius, prescribed by the participating State, of the home or work address of the individual; and

(ii) residents who reside within a radius, prescribed by the participating State, of the home or work address of the individual.

(c) PUBLICATION OF NUMBER OF OFFENDERS REGISTERED.—

(1) IN GENERAL.—Every 6 months, the Attorney General shall collect from each State information on the total number of covered individuals included in the registry maintained by that State.

(2) PUBLIC AVAILABILITY AND CONTENTS.—The Attorney General shall—

(A) release information under paragraph (1) to the public in a manner consistent with this title; and

(B) include in such a release the number of individuals within each tier and the number of individuals who are in compliance with this title within each tier.

(3) DOUBLE-COUNTING.—In reporting information collected under paragraph (1), the Attorney General shall ensure, to the extent practicable, that offenders are not being double-counted.

#### SEC. 107. DEVELOPMENT AND AVAILABILITY OF REGISTRY MANAGEMENT SOFTWARE.

(a) DEVELOPMENT OF SOFTWARE REQUIRED.—The Attorney General, in consultation with participating States, shall—

(1) develop a software application that can be used by participating States for purposes of this title; and

(2) ensure that such software operates in such a manner that a participating State can, by using the software, fully comply with all the requirements under this title for managing and exchanging information (including exchanging information with other States).

(b) AVAILABILITY TO STATES.—The Attorney General shall make the software developed under this section available to States. The first complete edition of the software shall be made available within 2 years after the date of the enactment of this Act.

(c) SUPPORT.—The Attorney General shall ensure that States are provided technical support for the installation of the software and for maintaining the software.

#### SEC. 108. ELECTION BY INDIAN TRIBES.

(a) ELECTION.—

(1) IN GENERAL.—A federally recognized Indian tribe may, by resolution or other enactment of the tribal council or comparable governmental body—

(A) elect to carry out this title as a jurisdiction subject to its provisions; or

(B) elect to delegate its functions under this title to a participating State or participating States within which the territory of the tribe is located and to provide access to its territory and such other cooperation and assistance as may be needed to enable such participating State or participating States to carry out and enforce the requirements of this title.

(2) ELECTION.—A tribe shall be treated as if it had made the election described in paragraph (1)(B) if—

(A) it is a tribe subject to the law enforcement jurisdiction of a participating State under section 1162 of title 18, United States Code;

(B) the tribe does not make an election under paragraph (1) within 1 year of the enactment of this Act or rescinds an election under paragraph (1)(A); or

(C) the Attorney General determines that the tribe has not implemented the requirements of this title and is not likely to become capable of doing so within a reasonable amount of time.

(b) COOPERATION BETWEEN PARTICIPATING STATE AND TRIBAL AUTHORITIES.—

(1) NONDUPLICATION.—A tribe subject to this title is not required for purposes of this title to duplicate functions under this title which are fully carried out by a participating State or participating States within which the territory of the tribe is located.

(2) COOPERATIVE AGREEMENTS.—A tribe may, through cooperative agreements with such a participating State or participating States—

(A) arrange for the tribe to carry out any function of the participating State under this title with respect to sex offenders subject to the tribe's jurisdiction; and

(B) arrange for the participating State to carry out any function of the tribe under this title with respect to sex offenders subject to the tribe's jurisdiction.

#### SEC. 109. PROVISION OF NOTICE AND ACCESS TO INDIAN TRIBES.

(a) CONFORMING AMENDMENT TO TITLE 18, UNITED STATES CODE.—Section 4042(c)(1)(A) of title 18, United States Code, is amended by striking "State" and inserting "State, Indian Country,".

(b) RESPONSIBILITY OF PARTICIPATING STATES.—An appropriate participating State of official, pursuant to this title and exercising jurisdiction pursuant to Public Law 93-280, shall ensure that notice is provided to any Indian tribe of the release into the jurisdiction of the Indian tribe of a covered individual.

(c) ACCESS TO NATIONAL SEX OFFENDER REGISTRY.—From funds made available under section 107, the Attorney General shall use such amounts as the Attorney General determines to be appropriate to make grants to Indian tribes for the development of electronic databases to provide access to information in the National Sex Offender Registry.

**SEC. 110. APPLICABILITY TO MINORS.**

Notwithstanding any other provision of this Act, the requirements of this Act are not applicable with respect to any individual who is only subject to such requirements because of a delinquent adjudication that occurred when the individual was a minor, unless that individual was charged and convicted as an adult.

**SEC. 111. RULE OF CONSTRUCTION.**

The provisions of this title that are cast as directions to participating States or their officials constitute only conditions that must be substantially met, in accordance with section 107, in order to obtain Federal funding under this title.

**SEC. 112. IMMUNITY FOR GOOD FAITH CONDUCT.**

The Federal Government, participating States and political subdivisions thereof, and their agencies, officers, employees, and agents shall be immune from liability for good faith conduct under this Act.

**SEC. 113. STATE UNCONSTITUTIONALITY.**

(a) **IN GENERAL.**—Nothing in this title shall be deemed to require a participating State to take any action that would violate that participating State's constitution.

(b) **FUNDS.**—The Attorney General shall not withhold funds to any participating State under section 107 if the participating State declines to implement any provisions of this title on the ground that to do so would place the participating State in violation of its constitution or a ruling by the participating State's highest court.

(c) **DEFERENCE.**—In considering whether compliance with the requirements of this title would likely violate the participating State's constitution or rulings by the participating State's highest court under this section, the Attorney General shall defer to the participating State's interpretation of the participating State's constitution and rulings of the participating State's highest court unless those interpretations are clearly erroneous.

**SEC. 114. REGULATIONS.**

The Attorney General shall issue guidelines and regulations to interpret and implement this title.

**SEC. 115. AUTHORIZATION OF APPROPRIATIONS.**

There is authorized to be appropriated for each of fiscal years 2006 through 2009 such sums as may be necessary to carry out this title.

**SEC. 116. EFFECT ON CURRENT LAW.**

This title does not diminish any existing conditions on participating and non-participating States under current law.

**TITLE II—DRU SJODIN NATIONAL SEX OFFENDER PUBLIC DATABASE ACT OF 2005****SEC. 201. SHORT TITLE AND DEFINITIONS.**

(a) **SHORT TITLE.**—This title may be cited as the “Dru Sjodin National Sex Offender Public Database Act of 2005”.

(b) **DEFINITIONS.**—The definitions in section 102 shall apply in this title.

**SEC. 202. NATIONAL SEX OFFENDER PUBLIC REGISTRY.**

(a) **IN GENERAL.**—The Attorney General shall maintain a national Internet site, to be known as the “National Sex Offender Public Registry,” through which the public can access information in the public sex offender Internet sites of all States by means of single-query searches.

(b) **INFORMATION AVAILABLE IN PUBLIC REGISTRY.**—With respect to Tier II and Tier III individuals and except as provided in subsection (e), the National Sex Offender Public Registry shall provide the following information:

- (1) The name and any known aliases of the individual.
- (2) The date of birth of the individual.
- (3) A physical description of the individual.
- (4) The current photograph of the individual.
- (5) The domicile address of the individual.
- (6) The address of the individual's place of employment.
- (7) The address of any educational institution at which the individual is a student.

(8) The nature and date of all offenses qualifying the individual as a covered individual.

(9) The date on which the individual was released from prison, or placed on parole, supervised release, or probation, for the most recent offense qualifying the individual as a covered individual.

(10) Tier designation for the individual.

(11) Compliance status of the individual.

(c) **SEARCH CAPABILITIES.**—The National Sex Offender Public Registry shall have multiple search capabilities, including—

- (1) searches by name; and
- (2) searches by geographic area including searches by zip code area and searches within a radius specified by the user.

(d) **TIER I INDIVIDUALS.**—The Attorney General shall also provide, in accordance with this section, information related to a Tier I individual only if such information is provided by a State on that State's Internet site.

(e) **FAMILY MEMBER OFFENSE.**—The Attorney General shall provide, in accordance with this section, information related to a covered offense against a minor committed by a family member of the minor only if such information is provided by a State on that State's Internet site.

**SEC. 203. RELEASE OF HIGH-RISK INMATES.**

(a) **IN GENERAL.**—From amounts made available to carry out this section, the Attorney General may make grants to participating States for activities specified in subsections (b) and (c).

(b) **CIVIL COMMITMENT PROCEEDINGS.**—

(1) **IN GENERAL.**—Any participating State that provides for a civil commitment proceeding, or any equivalent proceeding, shall issue timely notice to a State official responsible for considering whether to pursue such proceedings upon the impending release of any person incarcerated by the participating State who—

(A) has been convicted of a sexually violent offense; or

(B) has been deemed by the participating State to be at high risk for recommitting any covered offense against a minor.

(2) **REVIEW.**—Upon receiving notice under paragraph (1), the State official shall consider whether or not to pursue a civil commitment proceeding, or any equivalent proceeding required under State law.

(c) **MONITORING OF RELEASED PERSONS.**—Each participating State shall intensively monitor, for not less than 1 year, any person who—

(1) has been deemed by the participating State to be at high risk for recommitting any covered offense against a minor;

(2) has been unconditionally released from incarceration by the participating State; and

(3) has not been civilly committed pursuant to a civil commitment proceeding, or any equivalent proceeding under State law.

(d) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated for each fiscal year such sums as may be necessary to carry out this section.

**TITLE III—JETSETA GAGE PREVENTION AND DETERRENCE OF CRIMES AGAINST CHILDREN ACT OF 2005****SEC. 301. SHORT TITLE.**

This title may be cited as the “Jetseta Gage Prevention and Deterrence of Crimes Against Children Act of 2005”.

**SEC. 302. ASSURED PUNISHMENT FOR VIOLENT CRIMES AGAINST CHILDREN.**

Section 3559(d) of title 18, United States Code, is amended to read as follows:

“(d) **MANDATORY MINIMUM TERMS OF IMPRISONMENT FOR VIOLENT CRIMES AGAINST CHILDREN.**—A person who is convicted of a Federal crime of violence against the person of an individual who has not attained the age of 12 years and has the intent to commit a serious sex crime as defined in section 2241 of title 18 shall, unless a greater mandatory minimum sentence of imprisonment is otherwise provided by law and regardless of any maximum term of imprisonment otherwise provided for the offense—

“(1) if the crime of violence results in the death of a person who has not attained the age of 12 years, be imprisoned for not less than 30 years to life;

“(2) if the crime of violence is a kidnapping or maiming (or an attempt or conspiracy to commit kidnapping or maiming) or results in serious bodily injury (as defined in section 1365), be imprisoned for not less than 20 years to life; and

“(3) if a dangerous weapon was used during and in relation to the crime of violence, be imprisoned for not less than 10 years to life.”.

**SEC. 303. INCREASED PENALTIES FOR SEXUAL OFFENSES AGAINST CHILDREN.**

(a) **SEXUAL ABUSE.**—

(1) **AGGRAVATED SEXUAL ABUSE OF CHILDREN.**—Section 2241(c) of title 18, United States Code, is amended by—

(A) designating the second sentence as paragraph (4); and

(B) striking the first sentence and inserting the following:

“(1) Whoever crosses a State line with intent to engage in a sexual act with a person who has not attained the age of 12 years, or in the special maritime and territorial jurisdiction of the United States or in a Federal prison, knowingly engages in a sexual act with another person who has not attained the age of 12 years, or attempts to do so, shall be fined under this title and imprisoned for not less than 10 years to life, or both.

“(2) Whoever crosses a State line with intent to engage in a sexual act under the circumstances described in subsections (a) or (b) with a person who has not attained the age of 12 years, or in the special maritime and territorial jurisdiction of the United States or in a Federal prison, knowingly engages in a sexual act under the circumstances described in subsections (a) or (b) with another person who has not attained the age of 12 years, or attempts to do so, shall be fined under this title and imprisoned not less than 30 years to life, or both.

“(3) Whoever crosses a State line with intent to engage in a sexual act under the circumstances described in subsections (a) or (b) with a person who has not attained the age of 12 years, or in the special maritime and territorial jurisdiction of the United States or in a Federal prison, knowingly engages in a sexual act under the circumstances described in subsections (a) or (b) with another person who has attained the age of 12 but has not attained the age of 16 years (and is at least 4 years younger than the person so engaging), or attempts to do so, shall be fined under this title, imprisoned for any term of years or life, or both.”.

(2) **SEXUAL ABUSE OF CHILDREN RESULTING IN DEATH.**—Section 2245 of title 18, United States Code, is amended—

(A) by striking “A person” and inserting “(a) **IN GENERAL.**—A person”; and

(B) by adding at the end the following:

“(b) **OFFENSES INVOLVING YOUNG CHILDREN.**—A person who, in the course of an offense under this chapter, engages in conduct that includes a sex act with a person who has not attained the age of 12 years and that results in the death of that person, shall be punished by death or imprisoned for not less than 30 years to life.”.

(b) **SEXUAL EXPLOITATION AND OTHER ABUSE OF CHILDREN.**—

(1) **SEXUAL EXPLOITATION OF CHILDREN.**—Section 2251(e) of title 18, United States Code, is amended by striking “any term of years or for life” and inserting “not less than 30 years to life.”

(2) **USING MISLEADING DOMAIN NAMES TO DIRECT CHILDREN TO HARMFUL MATERIAL ON THE INTERNET.**—Section 2252B(b) of title 18, United States Code, is amended by striking “or imprisoned not more than 4 years” and inserting “or imprisoned not more than 10 years.”.

**TITLE IV—JESSICA LUNS福德 AND SARAH LUNDE ACT****SEC. 401. SHORT TITLE.**

This title may be cited as the “Jessica Lunsford and Sarah Lunde Act”.

**SEC. 402. PILOT PROGRAM FOR MONITORING SEXUAL OFFENDERS.**

(a) **DEFINITION.**—In this section, the term “sexual offender” means an offender 18 years of age or older who commits a sexual offense against a minor.

(b) **SEXUAL PREDATOR MONITORING PROGRAM.**—

(1) **GRANTS AUTHORIZED.**—

(A) **IN GENERAL.**—The Attorney General is authorized to award grants (referred to as “Jessica Lunsford and Sarah Lunde Grants”) to State and local governments to assist such States and local governments in—

- (i) carrying out programs to outfit sexual offenders with electronic monitoring units; and
- (ii) the employment of law enforcement officials necessary to carry out such programs.

(B) **DURATION.**—The Attorney General shall award grants under this section for a period not to exceed 3 years.

(2) **APPLICATION.**—

(A) **IN GENERAL.**—Each State or local government desiring a grant under this section shall submit an application to the Attorney General at such time, in such manner, and accompanied by such information as the Attorney General may reasonably require.

(B) **CONTENTS.**—Each application submitted pursuant to subparagraph (A) shall—

- (i) describe the activities for which assistance under this section is sought; and
- (ii) provide such additional assurances as the Attorney General determines to be essential to ensure compliance with the requirements of this section.

(c) **INNOVATION.**—In making grants under this section, the Attorney General shall ensure that different approaches to monitoring are funded to allow an assessment of effectiveness.

(d) **AUTHORIZATION OF APPROPRIATIONS.**—

(1) **IN GENERAL.**—There are authorized to be appropriated \$10,000,000 for each of the fiscal years 2006 through 2008 to carry out this section.

(2) **REPORT.**—Not later than April 1, 2008, the Attorney General shall report to Congress—

(A) assessing the effectiveness and value of this section;

(B) comparing the cost effectiveness of the electronic monitoring to reduce sex offenses compared to other alternatives; and

(C) making recommendations for continuing funding and the appropriate levels for such funding.

**TITLE V—MISCELLANEOUS PROVISIONS****SEC. 501. ACCESS TO INTERSTATE IDENTIFICATION INDEX.**

(a) **IN GENERAL.**—Notwithstanding any other provision of law, the Attorney General shall ensure access to the Interstate Identification Index (established under the National Crime Prevention and Privacy Compact (42 U.S.C. 14616)) by—

(1) the National Center for Missing and Exploited Children, to be used only within the scope of the Center’s duties and responsibilities under Federal law to assist or support law enforcement agencies in administration of criminal justice functions; and

(2) governmental social service agencies with child protection responsibilities, to be used by such agencies only in investigating or responding to reports of child abuse, neglect, or exploitation.

(b) **CONDITIONS OF ACCESS.**—The access provided under this section, and associated rules of dissemination, shall be—

- (1) defined by the Attorney General; and
- (2) limited to personnel of the Center or such agencies that have met all requirements set by the Attorney General, including training, certification, and background screening.

(c) **LIMITATION ON LIABILITY.**—

(1) **IN GENERAL.**—Except as provided in paragraphs (2) and (3), the National Center for Missing and Exploited Children, including any of its

directors, officers, employees, or agents, is not liable in any civil action sounding in tort for damages related to its access to the Interstate Identification Index.

(2) **INTENTIONAL, RECKLESS, OR OTHER MISCONDUCT.**—Paragraph (1) does not apply in an action in which a party proves that the National Center for Missing and Exploited Children, or its officer, employee, or agent as the case may be, engaged in intentional misconduct or acted, or failed to act, with actual malice, with reckless disregard of a substantial risk of causing injury without legal justification, or for a purpose unrelated to its performance of activities or responsibilities under Federal law.

(3) **ORDINARY BUSINESS ACTIVITIES.**—Paragraph (1) does not apply to an act or omission related to an ordinary business activity, such as an activity involving general administration or operations, the use of motor vehicles, or personnel management.

**SEC. 502. LIMITATION ON LIABILITY FOR NCMEC.**

Section 227 of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13032) is amended by adding at the end the following:

“(g) **LIMITATION ON LIABILITY.**—

“(1) **IN GENERAL.**—Except as provided in subparagraphs (2) and (3), the National Center for Missing and Exploited Children, including any of its directors, officers, employees, or agents, shall not be liable in any civil or criminal action for the performance of its CyberTipline responsibilities and functions as defined by section 227 of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13032) and section 404 of the Missing Children’s Assistance Act (42 U.S.C. 5773), or for its efforts to identify child victims.

“(2) **EXCEPTION FOR INTENTIONAL, RECKLESS, OR OTHER MISCONDUCT.**—The limitation on liability under subparagraph (1) shall not apply in any action in which a plaintiff or prosecutor proves that the National Center for Missing and Exploited Children or its officers, employees, or agents described in subparagraph (1), as the case may be, engaged in intentional misconduct or acted, or failed to act, with actual malice, with reckless disregard to a substantial risk of causing injury without legal justification, or for a purpose unrelated to the performance of responsibilities or functions under section 227 of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13032) and section 404 of the Missing Children’s Assistance Act (42 U.S.C. 5773), or for its efforts to identify child victims.

“(3) **EXCEPTION FOR ORDINARY BUSINESS ACTIVITIES.**—The limitation on liability under paragraph (1) shall not apply to any alleged act or omission related to an ordinary business activity, such as an activity involving general administration or operations, the use of motor vehicles, or personnel management.”.

**SEC. 503. MISSING CHILD REPORTING REQUIREMENTS.**

(a) **IN GENERAL.**—Section 3702 of the Crime Control Act of 1990 (42 U.S.C. 5780) is amended—

(1) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively;

(2) by inserting after paragraph (1) the following:

“(2) ensure that no law enforcement agency within the State establishes or maintains any policy that requires the removal of a missing person entry from its State law enforcement system or the National Crime Information Center computer database based solely on the age of the person;”;

(3) in paragraph (3), as redesignated, by striking “immediately” and inserting “within 2 hours of receipt”.

(b) **DEFINITIONS.**—Section 403(1) of the Comprehensive Crime Control Act of 1984 (42 U.S.C. 5772) is amended by striking “if” through subparagraph (B) and inserting a semicolon.

**SEC. 504. TREATMENT AND MANAGEMENT OF SEX OFFENDERS IN THE BUREAU OF PRISONS.**

Section 3621 of title 18, United States Code, is amended by adding at the end the following new subsection:

“(f) **SEX OFFENDER MANAGEMENT.**—

“(1) **IN GENERAL.**—The Bureau of Prisons shall make available appropriate treatment to sex offenders who are in need of and suitable for treatment, as follows:

“(A) **SEX OFFENDER MANAGEMENT PROGRAMS.**—The Bureau of Prisons shall establish non-residential sex offender management programs to provide appropriate treatment, monitoring, and supervision of sex offenders and to provide aftercare during prerelease custody.

“(B) **RESIDENTIAL SEX OFFENDER TREATMENT PROGRAMS.**—The Bureau of Prisons shall establish residential sex offender treatment programs to provide treatment to sex offenders who volunteer for such programs and are deemed by the Bureau of Prisons to be in need of and suitable for residential treatment.

“(2) **REGIONS.**—At least 1 sex offender management program under paragraph (1)(A), and at least 1 residential sex offender treatment program under paragraph (1)(B), shall be established in each region within the Bureau of Prisons.

“(3) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to the Bureau of Prisons for each fiscal year such sums as may be necessary to carry out this subsection.”.

**SEC. 505. AUTHORIZATION FOR AMERICAN PROSECUTORS RESEARCH INSTITUTE.**

In addition to any other amounts authorized by law, there are authorized to be appropriated for grants to the American Prosecutors Research Institute under section 214A of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13003) \$7,500,000 for each of fiscal years 2006 through 2010.

**SEC. 506. SEX OFFENDER APPREHENSION GRANTS.**

Title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by adding at the end the following:

**“PART II—SEX OFFENDER APPREHENSION GRANTS****“SEC. 2992. AUTHORITY TO MAKE SEX OFFENDER APPREHENSION GRANTS.**

“(a) **IN GENERAL.**—From amounts made available to carry out this part, the Attorney General may make grants to States, units of local government, Indian tribes, other public and private entities, and multi-jurisdictional or regional consortia thereof for activities specified in subsection (b).

“(b) **COVERED ACTIVITIES.**—An activity referred to in subsection (a) is any program, project, or other activity to assist a State in enforcing sex offender registration requirements.”.

**SEC. 507. ACCESS TO FEDERAL CRIME INFORMATION DATABASES BY EDUCATIONAL AGENCIES FOR CERTAIN PURPOSES.**

(a) **IN GENERAL.**—The Attorney General shall, upon request of the chief executive of a State, conduct fingerprint-based checks of the national crime information databases (as defined in section 534(e)(3)(A) of title 28, United States Code), pursuant to a request submitted by a local educational agency or a State educational agency in that State, on individuals under consideration for employment by the agency in a position in which the individual would work with or around children. Where possible, the check shall include a fingerprint-based check of State criminal history databases. The Attorney General and the States may charge any applicable fees for these checks.

(b) **PROTECTION OF INFORMATION.**—An individual having information derived as a result of a check under subsection (a) may release that information only to an appropriate officer of a local educational agency or State educational



agency, or to another person authorized by law to receive that information.

(c) **CRIMINAL PENALTIES.**—An individual who knowingly exceeds the authority of subsection (a), or knowingly releases information in violation of subsection (b), shall be imprisoned not more than 10 years or fined under title 18, United States Code, or both.

(d) **DEFINITION.**—In this section, the terms “local educational agency” and “State educational agency” have the meanings given to those terms in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

**SEC. 508. GRANTS TO COMBAT SEXUAL ABUSE OF CHILDREN.**

(a) **IN GENERAL.**—The Bureau of Justice Assistance is authorized to make grants under this section to—

(1) each law enforcement agency that serves a jurisdiction with 50,000 or more residents; and

(2) each law enforcement agency that serves a jurisdiction with fewer than 50,000 residents, upon a showing of need.

(b) **USE OF GRANT AMOUNTS.**—Grants under this section may be used by the law enforcement agency to—

(1) hire additional law enforcement personnel, or train existing staff, to combat the sexual abuse of children through community education and outreach, investigation of complaints, enforcement of laws relating to sex offender registries, and management of released sex offenders;

(2) investigate the use of the Internet to facilitate the sexual abuse of children; and

(3) purchase computer hardware and software necessary to investigate sexual abuse of children over the Internet, access local, State, and Federal databases needed to apprehend sex offenders, and facilitate the creation and enforcement of sex offender registries.

(c) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated such sums as may be necessary for fiscal years 2006 through 2008 to carry out this section.

**SEC. 509. SEVERABILITY.**

If any provisions of this Act, any amendment made by this Act, or the application of such provisions or amendment to any person or circumstance is held to be unconstitutional, the remainder of the provisions of this Act, the amendments made by this Act, and the application of such provisions or amendments to any person or circumstance shall not be affected.

**SEC. 510. FAILURE TO PROVIDE INFORMATION A DEPORTABLE OFFENSE.**

Section 237(a)(2)(A) of the Immigration and Nationality Act (8 U.S.C. 1227(a)(2)(A)) is amended—

(1) by redesignating clause (v) as clause (vi); and

(2) by inserting after clause (iv) the following new clause:

“(v) **FAILURE TO PROVIDE REGISTRATION INFORMATION AS A SEX OFFENDER.**—Any alien who is convicted under subsection (d) of section 103 of the Sex Offender Registration and Notification Act of a violation of subsection (a) or (b) of such section is deportable.”.

**SEC. 511. REPEAL.**

Sections 170101 and 170102 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14071, 14072) are repealed.

**SEC. 512. CONFORMING AMENDMENTS TO TITLE 18, UNITED STATES CODE.**

Title 18 of the United States Code is amended—

(1) in sections 3563(a)(8) and 3583(d) by striking “and that the person register in any State where the person resides, is employed, carries on a vocation, or is a student (as such terms are defined under section 170101(a)(3) of the Violent Crime Control and Law Enforcement Act of 1994)” and inserting “and that the person comply with the Sex Offender Registration and Notification Act”;

(2) in section 4042(c)(3) by striking “shall be subject” and all that follows through “1994)” and inserting “must comply with the Sex Offender Registration and Notification Act”; and

(3) in section 4209(a) by striking “register in any State” and all that follows through “1994)” and inserting “comply with the Sex Offender Registration and Notification Act.”.

**TITLE VI—COMPREHENSIVE EXAMINATION OF SEX OFFENDER ISSUES**  
**SEC. 601. COMPREHENSIVE EXAMINATION OF SEX OFFENDER ISSUES.**

(a) **DEFINITION.**—In this section, the term “sexual offender” means an offender 18 years of age or older who commits a sexual offense against a minor.

(b) **IN GENERAL.**—The National Institute of Justice shall conduct a comprehensive study to examine the control, prosecution, treatment, and monitoring of sex offenders, with a particular focus on—

(1) the effectiveness of State, tribal, and local responses to the requirements of this Act, including the effectiveness of particular jurisdictions as compared to others;

(2) compliance by sex offenders with the registration requirements of this Act;

(3) how this Act has affected the number of reported sex crimes against children;

(4) how this Act has affected the number of prosecutions and convictions of sex crimes against children;

(5) the utility of the National Sex Offender Public Registry to the public;

(6) the costs to States, tribes, and local entities of compliance with this Act and the relative costs and benefits of approaches undertaken by different jurisdictions;

(7) the effectiveness of treatment programs in reducing recidivism among sex offenders;

(8) the potential benefits to Federal, State, and local law enforcement agencies of access to taxpayer information pertaining to sexual offenders and the privacy implications to those individuals and others; and

(9) the potential benefits to Federal, State, and local law enforcement agencies of access to Social Security information pertaining to sexual offenders and the privacy implications to those individuals and others.

(c) **RECOMMENDATIONS.**—The study described in subsection (b) shall include recommendations for reducing the number of sex crimes against children and increasing the rates of compliance with registration requirements.

(d) **REPORTS.**—

(1) **IN GENERAL.**—Not later than 5 years after the date of enactment of this Act, the National Institute of Justice shall report the results of the study conducted under subsection (b) together with findings to Congress, through the Internet to the public, to each of the 50 governors, to the Mayor of the District of Columbia, to territory heads, and to the top official of the various Indian Tribes.

(2) **INTERIM REPORTS.**—The National Institute of Justice shall submit yearly interim reports.

(e) **APPROPRIATIONS.**—There are authorized to be appropriated \$3,000,000 to carry out this section.

Mr. FRIST. I ask unanimous consent 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 any statements 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. 1086), as amended, was read the third time, and passed.

Mr. FRIST. Mr. President, S. 1086, which we just passed, is the Sex Of-

fender Registration and Notification Act. I do want to take a few moments to comment because this is an important piece of legislation. The House has passed companion legislation already in the past, but the fact that we have passed this bill tonight means we will dramatically impact the lives of hundreds, indeed thousands, of victims and potential victims of sexual predators.

This has been remarkable to me. I followed a Dateline series, “To Catch A Predator,” over the last several weeks and months, but it was 2 nights ago that my legislative director and my counsel e-mailed me, or BlackBerryed me, at 9 o’clock at night and said that in a few minutes another episode of “To Catch A Predator” is coming on and I turned it on. Once again I saw the devastation that occurs today, which cannot be totally prevented but we know can be prevented by arming the American people with the tools that can help catch these predators and, once they are caught, making sure they are kept away from children, that children are kept out of their reach. I think we have all been moved by this excellent investigative type of reporting that has demonstrated, in shocking terms, today how vulnerable our children are to sexual predators, much of that originating and facilitated by the use of the Internet, at times when our children simply do not have that supervision there, minute by minute. The sexual predators reach into their lives, taking advantage of them, as vulnerable as they might be, and then literally ruining their lives.

This evening I am proud of what we have done. This body passed the Sex Offender Registry and Notification Act. It has been a long time. Several weeks ago on the floor I tried to get unanimous consent from the other side to agree to go to the bill unattached to other types of amendments unrelated to the registry itself, unrelated to these sexual predators. There was objection. We have been able to overcome, in the best spirit of this body, working together, those objections and pass this bill.

Among its many provisions—let me comment on three—it creates a National Sex Offender Registry that is accessible on the Internet and searchable by ZIP Code. For the first time you will be able to go on the Internet or have somebody in your family go on the Internet, put in a ZIP Code or surrounding ZIP Code, and you will know whether any sex offenders who might be in your neighborhood are actually in your neighborhood. For the first time you will be able to be armed with that information.

Second, it requires convicted sex offenders to register, including child predators who use the Internet to commit a crime against a minor. That registration is required. If you have been into the legal system and you have been labeled, appropriately so, a sex offender, you are going to go into this registry.

Third, it toughens criminal penalties for violent crimes against children under 12 years of age.

Just by creating a national registry we are going to make it easier for law enforcement to act on that tip and to identify and intercept sex offenders before they can commit those repeat crimes and victimize more children.

From the episode I saw two nights ago it was very apparent that one of the criminals—maybe it was more, but the second one I saw—was somebody who had been convicted before and was just about ready to go to jail but, once again, in that period before going to jail slipped out to commit another crime.

Currently, there are over 100,000 missing sex offenders who have failed to register under current State laws. This bill will enhance the penalty for failure to register from a Federal misdemeanor to a Federal felony. I am proud the Senate is acting to protect our Nation's most valuable resource—our children.

I close by thanking those people who are recognizable in the sense that they have been fighting for this legislation for such a long time; namely, our distinguished colleague from Utah, Senator ORRIN HATCH, whose bill this is, who has been on the issue, has helped educate all of us on both sides of the aisle, who has fought for this piece of legislation, who has encouraged me to keep fighting for this legislation in spite of others' attempts to attach unrelated amendments, and indeed because of his persistence, again, thousands of young kids will be safer in the future.

Also, there is someone I have gotten to know personally, but the American people know in large part because of his very effective voice on television, and that is John Walsh. John Walsh, who runs the National Center for Missing and Exploited Children, is commenting constantly and staying on this issue, having suffered a real tragedy with his own child in the past.

On "Dateline NBC," the producer, who has done a tremendous job, Chris Hansen, has been the face and voice in heading this show, "To Catch a Predator."

The list could go on and on, but I know we have to keep moving on with tonight's business. This is such a huge success for the American people and for families. I appreciate my colleagues coming together to pass this bill.

#### NATIONAL CHILDHOOD STROKE AWARENESS DAY

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 465, which was submitted earlier today.

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

The assistant legislative clerk read as follows:

A resolution (S. Res. 465) expressing the sense of the Senate with respect to childhood

stroke and designating May 6, 2006, as "National Childhood Stroke Awareness Day."

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

Mr. CHAMBLISS. Mr. President, I rise today to raise awareness about childhood stroke. Very little is known about the cause, treatment, and prevention of childhood stroke. Only through medical research can effective treatment and prevention strategies for childhood stroke be identified and developed. The earlier that we are able to diagnose and begin treatment for victims of childhood stroke, the better the chances are for recovery and a recurrence is less likely to happen.

The need for awareness on this issue was brought to my attention by a young man from Norcross, GA, Alan Blinder. In January of 2006, Alan was having a normal day at school, as any sophomore in high school would. As he was sitting in his fourth period Algebra class, the entire left side of his body went numb and he was unable to speak. Alan was escorted to the school nurse and she sent him home. That evening Alan's mother explained her son's situation to a friend who suggested the incident could have been a pediatric stroke. After seeing a physician, Alan learned that he had suffered a transient ischemic attack, or a mini stroke. These attacks can be ominous warning signs for potential future strokes. While Alan was able to receive a diagnosis from a specialist, there are thousands of children, adolescents, and parents who do not know the signs of this life threatening episode that leaves many individuals impaired. Alan was very lucky and I am happy to report that he is doing well. Alan is a smart young man who has a very bright future ahead of him.

Each year a stroke occurs in 20 out of every 100,000 newborns. Almost 3 out of every 106,000 children experience a stroke before the day they are born. Of these children who experience a stroke, 12 percent will lose their lives as a result. Over half of the children who have a pediatric stroke will have serious, long-term neurological disabilities, including seizures, speech and vision problems, and learning disabilities. The result of a pediatric stroke may require ongoing physical therapy and surgeries for years and into their young adulthood. The permanent health concerns and treatments resulting from childhood stroke can result in a heavy financial and emotional burden on both the child and the family.

It is my hope that greater awareness of the symptoms of childhood stroke, I introduce legislation to designate May 6, 2006, as Childhood Stroke Awareness Day. I urge the people of the United States to support efforts, programs, services, and advocacy of the American Heart Association to enhance public awareness of childhood stroke.

Mr. FRIST. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

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

The resolution (S. Res. 465) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

#### S. RES. 465

Whereas a stroke, also known as a "cerebrovascular accident", is an acute neurologic injury that occurs when the blood supply to a part of the brain is interrupted by—

- (1) a clot in the artery; or
- (2) a burst of the artery;

Whereas a stroke is a medical emergency that can cause permanent neurologic damage or even death if not promptly diagnosed and treated;

Whereas 26 out of every 100,000 newborns and almost 3 out of every 100,000 children have a stroke each year;

Whereas an individual can have a stroke before birth;

Whereas stroke is among the top 10 causes of death for children in the United States;

Whereas 12 percent of all children who experience a stroke die as a result;

Whereas the death rate for children who experience a stroke before the age of 1 year is the highest out of all age groups;

Whereas many children who experience a stroke will suffer serious, long-term neurological disabilities, including—

- (1) hemiplegia, which is paralysis of 1 side of the body;
- (2) seizures;
- (3) speech and vision problems; and
- (4) learning difficulties;

Whereas those disabilities may require ongoing physical therapy and surgeries;

Whereas the permanent health concerns and treatments resulting from strokes that occur during childhood and young adulthood have a considerable impact on children, families, and society;

Whereas very little is known about the cause, treatment, and prevention of childhood stroke;

Whereas medical research is the only means by which the citizens of the United States can identify and develop effective treatment and prevention strategies for childhood stroke; and

Whereas early diagnosis and treatment of childhood stroke greatly improves the chances that the affected child will recover and not experience a recurrence: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates May 6, 2006, as "National Childhood Stroke Awareness Day"; and

(2) urges the people of the United States to support the efforts, programs, services, and advocacy of organizations that work to enhance public awareness of childhood stroke, including—

(A) the Children's Hemiplegia and Stroke Association;

(B) the American Stroke Association, a division of the American Heart Association; and

(C) the National Stroke Association.

#### NEGRO LEAGUERS RECOGNITION DAY

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 466, submitted earlier today.

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

The assistant legislative clerk read as follows:

A resolution (S. Res. 466) designating May 20, 2006, as "Negro Leaguers Recognition Day."

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

Mr. NELSON of Florida. Mr. President, I, along with Senators TALENT and DEWINE, have proudly introduced a resolution recognizing May 20, 2006, as "Negro Leaguers Recognition Day."

Since 1885, long before Major League Baseball was integrated in 1947, African Americans were organizing their own professional leagues. These leagues did not succeed because of racial prejudice and lack of adequate financial backing. However, this changed dramatically with the inception of the first successful Negro league. On May 20, 1920, the Negro National League played its first game. Its creation was the result of the efforts of an African American player and manager named Andrew "Rube" Foster. Mr. Foster's success inspired the formation of other leagues.

As a result, on October 3, 1924, the first Negro League World Series game was played between the Kansas City Monarchs of the Negro National League and Hilldale of Philadelphia of the Eastern Colored League. This historic and exhaustive first series lasted ten games, covered a span of almost three weeks, and was played in four different cities. In the end, Kansas City claimed the championship.

But the lasting legacy of the Negro leagues, as the six separate leagues between 1920 and 1960 are collectively known, are the tremendous baseball players they produced. Some of the names we know and some we don't. Among them is Jackie Robinson, the first African American to break the baseball color barrier; Leroy "Satchel" Paige, who was considered one of the greatest pitchers of all time; Josh Gibson, who was a prolific home-run hitter; Larry Doby, the first African American to play in the American League in July 1947; and John Jordan "Buck" O'Neil, who was the first African American coach in the Major Leagues and who is now head of the Negro Leagues Baseball Museum.

It is important that we remember and honor these players. In breaking down the baseball color barrier, these pioneers dealt a blow to hatred and prejudice across America. Today, we can honor them by declaring May 20, 2006 as, "Negro Leaguers Recognition Day."

Mr. FRIST. Mr. President, I ask unanimous consent that the 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 resolution (S. Res. 466) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

# S. RES. 466

Whereas even though African Americans were excluded from playing in the major leagues of their time with their white counterparts, the desire of many African Americans to play baseball could not be repressed;

Whereas Major League Baseball did not fully integrate its league until July 1959;

Whereas African Americans began organizing their own professional baseball teams in 1885;

Whereas the skills and abilities of Negro League players eventually made Major League Baseball realize the need to integrate the sport;

Whereas six separate baseball leagues, known collectively as the "Negro Baseball Leagues", were organized by African Americans between 1920 and 1960;

Whereas the Negro Baseball Leagues included exceptionally talented players who played the game at its highest level;

Whereas on May 20, 1920, the Negro National League, the first successful Negro League, played its first game;

Whereas Andrew "Rube" Foster, on February 13, 1920, at the Paseo YMCA in Kansas City, Missouri, founded the Negro National League and also managed and played for the Chicago American Giants, and later was inducted into the Baseball Hall of Fame;

Whereas Leroy "Satchel" Paige, who began his long career in the Negro Leagues and did not make his Major League debut until the age of 42, is considered one of the greatest pitchers the game has ever seen, and during his long career thrilled millions of baseball fans with his skill and legendary showboating, and was later inducted into the Baseball Hall of Fame;

Whereas Josh Gibson, who was the greatest slugger of the Negro Leagues, tragically died months before the integration of baseball, and was later inducted into the Baseball Hall of Fame;

Whereas Jackie Robinson, whose career began with the Negro League Kansas City Monarchs, became the first African American to play in the Major Leagues in April 1947, was named Major League Baseball Rookie of the Year in 1947, subsequently led the Brooklyn Dodgers to 6 National League pennants and a World Series championship, and was later inducted into the Baseball Hall of Fame;

Whereas Larry Doby, whose career began with the Negro League Newark Eagles, became the first African American to play in the American League in July 1947, was an All-Star 9 times in Negro League and Major League Baseball, and was later inducted into the Baseball Hall of Fame;

Whereas John Jordan "Buck" O'Neil was a player and manager of the Negro League Kansas City Monarchs, became the first African American coach in the Major Leagues with the Chicago Cubs in 1962, served on the Veterans Committee of the National Baseball Hall of Fame, chairs the Negro Leagues Baseball Museum Board of Directors, and has worked tirelessly to promote the history of the Negro Leagues; and

Whereas by achieving success on the baseball field, African American baseball players helped break down color barriers and integrate African Americans into all aspects of society in the United States: Now, therefore, be it

Resolved, That the Senate—

(1) designates May 20, 2006, as "Negro Leaguers Recognition Day"; and

(2) recognizes the teams and players of the Negro Baseball Leagues for their achievements, dedication, sacrifices, and contributions to both baseball and our Nation.

# HONORING THE CONTRIBUTION OF CHIEF JUSTICE REHNQUIST

Mr. FRIST. I ask unanimous consent the Senate proceed to the immediate consideration of H. J. Res. 83 which was received from the House.

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

The assistant legislative clerk read as follows:

A joint resolution (H.J. Res. 83) to memorialize and honor the contribution of Chief Justice William H. Rehnquist.

There being no objection, the Senate proceeded to consider the joint resolution.

Mr. LEAHY. Mr. President, I am pleased to support passage of H.J. Res. 83, which authorizes funds for a bust to be placed in the Supreme Court honoring the late Chief Justice Rehnquist. Chief Justice Rehnquist served admirably on the country's highest court for 33 years—19 as Chief Justice. It is appropriate that we honor his service as we have the other Chief Justices with a bust in the Supreme Court building.

I was privileged to have known the Chief Justice for many years and to have had the pleasure of serving with him on the Smithsonian Board of Regents. We also shared a love for the beautiful land and the independent people of Vermont—a place that served as a special refuge for the Chief Justice and his family over the years. His courage and commitment were without question, particularly recently when he attended the last inauguration and continued work to the end.

It would also be fitting in my view to honor other important figures in the Supreme Court's history. Justices Sandra Day O'Connor and Thurgood Marshall broke barriers and became the first woman and first African American justices on the Supreme Court in our Nation's long history. Both are role models not only for women and African Americans who will follow them on the Supreme Court, but for judges everywhere and all Americans. It would be appropriate to honor their significant accomplishments and contributions to the law, to the Supreme Court and to the country by including them among those honored at the Supreme Court building.

Mr. FRIST. Mr. President, I ask unanimous consent the joint resolution be read a third time and passed, the preamble be agreed to, the motion to reconsider be laid upon the table, and any statements related to the resolution be printed in the RECORD.

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

The joint resolution (H.J. Res. 83) was read the third time and passed.

The preamble was agreed to.

# AUTHORIZING USE OF CAPITOL GROUNDS FOR SPECIAL OLYMPICS LAW ENFORCEMENT TORCH RUN

Mr. FRIST. I ask unanimous consent that Senate proceed to the immediate consideration of H. Con. Res. 359 which was received from the House.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The assistant legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 359) authorizing the use of the Capitol Grounds for the District of Columbia Special Olympics Law Enforcement Torch Run.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. FRIST. I ask unanimous consent the concurrent resolution be agreed to, the motion to reconsider be laid upon the table, and any statements related to the resolution be printed in the RECORD.

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

The concurrent resolution (H. Con. Res. 359) was agreed to.

## ORDERS FOR FRIDAY, MAY 5, 2006

Mr. FRIST. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:30 a.m., Friday, May 5. I further ask that following the prayer and pledge, the morning hour be deemed expired, and the Journal of proceedings be approved to date, the time for the two leaders be reserved, and there then be a period of morning business with Senators permitted to speak for up to 10 minutes each.

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

## PROGRAM

Mr. FRIST. Tomorrow, the Senate will continue to discuss medical liability and small business health plans. Tomorrow, it will be necessary to file cloture motions on the motions to proceed to these bills. Senators can expect

two votes Monday afternoon at approximately 5:15. These votes will be cloture votes to proceed to the two medical liability bills. If cloture is not invoked on these bills, we will have a cloture vote on Tuesday morning on the motion to proceed to the small business health plans bill.

I am pleased we will be addressing these health care issues which, if we enact this legislation, both the medical liability and the small business health plans, will diminish the cost of health care to everyone who is listening, to my colleagues and others listening across America. There is no question about it, the cost of health care will go down.

Secondly, it will improve access to health care. Right now, it is crazy. It is absurd that expectant mothers have to worry about whether they are going to have an obstetrician to deliver their child or there are people who have to worry about, if they are in a trauma accident, whether there is going to be somebody at the hospital who can give them the immediate treatment, therapy that can be curative at the time they arrive. But that is the reality. That is where we are today.

If we come together, put partisanship aside and address these bills on principle, then we can do a lot for the American people in terms of affordable health care, assuring access to health care, and raising the quality of health care.

## ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. FRIST. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 6:32 p.m., adjourned until Friday, May 5, 2006, at 9:30 a.m.

## NOMINATIONS

Executive nominations received by the Senate May 4, 2006:

### THE JUDICIARY

JEROME A. HOLMES, OF OKLAHOMA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE TENTH CIRCUIT, VICE STEPHANIE K. SEYMOUR, RETIRED.

VALERIE L. BAKER, OF CALIFORNIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE CENTRAL DISTRICT OF CALIFORNIA, VICE CONSUELO B. MARSHALL, RETIRED.

### DEPARTMENT OF JUSTICE

CHARLES P. ROSENBERG, OF VIRGINIA, TO BE UNITED STATES ATTORNEY FOR THE EASTERN DISTRICT OF VIRGINIA FOR THE TERM OF FOUR YEARS, VICE PAUL J. MCNULTY, RESIGNED.

### IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

#### To be lieutenant general

MAJ. GEN. ROBERT J. ELDER, JR., 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

#### To be lieutenant general

L.T. GEN. DAVID A. DEPTULA, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

#### To be lieutenant general

L.T. GEN. VICTOR E. RENUART, JR., 0000

### IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

#### To be admiral

VICE ADM. JAMES G. STAVRIDIS, 0000

## CONFIRMATIONS

Executive nominations confirmed by the Senate Thursday, May 4, 2006:

### THE JUDICIARY

BRIAN M. COGAN, OF NEW YORK, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF NEW YORK.

THOMAS M. GOLDEN, OF PENNSYLVANIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF PENNSYLVANIA.

## WITHDRAWAL

Executive Message transmitted by the President to the Senate on May 4, 2006 withdrawing from further Senate consideration the following nomination:

JEROME A. HOLMES, OF OKLAHOMA, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF OKLAHOMA, WHICH WAS SENT TO THE SENATE ON FEBRUARY 14, 2006.