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## House of Representatives

The House was not in session today. Its next meeting will be held on Tuesday, March 28, 2006, at 2 p.m.

## Senate

MONDAY, MARCH 27, 2006

The Senate met at 1 p.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.

Lord of life, King of our hearts and Ruler of all, teach us how to lay up treasures in heaven. Empower us to see the importance of setting our affections on the things above. Strengthen our lawmakers for today's challenges. Give them hearts eager to do Your will. Help them to know Your ways and teach them Your paths.

Today, comfort us as we mourn the deaths of David Lee Hamlett, a Senate police officer, and Erma James Byrd, wife of Senator ROBERT BYRD. Help us to bring You our wounded hearts and to tell You our anguish. Remind us that Earth has no sorrow that heaven cannot heal. Infuse us with a faith that will not shrink though tossed by the winds of trial.

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.

### RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

### SCHEDULE

Mr. FRIST. Mr. President, today, we will resume consideration of the lobbying reform measure. As I mentioned before the break, it is my expectation the Senate will consider the lobbying reform bill and the border control legislation during the next 2 weeks. This should allow sufficient time to work through these bills, and I hope we can focus our efforts and work together across the aisle on both of these bills. These bills are nonpartisan, and we should be able to address them in a bipartisan way working together.

On the lobbying reform bill today, first, I hope the Senator from New York will withdraw his unrelated amendment. That would then allow the two managers to find a way to begin to schedule some of the lobbying-related amendments for debate and votes. In addition, we have Senator WYDEN's amendment currently pending, and we are working to set a time certain for a vote on that amendment.

On the border control bill, we have a cloture vote scheduled for tomorrow on the motion to proceed to that bill. I will be talking to the Democratic leader later today on the precise timing of that vote, as we await the work of the Judiciary Committee under Chairman SPECTER that is meeting today.

With respect to today, I wish to remind my colleagues that we are work-

ing to set up a vote this afternoon, either on an amendment or a nomination. We are expecting that vote to begin at approximately 5:15. We will likely have to drag that vote a little bit for a few minutes because we are starting that vote 15 minutes earlier than most of our colleagues had anticipated.

### MORNING BUSINESS

Mr. FRIST. Mr. President, while the managers of the lobbying reform bill sort through some of the amendments and because we have some Members who want to speak on other subjects today, I now ask unanimous consent that there be a period of morning business until 3 p.m., with Senators to speak for up to 10 minutes each.

The PRESIDENT pro tempore. Is there an objection?

Without objection, it is so ordered.

### ERMA ORA JAMES BYRD

Mr. FRIST. Mr. President, I would like to open today with respects paid to Erma Byrd, the wife of our dear friend and colleague, Senator ROBERT BYRD. As the Chaplain mentioned in his prayer, Mrs. Byrd passed away recently—in fact, on Saturday night.

Erma Ora James Byrd was the devoted wife of Senator BYRD for nearly 69 years. Born in Virginia in 1917, Erma and her family moved to West Virginia when she was a child. It was there that she met her future husband at the Mark Twain Grade School in Raleigh County.

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



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The couple married when they were 19 years old. The daughter of coal miners, Erma never forgot her humble beginnings.

As a young couple, the BYRDS enjoyed a simple existence. They could often be found at community square dances where Senator BYRD would be playing his fiddle and Erma would be dancing. From those local dances, to running a grocery business, to raising a family, Erma and Senator BYRD were partners in everything they did.

When Senator BYRD decided to come to the House of Representatives in 1952 and then later entered law school, Erma took the lead in handling the house and bringing up their daughters.

Throughout her life, Mrs. Byrd focused on her family. The Byrds were the proud parents to two daughters, Mona and Marjorie. And they were blessed with six grandchildren and six great grandchildren.

Mrs. Byrd's love of children extended far beyond her family. In West Virginia, Erma Byrd was known far and wide for her advocacy for children and for helping young people get ahead.

Dedicated, determined, loving, and loyal—these were the words many used to describe Erma Byrd. And they are the qualities that our colleague cherished dearly in his wife.

On their 65th wedding anniversary, Senator BYRD said:

Erma and I are complete and whole, a total that is more than the sum of its parts. In my life, Erma Ora Byrd is the diamond. She is a priceless treasure, a multifaceted woman of great insight and wisdom, of quiet humor and common sense. I wish that more people could know the joy I have had in finding one's soul mate early in life and then sharing that deep companionship over many happy years.

Senator BYRD, our thoughts and our prayers are with you and your family. We mourn your loss, and we celebrate the life of the wonderful woman who stood by your side.

#### BORDER SECURITY

Mr. FRIST. Mr. President, this week, if there are no obstructionist tactics, the Senate will begin debate on protecting our country and fixing a broken immigration system.

Since last fall, when I announced the Senate would take up this issue, the Judiciary Committee has spent over 5 weeks, and, as of today, they are in their sixth markup on it. I thank Chairman SPECTER for his leadership throughout this process, during these six markups over the last 5 weeks. The Judiciary Committee members and their staff have worked long and hard under his guidance. As we speak, his committee is in session trying to finish the task set out for them. I, as leader, appreciate that and appreciate their efforts and the tremendous work they have done thus far.

America needs secure borders. Right now, we do not have them. Every day, thousands of people violate our fron-

tiers. We do not know who they are and quite often we cannot stop them. As a nation of immigrants which honors the rule of law, we must secure our borders to make America safe, so we can fix our country's immigration system.

We are a nation of immigrants. We all came from somewhere else, and we have all benefited from America's uniquely inclusive ethos. But America is also a nation of laws. Our laws bind and protect us. They transform us from seekers into citizens and are the very foundation of our democracy.

A nation that cannot secure its borders cannot secure its destiny or administer its laws. The situation along our southern border now ranks as a national security challenge second only to the war on terror.

Before we left for last week's recess, I introduced the Securing America's Borders Act, or SABA, so that the Senate would be able to take up border security and interior law enforcement and allow the Senate to focus on comprehensive illegal immigration reform. It includes a number of commonsense, consensus measures that improve security along our physical border, crack down on human smugglers, simplify the process of deporting wrongdoers, and make it easier for employers to confirm their employees' legal status. And many of its provisions are built from ideas in the 9/11 Commission report.

Why should we act and why should we act now? Well, every day we delay we discover new facts that show us waiting makes America less safe and less secure. To take just one example, in January, officials discovered a massive tunnel stretching nearly a half a mile from Tijuana to San Diego. We do not know how many, or who, snuck in through this tunnel. We do not know what materials came into our country, or when, through this tunnel.

When people break our laws and come through our borders, we do know that mixed in with families looking for a better life are drug dealers, human traffickers, terrorists, and common criminals who cross into our country. Increasing our border security reduces that threat to our country and to our citizens.

The danger is not only to America; there is danger to those who try to cross our borders as well. Unofficial data collected along the Arizona border—the only area for which we have information—show that nearly 225 people died along the border in 2005 alone. About 10 percent perished under circumstances that suggest foul play. And we all know the terrible stories of those who prey on vulnerable migrants, who charge outrageous prices to smuggle them across the border and then, often, abandon them the moment trouble strikes. That is wrong. We must act. And we will do so over the next 2 weeks.

We need better enforcement and more manpower on the ground. Last year, the Senate led the charge to pro-

vide funding to hire 1,000 additional officers, more equipment, and more detention beds. This was a start but only a start.

My proposal adds nearly 15,000 more officers over the next few years in a sustained and focused effort to buttress the 20,000 already deployed to work on border issues. It also requires new investments in unmanned aerial vehicles, cameras, and sensors, and a comprehensive national border security strategy. It establishes the long-term project of building a virtual barrier to cover every mile of the 1,951-mile long border with Mexico. This will both make America safer and reduce the number of people endangering themselves trying to come into this country.

In addition to physically strengthening the border, the bill makes it easier for the Department of Homeland Security to catch people who violate our immigration laws. It enhances the collection of biometric data about who enters the country and allows the Homeland Security Department to set up additional border checkpoints.

The law creates tough, new penalties for human smugglers and document forgers. And under this bill, terrorists, dangerous gang members, and others with serious criminal connections face expedited removal from the United States.

But my bill doesn't just draw on the common sense of the American people for its provisions; it also looks to the 9/11 Commission report for guidance.

Many of the bill's provisions reflect the guidance of that commission. For example, the commission recommended that we consolidate border screening systems. SABA does that. It encouraged the use of biometric data to keep track of who was coming and going. SABA does that. It identified the need of State and local officials to work with Federal agencies to identify terrorist suspects. SABA does that as well.

Securing the border and enforcing our laws are crucial first steps to making America safer. But much more remains to be done. There are over 11 million people in this country illegally today. Congress cannot turn a blind eye to this growing number. We need to act.

As many know, I oppose amnesty. With our economy at full employment, many who break our laws come to this country to do the work others won't do so as to make a better life for themselves and their families. I honor that. America has always been the place where one can come to live out a dream of improvement and renewal. But while we welcome those who refresh and restore our American spirit, we have always done so within a framework of law. The full Senate should have the chance to discuss and to debate and to decide how we balance that rule of law with the situation as we find it today.

I am here to solve problems, not stand around. All Members come here

to act and not to fill space. We need to work together so that all 100 Senators have the opportunity to work within our rules to solve this problem.

I do hope the minority will not put procedural roadblocks in the way of the Senate resolving these issues, so we can put some of our country's best minds to work here on the floor now, this week.

I invite all who have ideas to come and work with us. Together, rather than apart, we can bring the best to bear to solve this problem of illegal immigration so that America is safer, so that America is more secure.

As I said when I introduced the bill we call SABA, I want this coming debate to reflect our history in America as a nation committed to the rule of law and our immigrant inheritance.

I am glad many agree on the need to ensure our debate is in the best keeping of the Senate's traditions. We ought to be honest about the problems we face and the outcomes we seek, within a framework of conversation that does credit to the Senate and the Nation.

This debate, and our effort, is about the American dream and the hope this country holds for so many hard-working people. But it is also an issue about what it means to be a nation. And every nation must keep its citizens safe and keep its borders secure. We should not have to choose between respect for our history and respect for our laws.

With hard work and responsible debate, we can have both. I hope we can conduct this debate with civility and seriousness. I look forward to a thorough and full discussion over the coming days.

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

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

The legislative clerk proceeded to call the roll.

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

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

The President pro tempore is recognized.

#### TRIBUTE TO ERMA BYRD

Mr. STEVENS. Mr. President, having arrived late Saturday night from Hawaii where we attended the memorial services for Senator INOUE's late wife Maggie, my wife Catherine and I were deeply saddened the next morning to learn that Erma Ora James Byrd had passed away Saturday night. I come to offer our sincere condolences to our good friend Senator BYRD and his family.

As the leader has said, Senator BYRD and Erma were married at the age of 19. In their nearly 69 years of marriage, Erma was a pillar of strength to our friend. She stood by him as he finished

high school and college and attended American University Law School. She was at his side every moment and milestone in his 60 years of public service. As he has often told us, it was Erma who made sure he was polished and well pressed before he left for the Capitol every morning. She took great pride in the work he did for their State and for our Nation.

Erma has been part of our Senate family since the Senator was elected to this body in 1958. Those of us who have served with the Senator have come to know her and love her, and we will deeply miss her.

She was a true southern lady in every sense—intelligent, graceful, and known for her southern hospitality. As Senator BYRD has often mentioned, she never sought the limelight, choosing instead to keep her focus on their family and their home.

Catherine and I were privileged to travel with Erma and Senator BYRD over the years, and my family has always enjoyed being with them. We have looked forward to celebrating Erma's birthday each year. Her annual birthday lunch on Capitol Hill has always included lots of beautiful flowers which Erma loved.

We have also been the recipient of Senator BYRD's good wishes for our family, particularly our children over the years. I remember distinctly the comment that Senator BYRD made on the floor when our first grandchild was born, and he has been very kind to our last child, Lily, who has grown up and known Senator BYRD as one of her "uncles," so to speak. Catherine remembers the many hours Erma spent sewing and knitting on Tuesday mornings for the Senate wives' Red Cross projects. We will not forget how gracious and generous she was when she hosted Members of the Senate and the British Parliament in their home State of West Virginia some years ago. It was a lovely evening up on the mountaintop. Those memories will stay with us forever.

Erma was not only a great partner to Senator BYRD in life, she was a wonderful mother to their two daughters. Senator FRIST has spoken extensively on them. But anyone who wants to understand the depth of the Senator's love for Erma should read the speeches he has come to the floor to deliver each Mother's Day.

In his Mother's Day address in 1997, he said this:

I could not have put in the countless hours required by my office without [Erma's] extreme patience and forbearance, understanding and good humor and support. Erma is the epitome of traditional family values, and my pride in the accomplishments of my daughters and their children is a clear reflection of the values and lessons they learned from their mother and their grandmother.

Mr. President, West Virginia has lost a beloved daughter, and the Senate has lost a dear friend. I think she may have been the longest serving wife of a Senator. Catherine and I extend our deepest sympathies to Senator BYRD, his

family, and all who knew and loved Erma. We are deeply saddened by this news.

The PRESIDING OFFICER. The Democratic minority whip.

Mr. DURBIN. Mr. President, I rise today to commemorate the life and mourn the loss of a remarkable woman. Erma Byrd, the wife of Senator ROBERT C. BYRD, passed away over the weekend after battling a long illness. Her death brings sadness to the entire Senate family. On behalf of the Senate I wish to extend our condolences to Senator BYRD and their two daughters, five grandchildren, and six great-grandchildren.

This remarkable couple had been married for 69 years, and anyone who spent time with Senator BYRD knows how much they loved one another. It is clear they took their vows very seriously, to stand by one another in sickness and health. It is a tribute to our colleague and to his late wife that their devotion and love sustained them together for so many years.

As Senator BYRD has said on the floor of the Senate so many times, Erma Byrd has always been his touchstone. He said:

Her faith in me has never wavered and she took to mothering me as effortlessly as she took to mothering our daughters. In Erma Ora James Byrd runs the blood of a great line of mothers, fierce in their devotion to their families, vigilant in their care, loving in their manner.

In a time of increasing callousness and cynicism, the story of ROBERT and Erma Byrd can only be described as a true lifelong love story. Erma and ROBERT BYRD were married when they were both 19 years old. They met when they were students in grade school in Raleigh County, WV.

One of my favorite stories that Senator BYRD tells is about his courtship of Erma. It turns out he decided that the best way to Erma's heart was with another man's candy. His family wasn't prosperous, but the young ROBERT C. BYRD had a friend whose father owned a candy store, and each day that young man would pass out a few pieces of candy to his friends—such as ROBERT BYRD. As tempting as I am sure it was, ROBERT C. BYRD never ate his candy. Instead, he would present it to his girlfriend Erma.

It worked. Those of us who know the two of them know that little exchange of friendship would lead to a lifetime of commitment. I am sure ROBERT C. BYRD had many fine qualities and Erma noticed those, but she also apparently noticed the candy.

A true coal miner's daughter, Erma Byrd met Presidents and Senators, kings and queens, and the greatest among celebrities, yet. She never sought the limelight. She never lost her sturdy and sensible ways. She never forgot the values that sustained her in West Virginia and throughout all her life.

All of us in political life know that we make increasing demands on our

spouses. We know they have to make great sacrifices because of our choice of public service. We all join in expressing our sadness at the loss of Erma Byrd, and we stand by our colleague Senator BYRD and his family to help them remember, at this time of loss, those good memories of times together. We know those memories will sustain their family.

Erma Byrd was the guiding star in her husband's firmament—the light that sustained him, healed him, and comforted him. I know her remarkable spirit will continue to guide him not only through this day of mourning but throughout the rest of his life.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from New Hampshire is recognized.

Mr. GREGG. Mr. President, are we in morning business?

The PRESIDING OFFICER. We are in morning business.

Mr. GREGG. I ask unanimous consent to proceed for 15 minutes in morning business.

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

#### IMMIGRATION REFORM

Mr. GREGG. Mr. President, we are about to begin this week a very significant discussion, debate, and, hopefully, passage of some legislation to address what is one of the crucial public policy issues we have as a country, which is the question of how we handle immigration.

We are, obviously, a nation which has been built on immigrants. Every one of us in this country, except for Native Americans, comes from a family that came from somewhere else and immigrated to this country. It is a part of our heritage of which we are most proud, the fact we have been able to assimilate cultures from around the world and bring them to the United States and create America. We should take pride in something that sets an example for the rest of the world to show that people can gather and can live together and can be productive and can produce a nation founded on democracy, freedom, liberty, individual rights, and heritage—heritage which has built a matrix of strength for us as a nation as we bring together peoples from different cultures and we form an America.

E Pluribus Unum, the line above the Presiding Officer of the Senate, says it so well: From many, one. We are, therefore, a nation which needs to have an immigration policy which understands that, which, first and foremost, appreciates and continues to reward the idea that there are people from

around this world who wish to come to America to participate in this country and to make us a more productive place in which to raise their children and to assist us as a nation in being stronger economically, socially, and from a standpoint of inner strength we obtain from having so many different people participate in our country. We always want to be that beacon, that light upon the hill that draws the world to us. As long as people want to come to America, we know we are doing something right, and we should take great pride in it.

We continue to be a place where people want to come and, as a result, we do have issues of how we deal with immigration. But most importantly, as we move down this road, we have to recognize it is critical that we not do anything which tarnishes or chills or in any way undermines that great tradition of America, which is that we reach out our arms to people who wish to come here and be productive and participate in our way of life.

However, unfortunately, over the last few decades, and especially in an accelerated way as we moved through the nineties and moved into this first decade of 2000, we have seen that a large number of people are coming into our Nation illegally. They are not following the course which is available to become an American citizen legally—to immigrate here, to take advantage of our system, and to build on the opportunities that are here but to do it legally. That has become a problem for us. It is a problem, obviously, from the standpoint that it violates our laws. It is also a problem for us in the post-9/11 world where we need to know who is coming into this Nation because of the threat of terrorist acts against us.

For the most part, these people who come to our country have come here for purposes which are good and decent. They want to have a better life. They want to be able to earn a better living. They want to be able to give their families more than they had in the nation they left. That is a well-intentioned purpose. But they have still come here illegally, and we need to address the issue of how we deal with that situation.

This question has been divided into basically two functions. First is how we physically control the borders of our Nation and make sure those borders are reasonably secure so that we have a decent idea of who is coming across those borders and why they are coming into our Nation.

The second question is how we deal with people who have come here to work, to perform tasks which are available to them, people who may already be here illegally, but people who still want to come here and do it in a way that is within the law. And that, of course, involves the debate over a guest worker program.

On the first issue, I have had a fair amount of interest and involvement because I chair the subcommittee that

has jurisdiction over this question, the Subcommittee on Homeland Security. The question of whether our borders are secure is something which, since I have taken over as chairman of this subcommittee, has been all consuming over the last 2 years I have had the good fortune of chairing this subcommittee of the Appropriations Committee. It is pretty obvious to any American that our borders are not secure, that we do not know who is coming in. We certainly don't know who is leaving. We don't know what is coming in, and we don't know, to a large degree, what is going out.

But on the issue of movement of people, we are attempting to address that question. We have over the last 2 years significantly increased the resources going into border security. We have increased the number of Border Patrol agents by almost 2,000. We have increased the number of beds which are available—what is known as detention beds—also by a significant number. We have increased resources flowing in to the border security area, especially in the area of technology capability, trying to set up a system called US-VISIT which will allow us to effectively track who is coming into our country on a real-time basis through using fingerprints and our databases on fingerprints. We have made progress, but we are nowhere near solving the problem.

I wanted to talk briefly about that specific issue and then a little bit about the bigger issue of the guest worker program and how you become an American citizen.

As the Judiciary Committee wrestles with this problem of border security, it is important that we do it the right way, that we think about it in terms of what is going to get the best results versus what is going to get the best press releases.

To begin with, we do not need a wall across our southern border. We don't need it from the standpoint of being able to know who is coming across the border, we don't need it from the standpoint of being good neighbors, and we do not need it from the standpoint of presenting the national culture. Doing that would be the exact opposite of what we should do as a Nation.

There may be sections, clearly, where some sort of fencing or wall will be necessary, sections where the commingling of the border is so close that it is very difficult to control that section without some sort of a definable event which forces people who wish to come across the border through a controlled point, but to run a wall the length of the border as has been suggested by some of our colleagues, especially in the other body, is just anathema to the concept of what America stands for. We want to continue to be a society which says we are open, that we are a place where people are encouraged to come, and that we are a place that reaches out to people who wish to be productive and come here to be productive

citizens. Furthermore, it would cost a huge amount of money, and it would accomplish very little.

So much more could be accomplished through other means, such as the addition of a fairly significant but not dramatic increase in the number of border agents, if we went up to, say, 20,000—we are now at about 13,000—and with the addition of a fairly significant but not a dramatic amount of new detention beds and some creative approach to detention capability such as using former military bases and the facilities that might be available through transient housing. Maybe we could use some of those trailers we have sitting down there in Arkansas which are not being used. But through creative detention capability, we could add the necessary additional beds, and there are not that many needed compared to the overall numbers, with creative approaches using technology, of which we have an unlimited source of ingenuity in this Nation. In fact, every day, it seems as if somebody comes to my office with a new idea as to how to create a monitoring system or some form of monitoring system through the use of unmanned vehicles, through the use of satellite technology, through the use of sensors, which would not cost that much. With the creative use of just adding physical capital assistance such as new cars, new helicopters, new planes for Customs, such as new capacity for the Coast Guard, we could, without a great deal of incremental increase compared to the expending which we do in other parts of this government, effectively monitor and manage certainly the southern border. As a result, we would know who was coming into this country across that southern border, which is where most of the illegal immigration occurs.

Would we solve the northern border issues? Probably not. That is a little different puzzle. The northern border does not have the huge illegal immigration issue, but it does have an equally severe, maybe even more severe opportunity for terrorists, people who wish to do us harm, to cross. There are other approaches which need to be taken there. But as to the southern border, it is totally possible, reasonable, and should be done to manage that border effectively with the addition of some significant resources, but not dramatic increases.

I suggested a year and a half ago that if we increased the capital resources available to the Border Patrol and the Customs Agencies by about \$1.2 billion, we could essentially buy out almost all the major capital needs they need in order to manage the border—all the housing, all the airplanes, all the cars, all the unmanned vehicle monitors, all the technology for detection capability we would need. That is a lot of money by New Hampshire standards, but in the context of a \$1.8 trillion budget, it is certainly a manageable sum. So far, that suggestion has been stiff-armed by the administration and basically lim-

ited as a result of politics here on the floor of the Senate.

In addition to that capital need, which, as I mentioned, is about \$1.2 billion, there is the need to add new agents, and there is the need to increase our capability on the operational side. But again, the dollars necessary to do that are not dramatic, not dramatic at all—probably in the range of \$2 billion of additional funding per year. That is a lot of money, again, by New Hampshire standards, but in the context of overall national defense where we are spending \$440 billion plus \$90 billion on the war on terrorism, for a total of over \$500 billion, an additional \$2 billion to secure our southern borders in the context of personnel increases is not dramatic and is doable. The point is, it would accomplish our goal, which is to secure the southern borders.

I have asked for that to be done. Unfortunately, that has not been done—well, that is incorrect. It was proposed by the administration to increase the commitment of the number of Border Patrol agents. They gave that commitment in their budget submission, but they took it away because they tied it to creating a fee, which would increase the airline user fee, and the practical result of that would be the money which was supposed to be used to add these additional agents would never be realized. But it should be done, it can be done, and if a fee is necessary to do it, it should be done on a fee basis, but a fee that has no relationship to the actual usage.

An airline fee does not impact southern border protection. The airline fee impacts the TSA, and it needs support. It has gone through 2 years of freeze and should be increased in our commitment there, and this fee maybe should be used to do that. But if we are going to have a fee, it should be border related, if that is the way it is going to be done. In any event, it should be done. We should spend those dollars to accomplish this.

The bill that is working its way through the Judiciary Committee has a commitment to these types of efforts, but it is an authorizing bill. It doesn't have to find the money. I have to find the money as an appropriator, and right now the money isn't there. So the ability to accomplish those good intentions isn't there.

Also, the bill that is coming through the authorizing committee creates a number of mandates. It says: This shall be done by Border Patrol, this shall be done by Customs, this shall be done by the Coast Guard. I am not sure it addresses the Coast Guard, but it has a number of mandates for Border Patrol and Immigration, and the practical effect of that is that it is artificially directing and redirecting flows of revenues and resources, and it may actually, as a result of those mandates, end up undermining our ability to effectively address the border. As the bill comes to the floor, which I hope will be

this week, we can discuss that, and I am sure we can deal with those kinds of issues.

But the bottom line is simply this: We can accomplish security on the southern border. We can know to a large extent who is coming in and out of this country. We can limit dramatically—I mean dramatically; down to a trickle for all intents and purposes—the number of people who get into this country illegally across our southern border by the application of resources which, in the relative context of national defense, are quite small and in the relative context of the overall national budget are extraordinarily small. If we have to pay for them, we should pay for them through some sort of a border security fee. It can be done.

Why hasn't it been done? Because border security has been a stepchild around here to national defense for a long time. I find that unacceptable myself. If we are going to have a defense budget which spends \$440 billion, up from \$289 billion just 5 years ago, on top of which we are spending \$90 billion a year to fight a war, one has to ask: What is the core defense budget for? It is not to fight the war, obviously, because we have to spend the next exceptional amount of money on top of it to fight the war, so it is obviously for strategic defense, for personnel, for operations, and it is needed, I guess, for the most part. But if that is the need of critical priority, clearly protecting our southern border is an equal need of national defense. Maybe we should roll the border security effort into the Defense Department and then we would get the resources for it, although I think that would be a bad policy decision, but at least we would get resources.

In any event, in the context of what is important from the standpoint of national security, I can't think of anything—well, there are a lot of things. I think it has to rank right up there at the top, knowing who is coming in and out of this country, when it is our country that is at risk. We know these people want to attack us on our soil, so it is absolutely critical that we have the necessary resources to protect our borders, to know who is coming in and out of our country so we can protect ourselves from people who might cause us harm.

It is also critical that, as a culture, we control this. We cannot survive as a culture if we have a massive amount of people coming into this country illegally. It just doesn't work. People who want to come to this country—and we do want to maintain a very open approach to encourage people to come into this country—have to know that if they follow the rules and if they come here legally, they are going to be able to get in line under the rules and legally and get a shot at American citizenship and participating in the American dream.

So it is critical that we get our southern border under control, and it is

critical that we get our northern border under control. It is critical, we can do it, and we should do it. We should have done it long ago, and we can do it now, and we should make that commitment to those types of resources. As this bill moves forward, I intend to make those points and try to get people to look at this in the context of a doable event rather than in the context of simply a press release event.

Secondly, on the issue of immigration itself, it is also obvious that we have to have a workable guest worker program. We have to have something that says to people: If you want to come here and work and better your family, there is a way we can work that out. We can make that happen. That takes the pressure off of illegal immigration.

As we secure the border, it is clear that some sort of effective guest worker program is necessary. As part of that overall immigration effort, there is one little slice, though, which I believe we need to address. It is a small slice.

Today there is a lottery program where you can essentially send in your name and you are put into a lottery, and you have to be from a country which is deemed underprivileged, I believe; there is some sort of categorization. But if your name is pulled out of a hat, you can get on the path to American citizenship. Fifty thousand names are pulled out of the hat every year, just as a lottery.

At one time, this may have made sense, but it doesn't make sense today. It is very obvious today that just pulling people's names out of hats to put them on the path to citizenship in America is not fair to those people who are waiting in line and who have a reason and who have followed the process and have a purpose, and it is not fair to our Nation. How do we know we want somebody whose name is drawn out of a hat to be an American citizen? What benefit is that to us, other than that the person happened to be lucky?

Thus, if we are going to keep this lottery program, I believe we should change it over to a lottery program which essentially says: If you want to participate in this lottery, you have to have some unique talents or skills which America needs, such as a master's degree or a doctorate in some sort of science or mathematical capability or maybe some foreign language capability, something that America has a use for. So I think we should convert this lottery to that type of an approach.

I note that my time is about to expire and that we have both assistant leaders on the Senate floor, so something big must be happening. Therefore, I will continue this discussion as we move forward on the debate of immigration. But I do believe it is critical to understand that resolving the border issue is a very doable event. There is no complication to this, it is not subtle. It is simply a question of

resources, and we can accomplish it with the right amount of resources placed in the right place. We don't need new laws to do it.

I yield the floor.

#### IMMIGRATION REFORM

Mr. DURBIN. Mr. President, I wish to comment very briefly, because I notice Senator MCCONNELL is on the floor, about the pending immigration bill now before the Senate Judiciary Committee. It is an interesting story, as we watch the news reports, of the people who are gathering across the United States. Over 110,000, some say close to 200,000, came out in Chicago a few days ago; 500,000 in the city of Los Angeles. There is hardly a major city in America where people have not stepped forward because of their concern about this immigration bill.

Who are these people? They are people we always see but seldom come to know. They are our neighbors. They sit next to us in church; they send their kids to the same school as our kids. They probably cooked your breakfast this morning. They probably washed your dishes and cleaned your hotel room. They are watching your children at daycare and they are changing your aging mother's soiled bed in the nursing home. They make sure your putting green is perfect, and they stand for hours every day in a damp and cold place, watching a production line of chicken carcasses come by, so you can invite friends for a barbecue this weekend.

They often live in crowded homes. They deny themselves many things. They sacrifice for their children and in the hopes that, at the end of the week, they might be able to send a small check home to their families in other countries.

Their children are in our military—thousands of them, wearing the uniform of the United States of America. Some have been killed serving our country. At their funerals, people in uniform come forward and present to the grieving parents a flag as a token of their heroism and bravery and their commitment to America.

Now from this Republican-controlled House of Representatives, we learn the way to treat these people is to declare them criminals—criminals. These 11 million undocumented people, according to the Sensenbrenner bill which passed the U.S. House of Representatives, would be branded and prosecuted as aggravated felons, treated the same as armed robbers and rapists—11 million people. That is the bill that came over.

This same Sensenbrenner bill doesn't stop there. It makes criminals of those who offer help. In the city of Chicago is a domestic violence center, Las Mujeres En Accion. I know it because I have been going there for years. It is in a place called Little Village. The people in Little Village are Mexican. Some are citizens and some not. Las Mujeres

is there for battered women. Women who have been beaten unmercifully by their husbands bring their small children to Las Mujeres for safety, for shelter. They are allowed to stay there while the police are out trying to find drunk and abusive husbands and put them in jail.

Under the Sensenbrenner bill which passed in the Republican House of Representatives, all of the volunteers at that center and all of the staff at that center could be prosecuted as aggravated felons. Why? Because the people they are sheltering, many of them, are not documented citizens in the United States.

That is the sad reality of the bill that came over from the House of Representatives. These immigrants are people in America without legal status. Some, indeed, crossed the border in darkness. Some entered legally and stayed on beyond the time given them. Some had their paperwork lost in this mindless bureaucracy of immigration laws. Some came, fell in love, married, and over time they became the only ones in their family who were not American citizens. They are Mexican, they are Polish, they are Irish—they are from many nations. Their ranks have grown to almost 11 million.

Most polls tell us the American people don't want to give them all amnesty, to automatically make them citizens, and no one is suggesting that. But we also realize that deporting all of them, as some have called for, is as unrealistic as well. Even if it were wise—and it is not—it would be prohibitively expensive.

America has two great traditions. We are a nation of immigrants and we are a nation intolerant of immigrants.

How can that be? Many of us have seen examples in our lives. Just a floor away, in my office, is a little framed certificate I value very much. It is my mother's naturalization certificate. She came to the United States in 1911 and some 20 years later became a naturalized citizen. Her son is now the 47th Senator from the State of Illinois. It is a classic immigrant story of hard work and sacrifice so your children can do better. It is a story that has been repeated millions of times by immigrant families who came here at great risk, with great courage, and gave this country something special. The people who came to our shores had the courage to step up one day and say: I am leaving my village. I am leaving my children. I am leaving my family, my culture, my language, my history. I am going to a place I have never been where they speak a language I cannot speak in the hope that I will have a better life.

Think of that courage. They bring it to our shores by the thousands, and change America into this vibrant, growing, diverse Nation we value so much.

Just a few blocks away from where I am speaking, in the Dirksen Senate Office Building, the Senate Judiciary Committee is trying to decide what to

do next. We are agreed on several things. We need better enforcement. America cannot absorb every person who wants to live here. We need better border security, and those amendments passed this morning overwhelmingly on a bipartisan basis. We need to work with employers to make sure they are following the law in the people that they hire. We are considering now an amendment, a bipartisan amendment, so agricultural workers can come here to harvest the fruit and vegetables that are an important part of our lives and our economy and not be arrested for doing it—giving them a chance. We are also going to address, before this day is over, whether we will make criminals of all of the people who are here.

I certainly hope those who are following this debate understand that if the 11 million undocumented are to come out of the shadows and be part of America, they won't do it with the threat of going to jail or being deported. What we need to do is establish a sensible, tough, but fair process so that those who have come, who work hard, pay taxes, raise their families, obey the law, learn English, and want to be part of America have a chance. They can be given a chance over a longer period of time than those who go through the regular legal process. That is only fair. They should not be able to jump in front of others in line. But ultimately if we give them a path to legalization, a path to dignity, we will be a better nation for it.

They want to be part of America and its future. They left their home countries, as many of our parents and grandparents did, to come to this great Nation. We see it in the hundreds of thousands who have come out in the streets of major cities, as they stand and say in Spanish: Si, se puede—yes, we can. They chant, as they do in Chicago: USA, USA—that they love this country as much as almost any other citizen. Giving them a chance to become an important part of America's future will make us an even stronger country.

I yield the floor.

The PRESIDING OFFICER. The assistant majority leader.

#### HONORING OUR ARMED FORCES

SERGEANT JONATHAN ADAM HUGHES

Mr. MCCONNELL. Mr. President, I ask the Senate to pause for a moment today to remember the heroism and sacrifice of SGT Jonathan Adam Hughes.

"Sergeant Hughes was a proud member of Bravo Battery, First Battalion, 623rd Field Artillery, and he will always remain a member. He has earned that right." So says Sergeant Hughes's wife, Sara Hughes, on her husband's time in the Kentucky Army National Guard. She continues, "He will never have to re-enlist or extend his contract, for it has been extended forever."

On March 19, 2005, Sergeant Hughes and three other Kentucky Guard sol-

diers were traveling south in a Humvee, escorting a 30-truck convoy to Camp Liberty, the loading and unloading zone for supply trucks near the Baghdad International Airport.

Suddenly, at a point about 30 miles from Camp Liberty, an explosive device hidden in a car detonated. The other soldiers in the Humvee were injured; Sergeant Hughes, of Lebanon, KY, was killed. He had served his Nation as a citizen-soldier for almost 4 years. He was 21 years old.

For his valorous service, Sergeant Hughes was awarded the Bronze Star Medal, the Purple Heart and the Combat Action Badge. He had previously received the Army Good Conduct Medal, and he was awarded the Kentucky Distinguished Service Medal, for demonstrating all the qualities of a great soldier, remaining combat-focused while decisively engaged with the enemy, performing his duties and accomplishing his mission.

Adam, as his family and friends called him, was inspired to enlist in the Kentucky National Guard after his time in Junior ROTC at Marion County High School, where he graduated in 2002. After Sergeant Hughes's death, the flag outside Marion County High flew at half-staff in his honor and memory.

SFC Twymon Ray, Jr., also from Lebanon, KY, served with Sergeant Hughes and reports that one couldn't have asked to work alongside a finer soldier. Sergeant Hughes excelled at whatever task was put before him. When given an order, he would often reply with the rejoinder, "Gotcha, boss, gotcha covered."

On March 18, 2005, the day before the fatal attack, Sergeant Hughes and his unit were leading a convoy when they came upon another convoy, headed in the opposite direction, that was under attack. Being in the lead Humvee, Sergeant Hughes's team moved forward to engage the terrorists, a group of three or four cars with gunmen in their trunks.

As the terrorist drivers weaved between the tractor-trailers, the gunmen would open the trunks and fire at the truck drivers. Sergeant Hughes, who had volunteered to serve as his unit's gunner that day, engaged two of the cars, immediately drawing fire from both sides of the road.

SGT Brian Mattingly, Sergeant Hughes's team leader, recalls hearing shots "ping" off the armor of the Humvee he and Adam were in. The team was able to rescue two Iraqi-national truck drivers who had been targeted by these malicious killers. Sergeant Hughes was successful in chasing the enemy off and allowing both convoys to continue on their way without further attack.

During his downtime in Iraq at Camp Anaconda, Adam built a desk and book shelf from plywood the squad had acquired to hold his treasured pictures of his wife, Sara, and their young son, Peyton. Adam was also a cook. He

asked his mother and grandmother to send him a frying pan, and he would fry up potatoes after a unit run to Baghdad to pick up food and other supplies.

Adam Hughes also used his downtime in Iraq to work on his Humvee or play video games. He grew up as an avid outdoorsman, and especially enjoyed hunting and fishing.

Sergeant Hughes was laid to rest last year in Holy Name of Mary Cemetery, outside Lebanon, KY. I was honored to be one of the many who went to pay my respects that day to a courageous American hero. A lot of people love and miss Adam Hughes, and they will remember his bravery, his can-do optimism, and his sacrifice.

CPT Lawrence Joiner, commander of Sergeant Hughes's company, remembered Adam for his quiet and shy disposition, saying, "Words cannot express our love and brotherhood. . . . He will forever be a part of our lives."

Adam was blessed to have a loving family and many friends. His wife Sara is present today, and we thank her for sharing her memories of her husband with us. I also commend Mrs. Hughes for her tremendous compassion for the families of other Kentucky Guard soldiers who have fallen in service of our country, which she has shown by attending funerals and helping other soldiers' families cope with their loss.

Mrs. Hughes has brought her son, Peyton, who is almost 2 years old, to the Capitol today to honor his father. Accompanying the Hughes family is SGT Keith Cox, who served with Sergeant Hughes, his wife, Libbi, and their children Kyle and Mariah. The Hughes family is lucky to have such friends during this difficult time.

Adam also leaves behind a loving family: his mother, Karen Hill; his father, John Hughes; and his two sisters, Nikki Hill and Claire Hughes.

"There are no great words in a time of deep tragedy. But surely there are great men in the midst of great tragedy." Those are again the words of Sara Hughes. How true and how profound.

I ask my colleagues to join me today in saying that America can never repay the debt we owe SGT Jonathan Adam Hughes or the Hughes family. We are truly blessed to live in a country where so many brave men and women volunteer to wear the uniform and defend freedom, here at home and across the world.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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



EXTENSION OF MORNING  
BUSINESS

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate remain in a period of morning business until 5:15 this afternoon, with Senators permitted to speak for up to 10 minutes each.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. LEVIN. Mr. President, I ask unanimous consent that I be permitted to proceed in morning business for 15 minutes.

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

REPORT ON TRIP TO PAKISTAN,  
AFGHANISTAN, IRAQ, TURKEY,  
AND ENGLAND

Mr. LEVIN. Mr. President, I returned on Saturday evening from a trip to Pakistan, Afghanistan, Iraq, Turkey, and England. The trip was led by a very dear friend of mine and a great leader of this Senate who happens to be the Presiding Officer at the moment, Senator WARNER of Virginia, and it included Senator SESSIONS, Senator THOMAS, Senator BINGAMAN, Senator SALAZAR, in addition to myself.

I know if the Presiding Officer was allowed to speak in the position in which he sits that he would be the first to acknowledge that this was one of the most extraordinary trips either one of us has ever taken in the 28 years we have served together in the U.S. Senate.

The focus of the trip was to assess the situation in Afghanistan and Iraq. We also conveyed to the men and women of our Armed Forces the extraordinary support for them in the Congress and throughout the Nation, regardless of our debates and differences over Iraq policy.

In meeting with our troops, including many from my home State of Michigan, it was they who lifted our spirits. As always, I came away deeply impressed by the professionalism, dedication, and high morale of our troops. They are truly America's finest.

The situation in Afghanistan is hopeful. President Karzai has led his nation with a firm and steady hand. He has successfully, albeit gradually, neutralized the warlords and demobilized and disarmed their forces. The Taliban has indeed regrouped to some extent and, together with a much weakened al-Qaida, are capable of causing casualties among the Afghan Army and coalition

and NATO forces, but they are not a threat to the Afghan nation.

Meanwhile, the Afghan Army is growing stronger, the training of the Afghan police is improving, a large number of provincial reconstruction teams are helping with local governance, and NATO is assuming more of the burden of providing security throughout the country. Serious work does remain, including the need to deal with poppy cultivation and the drug traffickers. But overall the situation in Afghanistan provides grounds for optimism.

Sadly, the same cannot be said of Iraq. The situation in Iraq is deeply troubling and threatens to grow worse. Since the recent attack on the Golden Mosque in Samarra, there has been a huge increase in sectarian violence. The increase is so significant that our senior military leaders in Iraq say it has replaced the insurgent attacks on Iraqi and coalition forces as the No. 1 security problem there.

Although there has been some progress in training the Iraqi Army, even a stronger Iraqi Army cannot prevent a civil war. Only the political and religious leaders and the police can do that. The police are not making significant progress in coming together as a cohesive force. In some critical areas, including Baghdad, where the militias continue to dominate, the police are not reliable and are still likely to respond to the sectarian calls of the clerics and the militias instead of the government.

Do we need to succeed in Iraq now that we are there? Yes, because the outcome there will have a major effect on the region and on our own security. I define success as a stable Iraq with a government of national unity supported by a reliable national army and police who are not weakened by sectarian fissures.

To achieve that success, General Casey, the Commander of U.S. and coalition forces in Iraq, reiterated to us that there is no military solution to the violence without a political solution.

We need to do everything we can to help the Iraqis achieve a prompt political solution, which means the quick formation of a government of national unity involving representatives of the three main Iraqi factions. It also means a highly sectarian individual would not be heading up the Ministry of Defense or the Ministry of the Interior. The alternative to a prompt formation of a government of national unity by Iraqi leaders is a continuation of this drift to all-out civil war.

In Baghdad we met with Prime Minister Jaafari, who was nominated by the dominant Shiite faction—the United Iraqi Alliance—as their candidate for Prime Minister in the new government. Although he was confident that a national unity government would be formulated by the end of April, his optimism was not widely shared by others we met. Moreover, his

one-vote victory for the nomination to continue on as Prime Minister is being contested from both within and without the Shiite coalition. I shared with him the letter to President Bush that Senators COLLINS, JACK REED, and I had written, the bottom line of which is that:

A prompt political settlement is not only essential to the Iraqis, it is a condition of our continued presence.

I told him his “end of April” commitment to President Jaafari, in my judgment, met that test of a prompt political settlement.

We also met with leaders from the two main Sunni Arab parties: Mr. Hashimi and Mr. Samarai of the Iraqi Islamic Party, and Mr. Mutlak of the Iraqi Dialogue Council. They were not optimistic about the negotiations and forcefully advocated a decisional role rather than a facilitating role for the United States in the negotiations. Mr. Mutlak argued:

You are responsible for this mess and you must correct what you have done. You have to dictate the result.

The Sunni leaders were also of the view that Iraq has been in the midst of a civil war between the militias and the innocent Iraqis for some time, and they voiced their concern about Iranian influence over the Shiite parties. I told them, and I know the other members of our codel, of our delegation told them as bluntly as we know how that their dictator was removed at a great loss of American blood and treasure and that the Iraqis and only the Iraqis will decide their own fate, and that our continued presence should depend on their promptly choosing a path of reconciliation and unity against violence and terror.

On our second day in Iraq we met with the U.S. Ambassador to Iraq, Zalmay Khalilzad. One constant theme we found in Iraq and elsewhere in the region was the high regard with which all hold our Ambassador, Mr. Khalilzad. Unfortunately, although the parties are finally talking, more than 3 months after the elections, Ambassador Khalilzad was not encouraging that a political solution is in sight. He is putting modest pressure on the Iraqis. For instance, he told the Iraqis our response to continued deadlock of Iraq's political leaders might not be to their liking. He has told the Iraqi political leaders: It is your decision, and after you make it, we will make our own decision in response.

Although his statement is on the right track, it is still too subtle. It is too oblique. The political leaders of Iraq are deadlocked, feuding while Iraq descends toward all-out civil war. There is little chance of achieving a government of national unity without our pointedly and forcefully persuading the parties to make the compromises necessary to achieve it.

But what is the leverage that could be used to pointedly persuade the Iraqi leaders to make those needed compromises? We can't dictate to them



who should be their leaders. That would undermine the President's belatedly arrived at explanation for his decision to attack Iraq, which is replacing a brutal dictator with a democracy. Yes, there should be a need to apply pressure. The prospect of sectarian clashes and the specter of civil war should be sufficient incentives on their own to end the deadlock. But, so far, they don't appear to be.

To help break the political gridlock, a combination of carrots and sticks is required. The carrot is the provision of economic development funds, particularly from neighboring wealthy countries, on the condition that a national unity government is created and produces a coherent economic plan. The biggest stick is clearly telling the Iraqis that our continued presence in Iraq is dependent upon their promptly putting together a government of national unity.

Sadly, the rhetoric of the President and the administration has often worked against the pressure which needs to be applied against the Iraqi leaders.

The President recently asked the American people, for instance, for their patience. I believe instead he should be telling the Iraqi leaders bluntly and openly that the American people are understandably downright impatient with Iraqi leaders fiddling while Baghdad is burning.

The Secretary of State has said we are in Iraq as long as needed. I believe she should be telling the Iraqi leaders that our continued presence is dependent upon their doing what only they can do: reach an agreement on a government of national unity. That political settlement is not only the best hope, it is the only hope of ending the insurgency and the sectarian strife. The pressure to reach an agreement on a government of national unity needs to be applied clearly and forcefully, pointedly and publicly, not just by President Bush but also by the leaders of Iraq's neighbors.

In our meeting with the Prime Minister of Turkey, Mr. Erdogan, we urged him to do just that, and he said he would. The leaders of all of Iraq's neighboring countries need to do the same because an unstable and civil war-torn Iraq threatens them even more than us.

Is there a risk in this course of forcefully pressing Iraqi leaders to agree on a national unity government? Is there a risk in following that course? The answer is yes. But there is a greater risk in continuing on the current course of political gridlock while sectarian fires threaten to burn out of control.

The President needs to act based on the reality that we confront in Iraq. He recently said if there were a premature departure of American troops that "Iraq would become a place of instability."

Would become? Iraq is a place of grave instability, and to use the words of Ambassador Khalilzad in an inter-

view he gave with a London newspaper: "Iraq is moving towards civil war."

My conclusion is this: President Bush needs to forcefully transmit a message to the Iraqis in plain and simple language: your survival as a nation depends on your working things out together. Your survival as a nation is in the hands of your political leaders, not our military. Along with Senator COLLINS and Senator JACK REED, as I indicated, we wrote the President on March 10, 2006, and ended with the following thoughts:

We urge you to make it clear to the Iraqis how important it is to us that they achieve a political settlement, form a unity government, and make the necessary amendments to their Constitution. We believe it is essential that the Iraqi leaders understand that our continued presence is not unconditional, and that whether they avoid all-out civil war and have a future as a Nation is in their hands. If they don't seize that opportunity, we can't protect them or save them from themselves.

We ended:

The bottom line is this: The United States needs to make it clear to Iraqi leaders that a prompt political settlement is not only essential to them, it is a condition of our continued presence.

We all want to succeed in Iraq, regardless of the positions we took going in. Whether we favored or opposed our intervention, and whether we are critics or supporters of the administration's policies since then, we all want to succeed. We all want to try to leave Iraq in better condition, obviously, than we found it. But to maximize the chances of success, we need to maximize pressure on the leaders of Iraq to end their political deadlock. The insurgents and outside terrorists are not going to be defeated and civil war is not going to be averted if Iraqi leaders are at war with themselves. They should know that if they squander the chance to bring political unity to Iraq, we cannot and will not protect them from their own folly.

Let me close by thanking our Presiding Officer for leading, again, one of the most extraordinary visits to a foreign country that I have ever participated in. His leadership was essential to making the visits that we were able to make and for all of us to come back with greater information and with thoughts about where the future lies.

Mr. President, I ask unanimous consent at this time that the letter that I referred to from the three Senators be printed in the RECORD.

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

U.S. SENATE,  
COMMITTEE ON ARMED SERVICES,  
Washington, DC, March 10, 2006.

THE PRESIDENT,  
The White House,  
Washington, DC.

DEAR MR. PRESIDENT: There is a consensus among our senior military commanders that a political settlement involving the three main Iraqi groups is essential for defeating the insurgency and that the Iraqis need to agree on a government of national unity and

make significant compromises to amend their Constitution to achieve such a political settlement. A political settlement is also essential to prevent all-out civil war and is a critical element of our exit strategy for our troops.

In the midst of the spiral of violence, it is clear to us that we must act to change the current dynamic in Iraq and that the only thing that can produce that change is a political settlement that is accepted by all the major groups.

But an Iraqi political settlement won't happen without pressure from the United States. We can't make them form a unity government, we can't decide who fills what positions in that government, and we can't write the amendments to their Constitution for them.

By a 79-19 vote last year, the Senate said that:

"The Administration should tell the leaders of all groups and political parties in Iraq that they need to make the compromises necessary to achieve the broad-based and sustainable political settlement that is essential for defeating the insurgency in Iraq, within the timetable they set for themselves."

We urge you to make it clear to the Iraqis how important it is to us that they achieve a political settlement, form a unity government, and make the necessary amendments to their Constitution. We believe it is essential that the Iraqi leaders understand that our continued presence is not unconditional, and that whether they avoid all-out civil war and have a future as a nation is in their hands. If they don't seize that opportunity, we can't protect them or save them from themselves.

The bottom line is this: The U.S. needs to make it clear to Iraqi leaders that a prompt political settlement is not only essential to them, it is a condition of our continued presence.

Sincerely,

CARL LEVIN.  
SUSAN M. COLLINS.  
JACK REED.

Mr. LEVIN. I thank the Chair again for his leadership, not only on this one trip but for his leadership in the Senate on so many matters of national security, including the ongoing effort that all of us are participating in to find a positive outcome in Iraq and Afghanistan.

I yield the floor.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. DORGAN. Mr. President, I ask unanimous consent to speak in morning business for 10 minutes.

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

#### DRU'S LAW

Mr. DORGAN. Mr. President, this coming month it will be 2 years since the body of a young woman named Dru Sjodin was found in Crookston, MN.

Dru Sjodin was a young woman, a college student at the University of North Dakota, who walked out of a North Dakota shopping center at about 5 o'clock in the afternoon. She was abducted, a search was made for her, and some months later her body was found near Crookston, MN. She had been brutally murdered.

I have visited with her parents a number of times. The more I have come to know the details of her abduction and her murder—and since that time I have come to know the details of other abductions and murders, in many cases of young children in our country—it is clear that Congress needs to take some action to deal with some of these issues.

What happened to Dru Sjodin was a vicious, almost unspeakable crime for which a man will soon be tried for murder.

The man who has been arrested and will be on trial shortly for the murder of Dru Sjodin is Alfonso Rodriguez, Jr. He has served prison time for rape. He was sentenced to 23 years in prison for a violent rape. At the end of his sentence, he was deemed by prison officials—including psychiatrists and psychologists—to be at high risk of reoffending.

Despite that, he was let out of prison with little or no supervision. The State's attorney in the jurisdiction where he was prosecuted was not notified of his pending release. He was released without any significant supervision. And within 6 months—it is alleged—he murdered Dru Sjodin.

I have proposed a piece of legislation called Dru's Law, and gotten it passed by the Senate twice. It still has not passed the House. Dru's Law is title II in a comprehensive piece of legislation reported out October of last year by the Senate Judiciary Committee, yet that bill has also not been brought to the floor of the Senate.

Let me describe the legislation I put together because I was astounded when I took a look at Federal and State laws that so little information is available about those who have committed violent sexual offenses.

First of all, there has not been a national database of convicted sex offenders. A year ago, I met with the Attorney General and talked to him about Dru's Law. When the Attorney General took office he began the development of a national database, administratively. We need to do that in law. And provisions of Dru's Law would require the development of a national database of sex offenders that is accessible to the public. So the bill requires the development of a national database of sex offenders accessible to the public.

Second, it requires States to notify prosecutors of impending release of high-risk sex offenders. When we have sex offenders who have committed violent acts, there is a substantial amount of information demonstrating it is very likely, upon release, they will recommit those violent acts. When seen by

psychiatrists and psychologists and evaluated for high-risk activities upon their release, it seems to me when those high-risk offenders are about to be released from prison, their names should be given to the local State's attorney where they were prosecuted so the State's attorney would have the time and capability to determine whether they wanted to seek civil commitment, which is to say further incarceration to protect the public. That is a procedure that many States have allowed.

In this case, the alleged murder by Alfonso Rodriguez, who the experts alleged would be at great risk for reoffending, if he had been civilly committed, he would not have been on the streets.

What is happening too often now, violent sex offenders are let out of prison at the end of the term without so much as a wave, "so long, good luck." That is not what should happen, and this brings me to the third piece of the bill. If, in fact, a high-risk sex offender is released from prison, there must be monitoring by the States upon their release for at least 1 year.

Martha Stewart is put in prison and let out of prison and she wears an ankle bracelet. Martha Stewart is wearing an ankle bracelet, and high-risk sex offenders are let out of prison with a wave, "so long, see you later." Then they abduct and murder children. It is not just Dru Sjodin. I can go through an entire list of young people who have been abducted and murdered by people we knew about, people whose names we had, people who had been serving time in prison but were let out with a wave, to say, "so long, see you later."

Now, I mentioned that Dru's Law, which has the three provisions I described, has twice been passed by the Senate by unanimous consent. But the House has not taken it up and as a result it is not now law.

I have not stopped trying to get Dru's Law passed. In fact, Dru's Law has now been incorporated into S. 1086, the Sex Offender Registration and Notification Act, has been authored by Senators HATCH and BIDEN, both former chairmen of the Senate Judiciary Committee. It is legislation I fully support. It is terrific legislation. I commend both of them for doing a great job.

Title II of that legislation incorporates all of Dru's Law. That legislation is cosponsored also by Senator SPECTER, who is the current chairman of the Judiciary Committee. And I'm happy to say that S. 1086 passed out of the Judiciary Committee in October of last year.

Yet S. 1086 has not been considered by the full Senate. I don't understand that. The majority leader has told us what we are going to consider. We are going to consider constitutional amendments on gay marriage, constitutional amendments on flag desecration. The list goes on and on and on, but we do not have time to consider

this? This is important. This is life or death in many instances.

We have had time for a free trade agreement with the country of Bahrain. Boy, that is a priority. What would have happened if we had not had a trade agreement with Bahrain? We passed the Delaware Water Gap National Recreation Area Improvement Act. We did the Benjamin Franklin National Memorial Commemoration Act. We have done a lot of things here, but we did not have time to bring up S. 1086, the Sex Offender Registration and Notification Act? I don't understand that.

There is a recent study that found 72 percent of the highest risk sexual offenders reoffend within 6 years of being released from prison. The Bureau of Justice Statistics has determined that sex offenders released from prison are over 10 times more likely to be arrested for a sexual crime than individuals who have no record of a sexual assault.

This legislation is endorsed by a good many people. Dru's Law has 18 cosponsors in the Senate. Senators HATCH and LEAHY have worked closely with me to pass Dru's Law separately, as a stand-alone bill.

Mark Lunsford, the father of 9-year-old Jessica Lunsford, is a strong supporter of this. Jessica Lunsford, this country might remember, was abducted a year or so ago from her bedroom in her Florida home. Her body was found a month later. The crime was committed by a 46-year-old convicted sex offender with a 30-year criminal history. After committing the assault of Jessica and the murder of Jessica, John Couey, the man who committed this crime, fled across State lines to Savannah, GA. Had he not been recaptured, he very likely would have reoffended in Georgia, as well.

Mr. Lunsford wrote me a letter about Dru's death:

If my daughter's death is going to have any meaning, it will be efforts such as yours that strengthen existing laws by making our streets safer for all children. My heart continues to break as I mourn the loss of my beautiful little girl. I do not want other families to suffer as mine has done and I believe that your effort will go far toward that important goal.

This bill is endorsed by Marc Klaas, the father of 12-year-old Polly Klaas, who was kidnaped and murdered by a previously diagnosed sex offender. Mr. Klaas wrote:

I would like to reiterate my full support of this important effort.

It does not take the recitation of 100 cases, but let me mention Sarah Michelle Lunde, 13 years old. She disappeared and was found dead. David Onstott, a convicted sex offender, who once had a relationship with the girl's mother, has confessed to killing her.

Jetseta Gage of Cedar Rapids, IA, was abducted, sexually assaulted, and murdered. Roger Paul Bentley was arrested for that crime, a convicted sex offender on Iowa's sex registry.

The list goes on and on and on and on. I held a meeting in Fargo, ND, about a year ago to describe how important it is to track sex offenders' movements across State lines. I held a town meeting in Fargo, ND, to talk about the issue of violent sex offenders. This was an outgrowth of the information I had developed as a result of Dru Sjodin's murder.

Before that meeting in Fargo, I checked the registry in North Dakota to find out the names of convicted sex offenders living within walking distance of the place I was going to have a meeting.

One name kind of jumped out to me and I described the case to the people at the meeting: Joseph E. Duncan. I did not know him, I had never previously heard of him. But in 1980 when Joseph Duncan was a 16 year old, he abducted a 14-year-old boy who had been walking in his neighborhood, sexually assaulted the boy twice at gunpoint, pled guilty to rape in the first degree, and was sentenced to 20 years in prison. He was released from prison July 14, 2000, after completing a 20-year sentence. Because he completed his full term, he was released without parole and without probation. He went to live in North Dakota within walking distance of city hall in Fargo.

So I mentioned to the people in Fargo about five cases of people who were convicted sex offenders who lived within walking distance of city hall, just to describe the people who were living in our midst. What I didn't know when I mentioned it that day in Fargo was that 1 month earlier, Joseph E. Duncan had been charged with molesting a 6-year-old boy at a playground just across the river in Detroit Lakes, MN. He appeared in court on April 5, 2005. A county judge set the bail at \$15,000 and Duncan was released after paying the cash. A friend apparently posted the cash for him.

The next I heard of this man was July 2. He was arrested in Idaho for kidnaping 8-year-old Shasta Groene and her 9-year-old brother Dylan Groene. The children had been missing since May 16 when the bound and bludgeoned bodies of their mother, older brother, and mother's boyfriend were found at their rural home. This case is another tragic reminder of the urgent need. Duncan has now been charged with abducting and molesting this young girl, three counts of first-degree murder.

These predators, in many cases, are not strangers. We know who they are. They have been in prison. They have violently molested, violently sexually assaulted other people. I am not necessarily suggesting we put them in prison and throw away the key, but I am saying when we know someone is a violent sexual predator and they are about to be released from prison and the psychiatrists tell us they are at high risk for reoffending and recommitting another violent sexual act, then it seems to me the local people

ought to be notified to determine whether the State's attorney wishes to recommit them for a civil commitment to protect society at large. And, second, if that person is released, it cannot any longer be "so long and good luck," with nothing much more than a wave. We cannot do that. There must be a high level of monitoring.

Kids are dying. People are being murdered. We have not had a national registry of sex offenders that is complete and that works. We let people out of prison who we know are going to offend again, or at least we know will offend again, and we let these people out of prison with virtually no monitoring at all by the Government.

Again, isn't it interesting, Martha Stewart—and, incidentally, I don't even watch her television show, but she sure got a lot of press for going to prison. Martha Stewart goes to prison, and when she is let out, she is walking around with an electronic ankle bracelet. Yet these people are going to prison and they come out after having been guilty of violent sex offenses, they are judged to be at risk for committing another sexual offense, and they do not wear any electronic bracelet, any electronic monitoring device. It is "so long, see you later."

That has to change. That is what Senator HATCH and Senator BIDEN say in their bill. It is what I say in Dru's Law. And it is long past the time for the majority leader to schedule this for a debate in the Senate.

Last October, this Hatch-Biden bill was passed by the Senate Judiciary Committee. This is bipartisan. It has strong support in the Senate. There is no longer any excuse for that not to come to the Senate and to be debated and passed. Will it take the next vicious murder, the next brutal murder of some young child, to understand that violent sexual predators exist and are being let out of prison with little monitoring? I hope not. I hope before we have the next set of headlines the majority leader will decide this represents a priority, a priority far higher than some of the other priorities he has suggested for floor action, and that we can see in the Senate very soon the legislation offered by Senator HATCH and Senator BIDEN.

I commend them for the legislation they have written. I appreciate the fact that title II is Dru's Law. I have worked with them, as have many of my colleagues. They have done this country a great service by putting S. 1086 together. Now the majority leader can do this country a great service by scheduling the Senate's consideration of this bill, after these many months following its favorable reporting from the Senate Judiciary Committee.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. 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.

#### EXECUTIVE SESSION

#### NOMINATION OF DENNIS R. SPURGEON TO BE AN ASSISTANT SECRETARY OF ENERGY

Mr. BURNS. Mr. President, I ask unanimous consent that at 5:15, the Senate proceed to executive session and an immediate vote on the confirmation of Executive Calendar No. 575, with no intervening action or debate.

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

The assistant legislative clerk read the nomination of Dennis R. Spurgeon, of Florida, to be an Assistant Secretary of Energy.

Mr. BURNS. Mr. President, I ask unanimous consent that it be in order at this time to ask for the yeas and nays.

The PRESIDING OFFICER. Without objection, it is in order to request the yeas and nays at this time.

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

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second, and the yeas and nays are ordered.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Dennis R. Spurgeon, of Florida, to be an Assistant Secretary of Energy? 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 Utah (Mr. HATCH), the Senator from Oklahoma (Mr. INHOFE), and the Senator from Alaska (Ms. MURKOWSKI).

Further, if present and voting, the Senator from Utah (Mr. HATCH) would have voted "yea."

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from West Virginia (Mr. BYRD), the Senator from Hawaii (Mr. INOUE), the Senator from Massachusetts (Mr. KERRY), the Senator from Louisiana (Ms. LANDRIEU), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Maryland (Ms. MIKULSKI), the Senator from Florida (Mr. NELSON), and the Senator from West Virginia (Mr. ROCKEFELLER) are necessarily absent.

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

The result was announced—yeas 88, nays 0, as follows:

[Rollcall Vote No. 76 Ex.]

## YEAS — 88

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

## NOT VOTING — 12

Biden	Inouye	Mikulski
Byrd	Kerry	Murkowski
Hatch	Landrieu	Nelson (FL)
Inhofe	Lautenberg	Rockefeller

The nomination was confirmed.

## LEGISLATIVE SESSION

## MORNING BUSINESS

Mr. MCCONNELL. Mr. President, I ask unanimous consent that there now be a period of morning business with Senators permitted to speak for up to 10 minutes each.

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

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

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

## IMMIGRATION REFORM

Mr. SPECTER. Mr. President, the Judiciary Committee has just concluded a markup on the immigration bill. For those who may be watching on C-SPAN2, a markup means we take a bill, which was the chairman's mark in this situation, a bill which my staff and I have constructed, taking parts of legislation introduced by Senator MCCAIN and Senator KENNEDY and legislation introduced by Senator KYL and Senator CORNYN, and amalgamated it into one bill with some other provisions which had been suggested by other Senators.

We had hearings on the issue. As is customary, we heard both from the administration and from outside witnesses. We had a series of markups.

Then, today, in an unusual Monday session, we convened at 10 o'clock this morning, and had a working quorum present by 10:10. We concluded right at 6 p.m. this afternoon and reported the bill out.

It is a very emotional issue. It is a very contentious issue. The President called for a civil debate, and we reached that objective. We had a very civil debate. It is expected that there will be considerable controversy when the bill reaches the Senate floor. That is to be expected on a matter as charged and as controversial as is this bill. It is my expectation that the Senate will work its will and will enact legislation. Then, under our bicameral system, we will go to work with the House of Representatives, which has a substantially different approach, having passed a bill that is an enforcement bill. Our legislation is comprehensive, including a temporary guest worker program and an approach to deal with the approximately 11 million undocumented workers in the United States.

On the subject of the 11 million undocumented workers, it had been my hope that we would have been able to reach an accommodation between McCain-Kennedy and Kyl-Cornyn.

Last week, and on Saturday and Sunday, the staff was here working full time, late every night. I was in town all of last week, Monday through Thursday, until Friday morning, trying to come up with an accommodation which would deal with the elements of Kyl-Cornyn.

There is obvious concern that we not produce a bill which would be justifiably categorized as amnesty, and I believe we have a bill which is not justifiably categorized as amnesty. We have a provision that people who were among the undocumented aliens will have to pay a fine, will have a criminal background check, will have to be at work for 6 years, and will have to earn their path to citizenship.

The option of having the undocumented aliens return home is a very difficult decision. There is no doubt they have violated the law of the United States by coming in without complying with our immigration procedures. They have come in because there has been a demand for the workers, because people have wanted to give them work. The employers have given them work. But to expect them to come forward and to identify themselves if they know they are going to be sent home is unrealistic.

It is obviously highly undesirable to create a fugitive class in America. We do not want 11 million fugitives, which is what we have at the present time. It could be possible to make arrests and to have deportation orders. But it is unrealistic to say we are going to find the 11 million, and that we are going to have facilities to detain them. If you detain somebody, you have to have a detention facility. You have to have beds. You have to be able to house them until deportation proceedings are

concluded, and that takes some time. The approach we have undertaken is to try to have them come forward, and have them come forward in a context where we are not rewarding their illegal conduct.

There are people who have waited outside the country for lawful admittance; in some countries, people have been waiting since 1983. Under the provisions of the bill which we passed out of the committee, the 11 million undocumented workers go to the back of the line. They will have to pay a fine, they will have to undergo a criminal background check, they will have to earn their way by working, and if they are out of work, they are subject to arrest and deportation at that point.

We are open to suggestions, as to any Senators who have ideas. We are not in concrete. If somebody has better ideas, there will be full opportunity to offer amendments on the Senate floor.

Title III, which relates to worksite enforcement, requires Social Security number identification, which we did not report out because that is a matter under the jurisdiction of the Finance Committee, and the Finance Committee rules require any amendments to those laws to be signed by 11 members of the committee, a majority of the committee.

Senator GRASSLEY gave us a report on the status in the Finance Committee. They did not have their work finished, so the Judiciary Committee could not take it up. There is a jurisdictional issue with the Finance Committee asserting jurisdiction and perhaps preferring to offer their amendments on the floor.

We did not take up title VII, which is judicial reform, because there is considerable controversy about the chairman's mark on those provisions.

We have included a modification in appeals to the federal circuit courts after the immigration judge has ruled, after the Board of Immigration Appeals has ruled. We have consolidated those actions in the Federal Circuit. We have heard from a number of judicial officials. We heard from the chief judge of the Federal Circuit that with increased resources, the court can handle the additional cases. But with regard to the changes we proposed in trying to provide more independence for immigration judges and in increasing the number of judges on the Board of Immigration Appeals so there are enough judges to write opinions, to try to cut down on the backlog and the number of appeals to the circuit courts, we ought to find out more.

We are noticing a hearing for next Monday morning where we will have an opportunity to hear from the judges, who have already written us: the chief judge of the Second Circuit, and a judge from the Seventh Circuit. We will hear from the chief judge of the Federal Circuit, and consider further the viewpoints of the Department of Justice and others on the issue of the independence of the immigration

judges on the Board of Immigration Appeals.

We have operated with the knowledge that the majority leader filed a bill under rule XIV and announced that would be the bill which would be taken up if the Judiciary Committee did not report out a bill. I think we have produced a bill which is the product of serious debate. I would have preferred more time, but as reported in the press today, we are operating under considerable pressure and we responded in a major way. Senators who had amendments to offer were heard and heard fully. There was an obvious effort to make the discussion as focused and as brief as possible. But every Senator who wanted recognition was recognized. Senators were permitted to speak, which is their right under committee procedure, until they had concluded. I think it is a major bill. The full Senate will have the opportunity to work its will.

I would talk longer, but the majority leader has scheduled another meeting at 6:30—a few minutes from now—to take up a number of provisions of the bill. My attendance is required there, so I shall conclude.

In the absence of any Senator seeking recognition, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BROWNBACK. 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. BROWNBACK. Mr. President, I ask unanimous consent to speak for up to 10 minutes as in morning business.

The PRESIDING OFFICER. We are in morning business.

The Senator from Kansas is recognized.

Mr. BROWNBACK. Mr. President, I want to follow the chairman of the Judiciary Committee and make brief comments about the immigration bill that came out of our committee with a strong, bipartisan vote.

It is a big issue. It is a tough issue. It is a tough issue that is confronting America. I believe that is what this body should be about—dealing with big, tough issues confronting America. That is what the committee came through and did.

The bill that came out of the committee today is not the final product. I think it needs substantial adjustment. Hopefully, during the 2-week period we are going to be discussing this bill on the floor, we will have a lot of discussion and we will get a final product that we can agree on that strengthens the immigration system.

Currently, our system is not working. It has not worked for some period of time. It has not worked for the country. It has not worked for the people wanting to come into the country. It needs to be changed. There is no question about it.

One specific item I wish to talk about is the need for comprehensive reform. The reason we need it is because of our past experience, when we have had just pieces of comprehensive reform.

A quick bit of history: In 1986, we had 3 million undocumented individuals in the United States, and Ronald Reagan put forward an amnesty program. In 1996—we seem to do this in 10-year increments—people were upset we had 7 million undocumented immigrants in the United States—3 million in 1986; 7 million in 1996—and we put forward an enforcement program and passed it into law and toughened up enforcement because that was seen as the need and the answer.

So we had an amnesty program in 1986, without enforcement; we had an enforcement program in 1996, without some sort of legalized system for people to get into the country. We had 3 million undocumented; we had 7 million undocumented. We are at 2006, and we have 11 million undocumented, and people are saying what we need is tougher enforcement. We did do that in 1996, and we increased the number of those undocumented whom we have in the country.

Now we have to increase enforcement. I think we have to do more than just border enforcement, though. We have to do interior enforcement and integrating our tax system and Social Security system along with the immigration system so we can catch people at the workplace, we can catch people in a place where they will be interior in the country and strengthen our enforcement that way. We have to get that done. So we have to strengthen enforcement.

But, at the same time, you have to have some way to bring people into a legalized system. President Bush has talked about a guest worker program. Others have talked about a circular program where you can come in, work for a period of time, and leave. Others have talked about a system where you can earn your citizenship by working here. That is what was basically passed in the committee bill, with much tougher enforcement and a way of being able to get the 11 million into a system where they can get into a legalized status and out of the shadows. That is what we want to take place.

We also have in the bill more interior enforcement. We have provisions that have yet to be worked out on Social Security and immigration enforcement that are being talked about with the chairman of the Finance Committee.

My reason for outlining that is that this is a big step we have taken today out of the Judiciary Committee. I serve on that committee. But it is not the final step. The President needs to engage in these discussions and negotiations, hopefully, as well as the House leadership, as we debate on the Senate floor one of the biggest issues facing this country today and its future. And make no mistake about it, this will affect the future makeup of the United States. It is a major issue.

I think it is one we can be proud of, that this is a nation of immigrants. We can be humbled by all of our humble beginnings that each of us came from and have grown in this country. Once given freedom and liberty, people can do amazing things. We have seen that time and again, the story of people who have come to the United States.

The final point I want to make is a philosophical one. One of the key measures in any society is what you do for the so-called least of these. It is what you do for those who are not in the Chair presiding in the Senate, even with the humble roots that he came from, or other individuals, it is what you do for the least of these, what you do for the huddled masses. That really is a key hallmark and a key measure for society. Those huddled masses that we enshrined in the Statue of Liberty are a key indicator of what we have stood for so much in the past.

Categories of people who are in the least of these status generally are referred to as widows and orphans and the foreigner amongst you. They are considered the least of these. People who have difficulty with status, difficulty having laws applied to them, have difficulty accessing the system are considered the least of these.

And what do we do. Today we took a step in dealing with the 11 million population, we believe, of undocumented in this country, trying to deal with them as beautiful, unique individuals. And then we have to, as well, deal with these as a nation of laws. We have to be a nation of laws. We can't just say: Well, the winds are this way or that way, and we have decided we are going to do this. We have to be a nation of laws. We have to get to a system that we can have people believe in and say this is a system of laws that will work, and yet still deal with our aspiration as a society to deal with people in difficult circumstances, the so-called least of these.

I think we have struck that balance today as a start. We have a long way to go to finish. We are heading toward the higher aspirations of what this country is about. It will be a very difficult and visceral debate, as people's passions are strong. It does amaze me that passions frequently change from the macro to the micro on an immigration debate. In a macro debate, people say: We need to be a nation of laws. On a micro basis, if it is their neighbor next door that is working and doing construction work, they say: Look, leave him alone. But on a macro basis, I want to deal with this on a tough situation. I have seen that so much, of individuals who will say on a macro basis: We need to have a tough set of laws, but don't pick on this individual I know personally and I really care for. They should have a chance to experience the American dream.

We are off to a good start of having a wholesome, full debate that is dignified, that is important, that deals with the highest aspirations of this

country and yet maintains and tries to get us back through the immigration system into a nation of laws and not situations where they are just thrown to the side.

Our current system is such, with the complexity and the time waits in it that a person may come here legally but their spouse can't be here legally for 7 to 10 years. So frequently the spouses decide, let's get there any way we can. Or you will find an agricultural worker in a system saying that it is just so complicated that we are going to go around the system to the point that half to three-fourths of our agricultural workers, foreign-born agricultural workers, are undocumented illegals. Yet without them you don't run the agricultural system. You could say that is a bad place to be in, and it is. But I think it also tells us the path to change that we have to get to be able to make a legal system that does work and that can get most people into it. We need to do so to be compassionate and a nation of laws.

It will be a tremendous debate. It is an important one for the country. It is an important one for the Republican Party, for us to have a good, full debate about this topic and how we move forward with it. I think we are going to have it, and it is going to be one of the most dignified and important moments in debates for this Senate during this term of Congress.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

#### TRIBUTE TO ERMA ORA BYRD

Mr. REID. Mr. President, I want the record to reflect that my dear friend, Senator JAY ROCKEFELLER, is unable to be on the floor tonight because of a medical condition. It is nothing that won't be resolved quickly, but he is unable to be here today. He asked me to read, verbatim, a statement he would give if he were here tonight.

Mr. President, this is a floor statement on the passing of Erma Ora Byrd, read by HARRY REID, as written by JAY ROCKEFELLER:

My dear friend and revered colleague of more than two decades has suffered a grievous loss, and I ask my colleagues to join Sharon and me in mourning the passage of Erma Ora Byrd, the wife and soul mate of West Virginia Senator, Robert C. Byrd.

Before Robert Byrd was a Senator, before he was an attorney, before the West Virginia Legislature named him the West Virginian of the 20th Century, Erma recognized something extraordinary in this son of the Winding Gulf coalfields. What we see today, she saw then in the gas station attendant and welder and butcher's apprentice who became her husband. Those of us who had the privi-

lege of knowing Erma, also know that this was hardly the last time her vision proved extraordinary. Throughout her life, her intelligence and common sense made her a close partner to one of America's most influential men. As Senator Byrd once said: "She is not only my wife, but also my best counselor."

Yet, as sharp as Erma was in finding her husband, Senator Byrd was equally astute. Not only was Erma a wise counselor, but she was also a constant source of support. A proud coal miner's daughter from Stotesbury, WV, she gave unhesitatingly and without reserve. She was the support system that got him from Capitol Hill to law school at the end of a hard day, and to the many meetings and appearances his job required. Always the model of grace and dignity, she was an extraordinary mother, grandmother and great-grandmother. She made Robert C. Byrd a better father, a better Senator, and a better man. In many ways, Erma Byrd was the quintessential West Virginia woman, teaching her family to work hard and care deeply, all the while giving unceasingly to those around her.

Their marriage was not some practical partnership—it was a love-match. After nearly 69 years of marriage, Senator Byrd still radiated, in the words of John Cheever, the deep and indisguisable joy of someone who has just fallen in love. Together, they shared the triumphs and setbacks of political life, always celebrating not elective office but the opportunity to help people in their home State, for which they cared so deeply.

Together, they knew tragedy as well, with the devastating and untimely death of a beloved grandson. For a time, Senator Byrd even gave up playing his fiddle as the music became too much to bear. But they found solace in each other, in family, and in their truly extraordinary faith in God.

During one of my last visits with Erma, I was sitting on my couch being charmed, as everyone always was, by her warmth and wit as we talked about everything in the world except the United States Senate. She was a welcome reminder that life existed outside our work and that delight was best discovered in mountain flowers and close family and old friends.

Just a few weeks ago at my home, Senator Byrd spoke lovingly and movingly about what we now know to be Erma's final days. Even as Erma's mind and body failed her, he felt profoundly that their hearts are forever linked and their souls will recognize each other always. You could see that as she suffered, he suffered, as she endured, he endured.

All the while Senator Byrd maintained a daunting Senate schedule, as she had wanted him to do, and every evening he returned home to his one true love.

As Erma's hardship is over now and she is in the loving arms of the Lord, Senator Byrd will have the complete support of West Virginia and his Senate family as he bears the new hardship of this loss, but with the added grace of Mrs. Byrd watching over him.

The circle has been broken. But we take strength from the sure knowledge that, in years to come, a better home awaits all of us, and for Senator Byrd his life will be complete again.

Mr. President, that ends the statement of JAY ROCKEFELLER.

Speaking for myself as the Democratic leader and as someone who has learned so much about the Senate from ROBERT C. BYRD, I recognize that at 7:20 p.m. on this past Saturday night, Erma Byrd, the wife of our own Senator ROBERT BYRD, passed away. Mrs.

Byrd had been struggling with illness for quite some time. But after years of pain and discomfort, she has found peace.

On behalf of the Senate, I offer our condolences to this good man, Senator BYRD, his daughters Mona and Marjorie, and to his dozens of grandchildren and great-grandchildren. It is our prayer that they, too, find peace and comfort during these difficult days.

This is a sad time for the Senate family. Erma's passing is a loss for all of us. She was a special person and will be missed. She touched the lives of everyone she met. She touched my life. My colleague from West Virginia, Senator ROCKEFELLER, had the privilege of knowing Erma better than most, and that has been certainly addressed in the statement I read for Senator ROCKEFELLER.

As I indicated, he is not able to be here today because he is recovering from back surgery, but he asked that I read this tribute to Erma, which I was so happy to do.

We are recognizing the loss of Erma Byrd, and in so doing, we have to mention the greatness of Senator BYRD, running for his ninth term for the Senate—ninth term. It has never happened before. I marvel at what I have learned from Senator BYRD. I can remember as though it were yesterday when he decided he was no longer going to be the Democratic leader. Senator Dole wanted to do a luncheon in recognition of Senator BYRD over in the Russell Building. It was a wonderful occasion. We learned about Senator BYRD more than we had known. We thought we knew him well. But he told us that day that we would learn some things we didn't know, and we did.

What a marvelous man. He could leave his home in Virginia for his home in West Virginia and back, 4 hours one way, 4 hours back, recite poetry over and back and never recite the same poem twice. He is a man with a mind that I have never seen before. He is an expert in Shakespeare. This man is so brilliant that he gave lectures here dealing with the line-item veto where he based his 10 lectures on the rise and fall of the Roman Empire. He could recite from memory every ruler that Rome had. His lectures were so dynamic that at the University of Nevada-Las Vegas, a professor taught classes to his graduate students based only on Senator BYRD's lectures.

I can remember going to a parliamentary exchange in West Virginia where we exchanged with British Parliamentarians. Senator BYRD stood and recited from memory the reign of the British monarchs, their names, how they spelled their names, the years they were in power, and what they had done. Unbelievable.

The reason I mention this is that Senator BYRD did not get there alone. He was supported—and that is an understatement—by Mrs. Byrd. His greatness suggests her greatness. I had the



good fortune to travel with the Byrds when her health was better. Their relationship is just as JAY ROCKEFELLER said—people married for nearly 60 years who were like teenagers—teenagers in love.

I know Senator BYRD is a better person because of the person he chose to be his wife, but as a result of that, all of us are better people because of the influence Erma Byrd had on ROBERT C. BYRD.

My thoughts go to ROBERT BYRD. I spoke with him yesterday. He was strong, resilient, saying this is what Erma would want, for him to be strong. I haven't heard his voice as powerful as it was yesterday, at 2 or so in the afternoon, for a number of years because he suffered the pain his wife suffered. We all felt that. Her pain is past. Senator BYRD's pain is past.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

#### 60TH ANNIVERSARY OF WINSTON CHURCHILL'S IRON CURTAIN SPEECH AND HONORING SENATOR BAKER

Mr. FRIST. March 2006 marks the 60th anniversary of what is regarded as one of the most influential speeches of the 20th century. March 5, 1946, Winston Churchill gave his famous "Iron Curtain" speech at Westminster College, in Fulton, MO. Historians date the beginning of the cold war to this speech.

In this speech Mr. Churchill introduced to the world the phrase "Iron Curtain" to describe the division between Western powers and the area controlled by the Soviet Union. This speech not only marked the onset of the cold war but drew attention to the unique relationship between the United States and Great Britain. This special relationship spans three eras from Winston Churchill and FDR to Ronald Reagan and Margaret Thatcher and now to George W. Bush and Tony Blair.

In celebration of this historic event and the special relationship between our Nation and Great Britain, the Howard H. Baker Jr. Center for Public Policy at the University of Tennessee and the Churchill Archives Centre at Cambridge University, the United Kingdom, have come together for a stellar international conference and to honor one of America's greatest statesmen and one of Tennessee's greatest sons, the Honorable Howard H. Baker, Jr.

This premier occasion has brought together two great universities and two great centers, each dedicated to preserving and presenting their complementary historical resources. This coming together has formed a new

partnership for the 21st century and will support an ongoing, trans-Atlantic and international educational alliance.

Here are excerpts from the Iron Curtain speech:

The United States stands at this time at the pinnacle of world power. It is a solemn moment for the American democracy. For with this primacy in power is also joined an awe-inspiring accountability to the future. As you look around you, you must feel not only the sense of duty done, but also you must feel anxiety lest you fall below the level of achievement. Opportunity is here now, clear and shining, for both our countries. To reject it or ignore it or fritter it away will bring upon us all the long reproaches of the aftertime.

From Stettin in the Baltic to Trieste in the Adriatic, an iron curtain has descended across the Continent. Behind that line lie all the capitals of the ancient states of Central and Eastern Europe.

The safety of the world requires a new unity in Europe, from which no nation should be permanently outcast. It is from the quarrels of the strong parent races in Europe that the world wars we have witnessed, or which occurred in former times, have sprung.

Fraternal association requires not only the growing friendship and mutual understanding between our two vast but kindred systems of society, but the continuance of the intimate relationship . . .

Beware, I say; time may be short. Do not let us take the course of allowing events to drift along until it is too late. If there is to be a fraternal association of the kind I have described, with all the extra strength and security which both our countries can derive from it, let us make sure that that great fact is known to the world, and that it plays its part in steady and stabilizing the foundations of peace. There is the path of wisdom. Prevention is better than cure.

#### LOCAL RADIO BROADCAST EMERGENCY SERVICES

Mr. LOTT. Mr. President, on Wednesday, March 15, 2006, I joined Senator SNOWE and Senator BAUCUS in introducing 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.

Growing up in my home town of Pascagoula, MS, I had my own radio show. Through local radio, I had the opportunity to have a voice in my community. Local radio keeps communities informed about what is going on in their back yards, and gives local leaders an opportunity to communicate with their supporters.

Over the years, I have been actively voicing my concerns on the issue of media ownership. I believe that the problem of the pervasiveness of indecency in broadcasting is related to my concerns about media ownership. When media conglomerates become too large, they are less responsive to the concerns of the American viewing public and less accountable to local communities. Media companies which use publicly owned airwaves must become more responsive to public needs, respectful of local values and reflective of community standards which seem to

be constantly ignored by executives in east and west coast high-rise office buildings.

In order to ensure that radio remains an independent source of information for local communities, I am pleased to introduce 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.

#### ADDITIONAL STATEMENTS

##### A COLORADO LEADER: MONTE PASCOE

• Mr. SALAZAR. Mr. President, I rise today to honor a good and decent man, who left an indelible mark on Colorado, but who sadly left us suddenly and too soon.

Monte Pascoe of Denver died unexpectedly on March 2, at age 71, leaving behind his wonderful wife Pat, children Sarah, Ted and Will, a brother Patrick, and a legacy as a "servant leader," a model we would all do well to follow.

Monte was a friend and mentor to me. He was a lawyer who worked on water and natural resource issues, helping protect the natural heritage of our great State of Colorado. He served as the executive director of the Colorado Department of Natural Resources, a post I held in later years. He was a longtime member of the Denver Board of Water Commissioners; member of the Colorado School of Mines board; president of the Liff School of Theology; and chairman of the Colorado Water Quality Commission.

Monte led the Colorado Democratic Party as its chairman during the early and mid 1970s, when Colorado elected such illustrious public servants as Gary Hart, Pat Schroeder and Tim Wirth to the U.S. Senate and House of Representatives; Dick Lamm to the Governor's mansion; and my good friend Ruben Valdez as the first Hispanic Speaker of the Colorado House of Representatives.

In 1969, Monte ran for the Denver Board of Education, losing in a campaign defined by the issue of the segregation of public schools. Monte fought the good fight, standing firm for equality in access to public schools. Even though he lost that election, he helped organize the legal effort which eventually led to the desegregation of Denver schools.

In 1983, Monte ran for mayor of Denver among a crowded field that included the eventual winner, former U.S. Secretary of Energy and Transportation, Federico Peña.

Monte stood beside his wife Pat during her own distinguished career in the Colorado State Senate.

Monte was a community leader in the best sense of the word, active in his church, Montview Presbyterian Church, and numerous nonprofit and community organizations.

Up until his death, Monte, along with his friend of over 30 years, Ed Benton,



walked from his home to his law firm, Ireland Stapleton Pryor & Pascoe, where he had worked since 1960.

Monte was born Jan. 4, 1935, in Ames, IA. His family moved to Denver when he was a young boy, settling in the Park Hill neighborhood. He graduated from East High School and went to Dartmouth College, where he met Pat, and earned his law degree from Stanford University.

We in Denver and Colorado counted on Monte and turned to him when a task needed to be done, or a problem solved, or a perspective gained. He carried out his role as a "servant leader" with humor, grace, selflessness and humility. Our community will miss him tremendously, and our thoughts and prayers are with his wonderful family.●

#### TRIBUTE TO GARLAND RASH

● Mr. PRYOR. Mr. President, today I would like to share with you Garland Rash's inspiring story of bravery and determination that saw him use his remarkable talent for woodwork to serve his country during the dark days of World War II.

Born in 1924, Garland was raised in Drew County, AR, where he put himself through school and developed an interest in carpentry. Like so many other Americans, he was horrified at the attack on Pearl Harbor in 1941 and immediately set out to aid in the country's war effort. This led him to California, where he dedicated himself to building wooden racks that could be used to raise ships out of the water to be repaired.

Garland soon realized during a visit home on Mother's Day in 1943 that he wanted to do more for his county. That summer, he enlisted in the Navy and underwent a grueling period in boot camp. Garland was then assigned to the 116th Naval Battalion as part of the construction unit of the Navy, nicknamed the "Seebees."

After more training in Rhode Island and Bay St. Louis, Garland was shipped to Pearl Harbor where he, alongside many other talented carpenters, was part of a covert operation to equip U.S. military planes with a more advanced type of engine. While there, Garland decided to collect several pieces of wood and Plexiglas from the debris of the 1941 bombing. During his non-working hours, Garland used these pieces to fashion two wooden boxes, using parachute scraps for the lining and Plexiglas from windshields to create a beautiful inlaid mosaic pattern on the lid.

While in Pearl Harbor, a young marine named Bob Crosby, brother of famed singer Bing Crosby, was struck by the workmanship of these boxes. He asked Garland whether he would be willing to sell one to him and Garland agreed. Though Garland never saw him again, Bob Crosby would go on to become an accomplished actor and musician through the 1950s.

Garland continued his distinguished military service in Iwo Jima, the Phil-

ippines, and Japan where he and his fellow American troops accepted the surrender of Japanese forces in 1945. After returning to the United States in December of that year, Garland resumed his relationship with Kathleen Lawson, a woman he had dated while on leave from the Navy during the war. They were married on March 1, 1946.

Today, their home in Monticello, AR, is filled with loving pictures of several grandchildren and great-grandchildren. Remarkably, Garland managed to hold on to the other wooden box that he carved from the rubble of Pearl Harbor and keeps it today as a remembrance of the war and his service.

Looking at this box today, I, like Bob Crosby so many years ago, am amazed by the extraordinary craftsmanship, and I am awestruck knowing its historical significance. Garland, like so many World War II veterans, is truly a part of the "greatest American generation" and I hope you will join me in paying tribute to his extraordinary service to this Nation.●

#### RECOGNIZING DARLYS J. BAUM

● Mr. JOHNSON. Mr. President, I rise today to congratulate Darlys J. Baum on her retirement from the South Dakota Housing Development Authority after 30 years of dedicated service to our State. Dar has served under six South Dakota Governors. Prior to being named executive director in 1995, Dar served as deputy executive director for 11 years. Before that, she served in various capacities, including director of rental housing programs.

In addition to her duties as executive director, Dar found the time to bring South Dakota's rural housing perspective to regional and national boards. She served as a member of Fannie Mae's National Housing Impact Advisory Council from 2002-2003 and as a member of the Board of Directors of the Federal Home Loan Bank of Des Moines from 2002-2004.

Under Dar's leadership, the South Dakota Housing Development Authority issued nearly \$2.27 billion in long-term and \$1.95 billion in short-term home ownership bonds. During this time, 23,869 families and individuals took advantage of SDHDA's low-interest mortgage loan opportunities, accounting for more than \$1.8 billion in loans purchased. Additionally, more than \$12.8 million was loaned to 7,602 families for downpayment and closing cost assistance.

Working with lenders, service providers, and realtors, Dar helped create the Homeownership Education Resource Organization, HERO, to provide high-quality home buyer education. Pursuing the American dream of homeownership can be a daunting challenge for many families, and home buyer education services can help walk these families through the home buying process.

Since Dar became executive director, SDHDA allocated more than \$16.4 mil-

lion in housing tax credits for 89 developments across South Dakota. Nearly 3,300 affordable housing units were created or preserved, totaling more than \$242 million in project costs.

During that same time, SDHDA used the HOME Investment Partnership Program for 939 HOME-assisted units in 88 multifamily developments, receiving more than \$39 million in funding for construction or rehabilitation. Also, more than \$1.6 million in HOME funding was utilized for homeowner-ship rehabilitation in 222 homes. Total development costs contributed to South Dakota's economy from the HOME Program were more than \$102 million during Dar's tenure as executive director.

Dar was instrumental in helping lead the charge to end homelessness in South Dakota. She helped form the statewide Housing for the Homeless Consortium and the Governor's Inter-agency Council on Homelessness. These organizations were created to unite those who work to provide shelter, employment opportunities, food, education, health care, and support for those who are homeless or at risk of becoming homeless. Since its creation, the Housing for the Homeless Consortium has been awarded about \$6.5 million through the Continuum of Care Grant Program, which is a competitive grant program administered through the U.S. Department of Housing and Urban Development.

As you can see, under Dar's extraordinary leadership, the South Dakota Housing Development Authority has done an impressive amount of work on South Dakota's housing needs. I, again, want to thank Dar for her tireless efforts to improve the housing opportunities available to South Dakota families. My staff and I have always highly valued her advice on so many important housing issues. Dar has a unique ability to generate creative solutions and bring people together in partnerships that solve so many critical housing problems. Dar Baum's commitment and dedication to public service is an example for others in public service to emulate.●

#### MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

#### EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations and two withdrawals which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE  
DURING ADJOURNMENT

## ENROLLED BILLS SIGNED

Under the authority of the order of the Senate of January 4, 2005, the Secretary of the Senate, on March 17, 2006, during the adjournment of the Senate, received a message from the House of Representatives announcing that the Speaker pro tempore (Mr. ADERHOLT) had signed the following enrolled bills:

S. 2275. An act to temporarily increase the borrowing authority of the Federal Emergency Management Agency for carrying out the national flood insurance program.

S. 2320. An act to make available funds included in the Deficit Reduction Act for 2005 for the Low-Income Home Energy Assistance Program for fiscal year 2006, and for other purposes.

H.R. 4826. An act to extend through December 31, 2006, the authority of the Secretary of the Army to accept and expend funds contributed by non-Federal public entities to expedite the processing of permits.

Under the authority of the order on the Senate of January 4, 2005, the enrolled bills were signed on March 17, 2006, during the adjournment of the Senate, by the President pro tempore (Mr. STEVENS).

## MESSAGE FROM THE HOUSE

At 2:31 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has signed the following bill in which it requests the concurrence of the Senate:

H.R. 4939. An act making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes.

## MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 4939. An act making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; to the Committee on Appropriations.

MEASURES PLACED ON THE  
CALENDAR

The following bills were read the second time, and placed on the calendar:

H.R. 4472. An act to protect children, to secure the safety of judges, prosecutors, law enforcement officers, and their family members, to reduce and prevent gang violence, and for other purposes.

H.R. 4911. An act to temporarily extend the programs under the Higher Education Act of 1965, and for other purposes.

## ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on March 17, 2006, she had presented to the President of the United States the following enrolled bills:

S. 2275. An act to temporarily increase the borrowing authority of the Federal Emer-

gency Management Agency for carrying out the national flood insurance program.

S. 2320. An act to make available funds included in the Deficit Reduction Act of 2005 for the Low-Income Home Energy Assistance Program for fiscal year 2006, and for other purposes.

EXECUTIVE AND OTHER  
COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-6041. A communication from the Chief, Publications and Regulations, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Applicable Federal Rates—April 2006" (Rev. Rul. 2006-22) received on March 27, 2006; to the Committee on Finance.

EC-6042. A communication from the Chief, Publications and Regulations, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Revocation of Qualified Intermediary Brach Rule" (Notice 2006-35) received on March 27, 2006; to the Committee on Finance.

EC-6043. A communication from the Chief, Publications and Regulations, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Purchase Price Safe Harbors for Sections 143 and 25 Revenue Procedure" (Rev. Proc. 2006-17) received on March 27, 2006; to the Committee on Finance.

EC-6044. A communication from the Chief, Publications and Regulations, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Bureau of Labor Statistics Price Indexes for Department Stores—January 2006" (Rev. Rul. 2006-15) received on March 27, 2006; to the Committee on Finance.

EC-6045. A communication from the Chief, Publications and Regulations, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Transition Relief Regarding the Application of Section 409A(b) to Non-qualified Deferred Compensation Plan" (Notice 2006-33) received on March 27, 2006; to the Committee on Finance.

EC-6046. A communication from the Chief, Publications and Regulations, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Go Zone Resident Population Estimates" (Notice 2006-21) received on March 27, 2006; to the Committee on Finance.

EC-6047. A communication from the Chief, Publications and Regulations, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Guidance under Section 1502: Suspension of Losses on Certain Stock Dispositions" (RIN1545-BB25) received on March 27, 2006; to the Committee on Finance.

EC-6048. A communication from the Chief, Publications and Regulations, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Agent for a Consolidated Group with Foreign Common Parent" (RIN1545-BF31) received on March 27, 2006; to the Committee on Finance.

EC-6049. A communication from the Chief, Publications and Regulations, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "2006 Census Count" (Notice 2006-22) received on March 27, 2006; to the Committee on Finance.

EC-6050. A communication from the Chief, Publications and Regulations, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Weighted Average Interest Rate Update" (Notice 2006-32) received on March 27, 2006; to the Committee on Finance.

EC-6051. A communication from the Chief, Publications and Regulations, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Revisions to Regulations Relating to Withholding of Tax on Certain U.S. Source Income" (RIN1545-AY92) received on March 27, 2006; to the Committee on Finance.

EC-6052. A communication from the Chief, Publications and Regulations, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Taxation of Cross Licensing Arrangements" (Notice 2006-34) received on March 27, 2006; to the Committee on Finance.

EC-6053. A communication from the Commissioner, Social Security Administration, transmitting, pursuant to law, the 2005 Fair Act Inventory; to the Committee on Finance.

EC-6054. A communication from the Attorney Advisor, Department of Transportation, transmitting, pursuant to law, the report of a vacancy in the position of Inspector General, received on March 18, 2006; to the Committee on Commerce, Science, and Transportation.

EC-6055. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled "Fisheries Off West Coast States and in the Western Pacific; Western Pacific Pelagic Fisheries; Guam Longline Fishery Prohibition Area" (RIN0648-AU11) received on March 27, 2006; to the Committee on Commerce, Science, and Transportation.

EC-6056. A communication from the Deputy Assistant Administrator for Operations, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries Off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; Limited Entry Fixed Gear Sablefish Fishery Permit Stacking Program; Final Rule" (RIN0648-AP38) received on March 27, 2006; to the Committee on Commerce, Science, and Transportation.

EC-6057. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Shallow-Water Species Fishery by Vessels Using Trawl Gear in the Gulf of Alaska" received on March 27, 2006; to the Committee on Commerce, Science, and Transportation.

EC-6058. A communication from the Deputy Assistant Administrator for Operations, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Atlantic Mackerel, Squid, and Butterfish Specifications for 2006" (RIN0648-AT19) received on March 27, 2006; to the Committee on Commerce, Science, and Transportation.

EC-6059. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Vessels Catching Pacific Cod for Processing by the Inshore Component in the Central Regulatory Area of the Gulf of Alaska" received on March 16, 2006; to the Committee on Commerce, Science, and Transportation.

EC-6060. A communication from the Chairman, Surface Transportation Board, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Regulations Governing Fees for Services Performed in Connection with Licensing and Related Services—2006 Update" received on March 27, 2006; to the Committee on Commerce, Science, and Transportation.

EC-6061. A communication from the Acting Assistant Secretary for Administration, Department of Transportation, transmitting, pursuant to law, a report containing inventories of commercial and inherently governmental positions in the Department of Transportation; to the Committee on Commerce, Science, and Transportation.

EC-6062. A communication from the Administrator, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the FAA's Capital Investment Plan for Fiscal Years 2007–2011; to the Committee on Commerce, Science, and Transportation.

EC-6063. A communication from the White House Liaison, Department of Education, transmitting, pursuant to law, the report of the designation of an acting officer in the position of Under Secretary; to the Committee on Health, Education, Labor, and Pensions.

EC-6064. A communication from the Director, Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Listing of Color Additives Exempt From Certification; Tomato Lycopene Extract and Tomato Lycopene Concentrate" (Doc. No. 2001C-0486) received on March 27, 2006; to the Committee on Health, Education, Labor, and Pensions.

EC-6065. A communication from the Acting Director, Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Department of Labor, transmitting, pursuant to law, the report of a rule entitled "Emergency Mine Evacuation" (RIN1219-AB46) received on March 27, 2006; to the Committee on Health, Education, Labor, and Pensions.

EC-6066. A communication from the Assistant Secretary for Administration and Management, Competitive Sourcing Official, Department of Labor, transmitting, pursuant to law, the Department's 2005 FAIR Act Inventory of Inherently Governmental Activities and Inventory of Commercial Activities; to the Committee on Health, Education, Labor, and Pensions.

EC-6067. A communication from the Railroad Retirement Board, transmitting, pursuant to law, the report under the Government in the Sunshine Act for 2005; to the Committee on Health, Education, Labor, and Pensions.

EC-6068. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16-293, "DC-USA Economic Development Act of 2006" received on March 18, 2006; to the Committee on Health, Education, Labor, and Pensions.

EC-6069. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled "Certification of the Fiscal Year 2006 Revised General Purpose General Fund Revenue Estimate in Support of the District's \$331,210,000 General Obligation Bonds (Series 2005A)"; to the Committee on Health, Education, Labor, and Pensions.

EC-6070. A communication from the Administrator, General Services Administration, transmitting, pursuant to law, the Fiscal Year 2005 Performance and Accountability Report; to the Committee on Health, Education, Labor, and Pensions.

EC-6071. A communication from the Chairman, Office of General Counsel, Federal

Election Commission, transmitting, pursuant to law, the report of a rule entitled "Definitions of Federal Election Activity" received on March 18, 2006; to the Committee on Rules and Administration.

EC-6072. A communication from the Chairman, Office of General Counsel, Federal Election Commission, transmitting, pursuant to law, the report of a rule entitled "Definitions of 'Solicit' and 'Direct'" received on March 18, 2006; to the Committee on Rules and Administration.

EC-6073. A communication from the Chairman, Federal Election Commission, transmitting, pursuant to law, the Fiscal Year 2007 Congressional Budget Request; to the Committee on Rules and Administration.

EC-6074. A communication from the Under Secretary of Defense (Comptroller), transmitting, pursuant to law, a report of a violation of the Antideficiency Act by the Department of the Army, case number 05-02; to the Committee on Appropriations.

EC-6075. A communication from the Acting Director, Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Wyoming Abandoned Mine Land Reclamation Plan" (WY-033-FOR) received on March 18, 2006; to the Committee on Energy and Natural Resources.

EC-6076. A communication from the Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, the Department's Report on Human Trafficking, Fiscal Years 2001–2006; to the Committee on the Judiciary.

EC-6077. A communication from the Special Trustee for American Indians, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "American Indian Trust Fund Management Reform Act" (RIN1035-AA04) received on March 27, 2006; to the Committee on Indian Affairs.

EC-6078. A communication from the Assistant to the Board, Board of Governors of the Federal Reserve System, transmitting, pursuant to law, the report of a rule entitled "International Banking Operations" (Doc. No. R-1147) received on March 16, 2006; to the Committee on Banking, Housing, and Urban Affairs.

EC-6079. A communication from the Executive Director, Commodity Futures Trading Commission, transmitting, pursuant to law, the report of a rule entitled "Definition of 'Client' of a Commodity Futures Trading Advisor" received on March 18, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC-6080. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Pine Shoot Beetle; Interstate Movement of Pine Bark Products from Quarantined Areas" received on March 27, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC-6081. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Tuberculosis; Reduction in Timeframe for Movement of Cattle and Bison From Modified Accredited and Accreditation Preparatory States or Zones Without an Individual Tuberculin Test" received on March 27, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC-6082. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Emerald Ash Borer; Quarantined Areas" received on March 27, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC-6083. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Vermont Update to Materials Incorporated by Reference" (FRL No. 8037-2) received on March 27, 2006; to the Committee on Environment and Public Works.

EC-6084. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Colorado; Revisions to Regulation No. 1; Direct Final Rule" (FRL No. 8047-1) received on March 27, 2006; to the Committee on Environment and Public Works.

EC-6085. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Maine; 15% and 5% Emission Reduction Plans, Inventories, and Transportation Conformity Budgets for the Portland One and Eight Hour Ozone Non-attainment Areas" (FRL No. 8048-2) received on March 27, 2006; to the Committee on Environment and Public Works.

EC-6086. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; North Carolina: Charlotte, Raleigh-Durham, and Winston-Salem Areas Second 10-Year Maintenance Plan for the Carbon Monoxide National Ambient Air Quality Standard" (FRL No. 8049-2) received on March 27, 2006; to the Committee on Environment and Public Works.

EC-6087. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Control of Air Pollution from New Motor Vehicles: Amendments to the Tier 2 Motor Vehicle Emission Regulations" ((RIN2060-AN67) (FRL No. 8049-6)) received on March 27, 2006; to the Committee on Environment and Public Works.

EC-6088. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Inclusion of Delaware and New Jersey in the Clean Air Interstate Rule" ((RIN2060-AM95) (FRL No. 8048-1)) received on March 27, 2006; to the Committee on Environment and Public Works.

EC-6089. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "OMB Approvals Under the Paperwork Reduction Act; Technical Amendment" (FRL No. 7760-4) received on March 27, 2006; to the Committee on Environment and Public Works.

EC-6090. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Revisions to the Arizona State Implementation Plan, Pinal County Air Quality Control District" (FRL No. 8046-1) received on March 27, 2006; to the Committee on Environment and Public Works.

EC-6091. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Revisions to the California State Implementation Plan, San Joaquin Valley Unified Air Pollution Control District" (FRL No. 8046-6) received on March 27, 2006; to the Committee on Environment and Public Works.

EC-6092. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Revisions to the Nevada State Implementation Plan" (FRL No. 8045-9) received on March 27, 2006; to the Committee on Environment and Public Works.

EC-6093. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Rulemaking on Section 126 Petition from North Carolina to Reduce Interstate Transport of Fine Particulate Matter and Ozone; Federal Implementation Plans to Reduce Interstate Transport of Fine Particulate Matter and Ozone; Revisions to the Clean Air Interstate Rule; Revisions to the Acid Rain Program" (FRL No. 8047-5) received on March 27, 2006; to the Committee on Environment and Public Works.

EC-6094. A communication from the Acting Chair, Federal Subsistence Board, Fish and Wildlife Service, transmitting, pursuant to law, the report of a rule entitled "Subsistence Management Regulations for Public Lands in Alaska, Subpart C and D—2006-2007 Subsistence Taking of Fish and Shellfish Regulations" (RIN1018-AU05) received on March 27, 2006; to the Committee on Environment and Public Works.

EC-6095. A communication from the Acting Assistant Secretary for Fish, Wildlife and Parks, Fish and Wildlife Service, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for the Kootenai River Population of the White Sturgeon" (RIN1018-AU47) received on March 27, 2006; to the Committee on Environment and Public Works.

EC-6096. A communication from the Acting Assistant Secretary for Fish, Wildlife and Parks, Fish and Wildlife Service, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for *Brodiaea filifolia*" (RIN1018-AT75) received on March 27, 2006; to the Committee on Environment and Public Works.

EC-6097. A communication from the Assistant Secretary for Fish, Wildlife and Parks, Fish and Wildlife Service, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for *Atriplex coronata* var. *notator* (San Jacinto Valley crowscale)" (RIN1018-AJ11) received on March 27, 2006; to the Committee on Environment and Public Works.

## REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. STEVENS, from the Committee on Commerce, Science, and Transportation, without amendment:

S. 1102. A bill to extend the aviation war risk insurance program for 3 years (Rept. No. 109-223).

By Mr. STEVENS, from the Committee on Commerce, Science, and Transportation,

with an amendment in the nature of a substitute:

S. 1215. A bill to authorize the acquisition of interests in underdeveloped coastal areas in order better to ensure their protection from development (Rept. No. 109-224).

## EXECUTIVE REPORTS OF COMMITTEE

The following executive reports of committee were submitted:

By Mr. LUGAR, from the Committee on Foreign Relations:

[Treaty Doc. 109-5 Tax Convention with Bangladesh (Ex. Rept. 109-10)]

[Treaty Doc. 109-7 Protocol Amending Tax Convention on Inheritances with France (Ex. Rept. 109-11)]

[Treaty Doc. 109-8 Protocol Amending the Convention with Sweden on Taxes on Income (Ex. Rept. 109-12)]

[Treaty Doc. 109-4 Protocol Amending the Tax Convention with France (Ex. Rept. 109-9)]

The text of the committee-recommended resolutions of advice and consent to ratification are as follows:

### 109-4: PROTOCOL AMENDING THE TAX CONVENTION WITH FRANCE

*Resolved (two-thirds of the Senators present concurring therein),*

That the Senate advises and consents to the ratification of the Protocol Amending the Convention Between the Government of the United States of America and the Government of the French Republic for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income and Capital, signed at Paris on August 31, 1994.

### 109-5: TAX CONVENTION WITH BANGLADESH

*Resolved (two-thirds of the Senators present concurring therein),*

That the Senate advises and consents to the ratification of the Convention between the Government of the United States of America and the Government of Bangladesh for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income signed at Dhaka on September 26, 2004 with an exchange of notes enclosed.

### 109-7: PROTOCOL AMENDING TAX CONVENTION ON INHERITANCES WITH FRANCE

*Resolved (two-thirds of the Senators present concurring therein),*

That the Senate advises and consents to the ratification of the Protocol Amending the Convention Between the United States of America and the French Republic for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Estates, Inheritances, and Gifts signed at Washington on November 24, 1978.

### 109-8: PROTOCOL AMENDING THE CONVENTION WITH SWEDEN ON TAXES ON INCOME

*Resolved (two-thirds of the Senators present concurring therein),*

That the Senate advises and consents to the ratification of the Protocol Amending the Convention Between the Government of the United States of America and the Government of Sweden for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income signed at Washington on September 30, 2005.

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first

and second times by unanimous consent, and referred as indicated:

By Mr. PRYOR (for himself and Mrs. LINCOLN):

S. 2456. A bill to suspend temporarily the duty on Crotonaldehyde; to the Committee on Finance.

By Ms. SNOWE:

S. 2457. A bill to amend the Internal Revenue Code to provide incentives for supplying health insurance to employees of small employers, and for other purposes; to the Committee on Finance.

By Ms. STABENOW:

S. 2458. A bill to amend the Internal Revenue Code of 1986 to encourage college savings by providing a Federal income tax credit to match contributions to Coverdell education savings accounts, and for other purposes; to the Committee on Finance.

By Ms. COLLINS (for herself, Mrs. MURRAY, Mr. COLEMAN, and Mr. LIEBERMAN):

S. 2459. A bill to improve cargo security, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. MENENDEZ:

S. 2460. A bill to permit access to certain information in the Firearms Trace System database; to the Committee on the Judiciary.

## SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. HAGEL (for himself, Mr. AKAKA, Mr. BINGAMAN, Mr. BURNS, Ms. CANTWELL, Mr. COCHRAN, Mrs. DOLE, Mr. JOHNSON, Ms. LANDRIEU, Mr. REED, Mr. REID, and Ms. SNOWE):

S. Res. 405. A resolution designating August 16, 2006, as "National Airborne Day"; to the Committee on the Judiciary.

By Mr. FRIST (for himself and Mr. ALEXANDER):

S. Res. 406. A resolution congratulating Graceland on the occasion of its designation as a National Historic Landmark; considered and agreed to.

## ADDITIONAL COSPONSORS

S. 48

At the request of Mr. LAUTENBERG, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 48, a bill to reauthorize appropriations for the New Jersey Coastal Heritage Trail Route, and for other purposes.

S. 211

At the request of Mrs. CLINTON, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 211, a bill to facilitate nationwide availability of 2-1-1 telephone service for information and referral on human services, volunteer services, and for other purposes.

S. 237

At the request of Mr. LAUTENBERG, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 237, a bill to amend title 23, United States Code, to ensure that certain states remain eligible for Federal highway funds.

S. 368

At the request of Mr. BAUCUS, his name was added as a cosponsor of S. 368, a bill to provide assistance to reduce teen pregnancy, HIV/AIDS, and other sexually transmitted diseases and to support healthy adolescent development.

S. 418

At the request of Mr. ENZI, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 418, a bill to protect members of the Armed Forces from unscrupulous practices regarding sales of insurance, financial, and investment products.

S. 424

At the request of Mr. BOND, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 424, a bill to amend the Public Health Service Act to provide for arthritis research and public health, and for other purposes.

S. 440

At the request of Mr. BUNNING, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 440, a bill to amend title XIX of the Social Security Act to include podiatrists as physicians for purposes of covering physicians services under the medicaid program.

S. 484

At the request of Mr. WARNER, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 484, a bill to amend the Internal Revenue Code of 1986 to allow Federal civilian and military retirees to pay health insurance premiums on a pretax basis and to allow a deduction for TRICARE supplemental premiums.

S. 495

At the request of Mr. BROWNBACK, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 495, a bill to impose sanctions against perpetrators of crimes against humanity in Darfur, Sudan, and for other purposes.

S. 619

At the request of Mrs. FEINSTEIN, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 619, a bill to amend title II of the Social Security Act to repeal the Government pension offset and windfall elimination provisions.

S. 843

At the request of Mr. SANTORUM, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 843, a bill to amend the Public Health Service Act to combat autism through research, screening, intervention and education.

S. 1033

At the request of Mr. MCCAIN, the names of the Senator from Rhode Island (Mr. CHAFEE) and the Senator from Massachusetts (Mr. KERRY) were added as cosponsors of S. 1033, a bill to improve border security and immigration.

S. 1086

At the request of Mr. HATCH, the names of the Senator from Alabama

(Mr. SESSIONS) and the Senator from California (Mrs. BOXER) were added as cosponsors of S. 1086, a bill to improve the national program to register and monitor individuals who commit crimes against children or sex offenses.

S. 1112

At the request of Mr. GRASSLEY, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of S. 1112, a bill to make permanent the enhanced educational savings provisions for qualified tuition programs enacted as part of the Economic Growth and Tax Relief Reconciliation Act of 2001.

S. 1116

At the request of Mrs. CLINTON, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 1116, a bill to amend the Older Americans Act of 1965 to provide for mental health screening and treatment services, to amend the Public Health Service Act to provide for integration of mental health services and mental health treatment outreach teams, and for other purposes.

S. 1221

At the request of Mr. DAYTON, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 1221, a bill to amend chapter 81 of title 5, United States Code, to create a presumption that a disability or death of a Federal employee in fire protection activities caused by any of certain diseases is the result of the performance of such employee's duty.

S. 1343

At the request of Mr. REID, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 1343, a bill to support the establishment or expansion and operation of programs using a network of public and private community entities to provide mentoring for children in foster care.

S. 1488

At the request of Mr. VITTER, the name of the Senator from North Carolina (Mrs. DOLE) was added as a cosponsor of S. 1488, a bill to withhold funding from the United Nations if the United Nations abridges the rights provided by the Second Amendment to the Constitution, and for other purposes.

S. 1864

At the request of Mr. TALENT, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 1864, a bill to amend the Internal Revenue Code of 1986 to treat certain farming business machinery and equipment as 5-year property for purposes of depreciation.

S. 1899

At the request of Mr. DORGAN, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1899, a bill to amend the Indian Child Protection and Family Violence Prevention Act to identify and remove barriers to reducing child abuse, to provide for examinations of certain children, and for other purposes.

S. 1930

At the request of Mr. REID, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 1930, a bill to expand the research, prevention, and awareness activities of the National Institute of Diabetes and Digestive and Kidney Diseases and the Centers for Disease Control and Prevention with respect to inflammatory bowel disease.

S. 1948

At the request of Mr. BAUCUS, his name was added as a cosponsor of S. 1948, a bill to direct the Secretary of Transportation to issue regulations to reduce the incidence of child injury and death occurring inside or outside of passenger motor vehicles, and for other purposes.

S. 1955

At the request of Mr. ENZI, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 1955, a bill to amend title I of the Employee Retirement Security Act of 1974 and the Public Health Service Act to expand health care access and reduce costs through the creation of small business health plans and through modernization of the health insurance marketplace.

S. 2008

At the request of Ms. COLLINS, the name of the Senator from Ohio (Mr. DEWINE) was added as a cosponsor of S. 2008, a bill to improve cargo security, and for other purposes.

S. 2010

At the request of Mr. HATCH, the names of the Senator from Arkansas (Mr. PRYOR) and the Senator from New Jersey (Mr. LAUTENBERG) were added as cosponsors 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 name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor 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. 2087

At the request of Mr. CHAMBLISS, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 2087, a bill to amend the Immigration and Nationality Act to provide for the employment of foreign agricultural workers, and for other purposes.

S. 2201

At the request of Mr. OBAMA, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. 2201, a bill to amend title 49, United States Code, to modify the mediation and implementation requirements of section 40122 regarding

changes in the Federal Aviation Administration personnel management system, and for other purposes.

S. 2276

At the request of Mrs. FEINSTEIN, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 2276, a bill to provide for fairness for the Federal judiciary.

S. 2284

At the request of Mr. STEVENS, his name was added as a cosponsor of S. 2284, a bill to extend the termination date for the exemption of returning workers from the numerical limitations for temporary workers.

S. 2321

At the request of Mr. SANTORUM, the names of the Senator from Indiana (Mr. LUGAR), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Hawaii (Mr. INOUE) and the Senator from Massachusetts (Mr. KERRY) were added as cosponsors of S. 2321, a bill to require the Secretary of the Treasury to mint coins in commemoration of Louis Braille.

S. 2322

At the request of Mr. ENZI, the name of the Senator from New Mexico (Mr. DOMENICI) 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. 2339

At the request of Mr. COBURN, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 2339, a bill to reauthorize the HIV Health Care Services Program under title 26 of the Public Health Service Act.

S. 2370

At the request of Mr. MCCONNELL, the names of the Senator from Hawaii (Mr. AKAKA), the Senator from Nevada (Mr. ENSIGN), the Senator from Missouri (Mr. BOND), the Senator from Kansas (Mr. BROWNBACK), the Senator from Delaware (Mr. CARPER) and the Senator from Georgia (Mr. CHAMBLISS) were added as cosponsors of S. 2370, a bill to promote the development of democratic institutions in areas under the administrative control of the Palestinian Authority, and for other purposes.

S. 2382

At the request of Mr. DURBIN, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. 2382, a bill to establish a national health program administered by the Office of Personnel Management to offer health benefits plans to individuals who are not Federal employees, and for other purposes.

S. 2390

At the request of Mr. ENSIGN, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of S. 2390, a bill to provide a national innovation initiative.

S. 2400

At the request of Ms. COLLINS, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 2400, a bill to transfer authority to review certain mergers, acquisitions, and takeovers of United States entities by foreign entities to a designee established within the Department of Homeland Security, and for other purposes.

S. 2414

At the request of Mr. BAYH, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 2414, a bill to amend the Internal Revenue Code of 1986 to require broker reporting of customer's basis in securities transactions, and for other purposes.

S. 2429

At the request of Mr. BROWNBACK, his name was added as a cosponsor of S. 2429, a bill to authorize the President to waive the application of certain requirements under the Atomic Energy Act of 1954 with respect to India.

S. 2450

At the request of Mr. AKAKA, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 2450, a bill to strengthen national security by encouraging and assisting in the expansion and improvement of educational programs in order to meet critical needs at the elementary, secondary, and higher education levels, and for other purposes.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Ms. SNOWE:

S. 2457. A bill to amend the Internal Revenue Code to provide incentives for supplying health insurance to employees of small employers, and for other purposes; to the Committee on Finance.

Ms. SNOWE. Mr. President, I rise to introduce legislation that would address the crisis that faces small businesses when it comes to purchasing quality, affordable health insurance. This isn't a new crisis. Nearly 46 million Americans are uninsured, and we've now experienced double digit percentage increases in health insurance premiums in four of the past five years.

Last year, I introduced the Small Business Health Fairness Act, S. 406, which would allow small businesses to pool together, through national Association Health Plans, also known as Small Business Health Plans, SBHPs, to offer uniform health insurance products to their employees. Small businesses would receive the same benefits currently enjoyed by larger employers and union plans under Federal law.

I am encouraged by the considerable progress that has been made on SBHPs in this Senate. I would like to commend Senator MIKE ENZI for his continuing commitment to the SBHP issue, and for marking-up SBHP legislation in the Health, Education, Labor, and Pensions Committee. Plain and

simple, the Senate must take up—and pass—SBHP legislation to provide small businesses with much-needed, long-awaited relief.

While I continue to believe that SBHPs are a crucial solution to the small business health insurance crisis, we in Congress must look for other means by which to encourage small businesses to offer health insurance. I believe that we should do this by: 1. providing targeted tax incentives that encourage the smallest businesses to offer health insurance; and 2. using the tax code to inject much-needed competition in dysfunctional State small group markets.

The Small Business Health Insurance Relief Act of 2006 would achieve both of these objectives. First, I propose a targeted tax credit that would encourage our Nation's smallest businesses to offer health insurance as a workplace benefit.

Study after study tells us that the smallest businesses are the ones least likely to offer insurance and most in need of assistance. According to the Employee Benefit Research Institute, of the working uninsured, who make up 83 percent of our Nation's uninsured population, 60.6 percent either work for a small business with fewer than 100 employees or are self-employed.

Small businesses in my own State of Maine have it particularly bad. Last summer, the Maine Center for Economic Policy, MECEP, reported a 15 percent average premium increase for small businesses in Maine over the past three years. The MECEP report also highlighted several other alarming trends: Half of the small businesses surveyed raised deductibles over the past three years. Over one quarter have either increased co-payments or reduced coverage, or have delayed pay raises to cover increased costs. Eight percent of Maine's small businesses have dropped health coverage entirely.

Furthermore, coverage trends for small businesses are getting worse, not better. According to the Kaiser Family Foundation's Employer Health Benefits 2005 Annual Survey: only 47 percent of the smallest employers, those with 3 to 9 workers, now offer health insurance as a workplace benefit. This is down from 52 percent in 2004, and 58 percent in 2002. In sharp contrast, 98 percent of larger businesses, those with 200 or more workers, offer health insurance as a benefit.

The targeted tax incentives in my bill would help ensure that our Nation's smallest businesses can offer health insurance—in the same way that larger businesses currently do. My legislation targets small businesses with 50 or fewer employees because these are the small businesses most desperately in need. The maximum tax credit under the proposal would be \$1,500 for single coverage and \$3,000 for family coverage. The tax credit would phase out as a business increases in size. Notably, my proposal is neutral between types of insurance: small businesses and their employees can choose



what works best for them—traditional employer-sponsored health insurance or health savings accounts, HSAs.

Under my legislation, a small business with five employees would be eligible for a per-participant tax credit of \$3,000 for a family health insurance plan, and a potential total tax credit of \$15,000. Small businesses cite escalating cost as the number one impediment to providing health insurance. Putting \$15,000 in the hands of a small business owner could certainly help to overcome this barrier.

My proposal would also allow small businesses to establish cafeteria tax plans so that they can provide their employees with nontaxable benefits. Under current law, many larger businesses and the Federal Government enable their employees to purchase health insurance and other qualified benefits with tax-free dollars. However, small businesses face difficulty in offering cafeteria plans because they must satisfy strict nondiscrimination rules under the tax code. Although these non-discrimination rules serve a legitimate purpose, many small businesses simply cannot satisfy those mechanical rules because, through no fault of their own, they have relatively few employees and a high proportion of owners considered highly compensated individuals. This makes it difficult for small firms to offer benefits through a cafeteria plan.

It is vital that we allow small businesses to offer their employees nontaxable benefits so that they can effectively compete with their larger counterparts. Small businesses are the engine that drives economic growth and job creation, and it is critical that we put them on an equal footing with large businesses in the quest for talent.

Second, my legislation also would provide a necessary reform of the State small group health insurance markets. Plain and simple, there is no competition in the small group market, and coverage and affordability are real problems. I recently requested, along with Senators CHRISTOPHER BOND and JIM TALENT, that the Government Accountability Office, GAO, survey: 1. the number of insurance carriers licensed in the small group market; 2. the largest carriers and their market share; 3. the market share of the five largest carriers in the small group market; and 4. the combined market share of all Blue Cross and Blue Shield, BCBS, carriers in each State.

The GAO reported a frightening consolidation of control over State insurance markets. The five largest carriers now have more than 75 percent market share in 26 States, up from 19 in 2002, and more than 90 percent market share in 12 States, as opposed to 7 in 2002. In Maine, BCBS carriers now have a 63 percent market share, up from 39.1 percent in 2002, and the five largest carriers have a 98 percent share. Across the country, BCBS carriers now control 44 percent of small group market, up from 34 percent in 2002.

To counter this market consolidation, my legislation would provide insurers with a 50 percent tax deduction for claims and expenses incurred in serving the small group market and Small Business Health Plans, SBHPs. I believe this incentive will serve as a powerful motivator for new insurers to enter this dysfunctional marketplace.

My legislation would reduce barriers insurance companies face in entering new markets. Specifically, it would provide a tax credit to defray the cost of State licensing requirements. Under the proposal, an insurer can claim a tax credit of the lesser of 50 percent of qualified costs or \$10,000 to cover the administrative costs and expenses incurred in satisfying State licensing requirements. Available with respect to each State in which an insurer operates, this incentive should encourage a host of insurers to provide products in the State small group market.

Finally, my legislation would establish a pilot grant program for Small Business Development Centers to provide educational programs to small businesses designed to increase awareness regarding health insurance options available in their areas. Recent research has found that with a short, less than 10 minute education session, organizations can increase small business knowledge and interest in offering health insurance by about 33 percent.

Together with SBHP legislation, I believe that these proposals could help to solve the small business health insurance crisis. I look forward to working in a bipartisan fashion, with my colleagues on both the Finance and HELP Committees to push these proposals through the Senate.

The time for words has long passed. Now is a time for action. The Senate must take action this year to provide small businesses with much-needed relief.

I ask unanimous consent that the text of my 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. 2457

*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 “Small Business Health Insurance Relief Act of 2006”.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

#### TITLE I—HEALTH CARE COVERAGE TAX INCENTIVES FOR SMALL BUSINESSES

##### Subtitle A—Credit for Provision of Health Insurance

Sec. 101. Credit for health care contributions by small business employers.

##### Subtitle B—Simple Cafeteria Plans

Sec. 111. Establishment of simple cafeteria plans for small businesses.

Sec. 112. Modifications of rules applicable to cafeteria plans.

Sec. 113. Modification of rules applicable to flexible spending arrangements.

##### Subtitle C—Incentives for Insurance Companies

Sec. 121. Special deduction for certain health insurance companies in the small group market.

Sec. 122. Credit for licensing costs of certain health insurance companies.

#### TITLE II—SMALL BUSINESS HEALTH INSURANCE INFORMATION PILOT PROGRAM

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#### TITLE I—HEALTH CARE COVERAGE TAX INCENTIVES FOR SMALL BUSINESSES

##### Subtitle A—Credit for Provision of Health Insurance

#### SEC. 101. CREDIT FOR HEALTH CARE CONTRIBUTIONS BY SMALL BUSINESS EMPLOYERS.

(a) IN GENERAL.—Subpart B of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to other credits) is amended by adding at the end the following new section:

##### “SEC. 30D. SMALL EMPLOYER HEALTH CARE CONTRIBUTIONS.

“(a) GENERAL RULE.—In the case of an eligible employer, there shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to the applicable percentage of the sum of—

“(1) the amounts contributed by such employer for qualified health insurance coverage with respect to any full-time employee during the taxable year, plus

“(2) the amounts contributed by such employer to any health savings account (as defined in section 223(d)) of any full-time employee who is an eligible individual (as defined in section 223(c)(1)) during the taxable year.

“(b) LIMITATIONS.—

“(1) IN GENERAL.—The amount of the credit allowed under subsection (a) with respect to any employee for any taxable year shall not exceed—

“(A) in the case of an employee with self-only coverage, \$1,500, and

“(B) in the case of an employee with family coverage, \$3,000.

“(2) LIMITATION ON PREMIUMS.—The amount taken into account under subsection (a)(1) with respect to any employee for any taxable year shall not exceed an amount equal to the product of—

“(A) \$1,500 (\$3,000 if coverage for all months described in subparagraph (B)(i) is family coverage), and

“(B) a fraction—

“(i) the numerator of which is the number of months during the taxable year for which such employee participated in qualified health insurance coverage, and

“(ii) the denominator of which is the number of months in the taxable year.

“(3) LIMITATION ON HSA CONTRIBUTIONS.—The amount taken into account under subsection (a)(2) with respect to any employee for any taxable year shall not exceed an amount equal to the product of—

“(A) \$1,500 (\$3,000 if coverage for all months described in subparagraph (B)(i) is family coverage), and

“(B) a fraction—

“(i) the numerator of which is the number of months that the employee was covered under a high deductible health plan (as defined under section 223(c)(2)) maintained by the employer, and

“(ii) the denominator of which is the number of months in the taxable year.

“(c) APPLICABLE PERCENTAGE.—For purposes of subsection (a), the applicable percentage shall be—



“(1) in the case of an eligible employer with less than 10 employees, 100 percent,

“(2) in the case of an eligible employer with more than 9 employees but less than 20 employees, 80 percent,

“(3) in the case of an eligible employer with more than 19 employees but less than 30 employees, 60 percent,

“(4) in the case of an eligible employer with more than 29 employees but less than 40 employees, 40 percent, and

“(5) in the case of an eligible employer with more than 39 employees, 20 percent.

“(d) ELIGIBLE EMPLOYER.—For purposes of this section, the term ‘eligible employer’ means, with respect to any taxable year, an employer—

“(1) with 50 or fewer employees, and

“(2) whose average annual gross receipts for the 3-taxable year period ending with the taxable year preceding such taxable year does not exceed \$10,000,000.

“(e) QUALIFIED HEALTH INSURANCE COVERAGE.—For purposes of this section, the term ‘qualified health insurance coverage’ means health insurance coverage purchased or provided by an eligible employer. Such term includes health insurance coverage purchased through a small business health plan (as defined in section 833(b)(4)(C)).

“(f) SPECIAL RULES.—For purposes of this section—

“(1) DETERMINATION OF NUMBER OF EMPLOYEES.—

“(A) IN GENERAL.—The number of employees of an employer with respect to any year shall be determined by the using the average number of full-time employees of the employer on business days during the 2 preceding years. For purposes of this subparagraph, a year may only be taken into account if the employer was in existence throughout the year.

“(B) EMPLOYERS NOT IN EXISTENCE IN PRECEDING YEAR.—In the case of an employer which was not in existence throughout the preceding calendar year, the determination under subparagraph (A) shall be based on the average number of full-time employees that it is reasonably expected such employer will employ on business days in the current calendar year.

“(C) SPECIAL RULES.—

“(i) PREDECESSORS.—Any reference in this paragraph to an employer shall include a reference to any predecessor of such employer.

“(ii) AGGREGATION RULES.—All persons treated as a single employer under subsection (a) or (b) of section 52, or subsection (n) or (o) of section 414, shall be treated as one person.

“(2) SELF-EMPLOYED INDIVIDUAL TREATED AS EMPLOYEE.—For purposes of this section, rules similar to the rules of section 401(c) shall apply.

“(3) SALARY REDUCTION CONTRIBUTIONS.—For purposes of subsection (a)(1), amounts contributed under a cafeteria plan under section 125 shall not be considered to be amounts contributed by the eligible employer for qualified health insurance coverage.

“(4) DISALLOWANCE OF DEDUCTION.—No deduction shall be allowed for the taxable year for that portion of amounts contributed for qualified health insurance coverage and to health savings accounts during the taxable year which is equal to the credit determined under subsection (a).

“(5) 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.

“(6) SPECIAL RULE FOR MARRIED INDIVIDUALS.—For purposes of subsection (b)(2), rules similar to the rules of section 223(b)(5) (other than subparagraph (B)(i) thereof) shall apply.

“(g) CARRYOVER OF UNUSED CREDIT AMOUNTS.—

“(1) IN GENERAL.—If the credit allowable under subsection (a) for a taxable year exceeds the limitation under paragraph (1) for such taxable year, such excess shall be allowed—

“(A) as a credit carryback to each of the 3 taxable years preceding such year, and

“(B) as a credit carryforward to each of the 10 taxable years following such year.

“(2) AMOUNT CARRIED TO EACH YEAR.—For purposes of this paragraph, rules similar to the rules of section 39(a)(2) shall apply.

“(h) COST-OF-LIVING ADJUSTMENTS.—

“(1) LIMITATION.—In the case of taxable years beginning after 2007, each of the \$1,500 and \$3,000 amounts under subsection (b) shall each be increased by an amount equal to—

“(A) such dollar amount, multiplied by

“(B) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, determined by substituting ‘2006’ for ‘1992’ in subparagraph (B) thereof.

If any dollar amount as increased under this clause is not a multiple of \$100, such dollar amount shall be rounded to the next lowest multiple of \$100.

“(2) ELIGIBLE EMPLOYER.—In the case of taxable years beginning after 2007, the \$10,000,000 amount under subsection (d)(2) shall be increased by an amount equal to—

“(A) \$10,000,000, multiplied by

“(B) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, determined by substituting ‘2006’ for ‘1992’ in subparagraph (B) thereof.

If any dollar amount as increased under this clause is not a multiple of \$100,000, such dollar amount shall be rounded to the next lowest multiple of \$100.

“(i) REGULATIONS.—The Secretary shall promulgate regulations to prevent employer contributions to health savings accounts under subsection (a)(2) to be used for purposes other than qualified medical expenses (as defined in section 223(d)(2)).”

(b) CONFORMING AMENDMENT.—Section 6501(m) of the Internal Revenue Code of 1986 is amended by inserting “30D(f)(5),” after “30C(e)(4).”

(c) CLERICAL AMENDMENT.—The table of sections for subpart B of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by inserting after the item relating to section 30C the following new item:

“Sec. 30D. Small employer health care contributions.”

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to contributions made in taxable years beginning after December 31, 2006.

#### Subtitle B—Simple Cafeteria Plans

### SEC. 111. ESTABLISHMENT OF SIMPLE CAFETERIA PLANS FOR SMALL BUSINESSES.

(a) IN GENERAL.—Section 125 of the Internal Revenue Code of 1986 (relating to cafeteria plans) is amended by redesignating subsections (h) and (i) as subsections (i) and (j), respectively, and by inserting after subsection (g) the following new subsection:

“(h) SIMPLE CAFETERIA PLANS FOR SMALL BUSINESSES.—

“(1) IN GENERAL.—An eligible employer maintaining a simple cafeteria plan with respect to which the requirements of this subsection are met for any year shall be treated as meeting any applicable nondiscrimination requirement with respect to benefits provided under the plan during such year.

“(2) SIMPLE CAFETERIA PLAN.—For purposes of this subsection, the term ‘simple cafeteria plan’ means a cafeteria plan—

“(A) which is established and maintained by an eligible employer, and

“(B) with respect to which the contribution requirements of paragraph (3), and the eligibility and participation requirements of paragraph (4), are met.

“(3) CONTRIBUTIONS REQUIREMENTS.—

“(A) IN GENERAL.—The requirements of this paragraph are met if, under the plan—

“(i) the employer makes matching contributions on behalf of each employee who is eligible to participate in the plan and who is not a highly compensated or key employee in an amount equal to the elective plan contributions of the employee to the plan to the extent the employee’s elective plan contributions do not exceed 3 percent of the employee’s compensation, or

“(ii) the employer is required, without regard to whether an employee makes any elective plan contribution, to make a contribution to the plan on behalf of each employee who is not a highly compensated or key employee and who is eligible to participate in the plan in an amount equal to at least 2 percent of the employee’s compensation.

“(B) MATCHING CONTRIBUTIONS ON BEHALF

OF HIGHLY COMPENSATED AND KEY EMPLOYEES.—The requirements of subparagraph (A)(i) shall not be treated as met if, under the plan, the rate of matching contribution with respect to any elective plan contribution of a highly compensated or key employee at any rate of contribution is greater than that with respect to an employee who is not a highly compensated or key employee.

“(C) SPECIAL RULES.—

“(i) TIME FOR MAKING CONTRIBUTIONS.—An employer shall not be treated as failing to meet the requirements of this paragraph with respect to any elective plan contributions of any compensation, or employer contributions required under this paragraph with respect to any compensation, if such contributions are made no later than the 15th day of the month following the last day of the calendar quarter which includes the date of payment of the compensation.

“(ii) FORM OF CONTRIBUTIONS.—Employer contributions required under this paragraph may be made either to the plan to provide benefits offered under the plan or to any person as payment for providing benefits offered under the plan.

“(iii) ADDITIONAL CONTRIBUTIONS.—Subject to subparagraph (B), nothing in this paragraph shall be treated as prohibiting an employer from making contributions to the plan in addition to contributions required under subparagraph (A).

“(D) DEFINITIONS.—For purposes of this paragraph—

“(i) ELECTIVE PLAN CONTRIBUTION.—The term ‘elective plan contribution’ means any amount which is contributed at the election of the employee and which is not includible in gross income by reason of this section.

“(ii) HIGHLY COMPENSATED EMPLOYEE.—The term ‘highly compensated employee’ has the meaning given such term by section 414(q).

“(iii) KEY EMPLOYEE.—The term ‘key employee’ has the meaning given such term by section 416(i).

“(4) MINIMUM ELIGIBILITY AND PARTICIPATION REQUIREMENTS.—

“(A) IN GENERAL.—The requirements of this paragraph shall be treated as met with respect to any year if, under the plan—

“(i) all employees who had at least 1,000 hours of service for the preceding plan year are eligible to participate, and

“(ii) each employee eligible to participate in the plan may, subject to terms and conditions applicable to all participants, elect any benefit available under the plan.

“(B) CERTAIN EMPLOYEES MAY BE EXCLUDED.—For purposes of subparagraph

(A)(i), an employer may elect to exclude under the plan employees—

“(i) who have less than 1 year of service with the employer as of any day during the plan year,

“(ii) who have not attained the age of 21 before the close of a plan year,

“(iii) who are covered under an agreement which the Secretary of Labor finds to be a collective bargaining agreement if there is evidence that the benefits covered under the cafeteria plan were the subject of good faith bargaining between employee representatives and the employer, or

“(iv) who are described in section 410(b)(3)(C) (relating to nonresident aliens working outside the United States).

A plan may provide a shorter period of service or younger age for purposes of clause (i) or (ii).

“(5) ELIGIBLE EMPLOYER.—For purposes of this subsection—

“(A) IN GENERAL.—The term ‘eligible employer’ means, with respect to any year, any employer if such employer employed an average of 100 or fewer employees on business days during either of the 2 preceding years. For purposes of this subparagraph, a year may only be taken into account if the employer was in existence throughout the year.

“(B) EMPLOYERS NOT IN EXISTENCE DURING PRECEDING YEAR.—If an employer was not in existence throughout the preceding year, the determination under subparagraph (A) shall be based on the average number of employees that it is reasonably expected such employer will employ on business days in the current year.

“(C) GROWING EMPLOYERS RETAIN TREATMENT AS SMALL EMPLOYER.—If—

“(i) an employer was an eligible employer for any year (a ‘qualified year’), and

“(ii) such employer establishes a simple cafeteria plan for its employees for such year, then, notwithstanding the fact the employer fails to meet the requirements of subparagraph (A) for any subsequent year, such employer shall be treated as an eligible employer for such subsequent year with respect to employees (whether or not employees during a qualified year) of any trade or business which was covered by the plan during any qualified year. This subparagraph shall cease to apply if the employer employs an average of 200 more employees on business days during any year preceding any such subsequent year.

“(D) SPECIAL RULES.—

“(i) PREDECESSORS.—Any reference in this paragraph to an employer shall include a reference to any predecessor of such employer.

“(ii) AGGREGATION RULES.—All persons treated as a single employer under subsection (a) or (b) of section 52, or subsection (n) or (o) of section 414, shall be treated as one person.

“(6) APPLICABLE NONDISCRIMINATION REQUIREMENT.—For purposes of this subsection, the term ‘applicable nondiscrimination requirement’ means any requirement under subsection (b) of this section, section 79(d), section 105(h), or paragraph (2), (3), (4), or (8) of section 129(d).

“(7) COMPENSATION.—The term ‘compensation’ has the meaning given such term by section 414(s).”

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to years beginning after December 31, 2006.

#### SEC. 112. MODIFICATIONS OF RULES APPLICABLE TO CAFETERIA PLANS.

(a) APPLICATION TO SELF-EMPLOYED INDIVIDUALS.—

(1) IN GENERAL.—Section 125(d) of the Internal Revenue Code of 1986 (defining cafeteria plan) is amended by adding at the end the following new paragraph:

“(3) EMPLOYEE TO INCLUDE SELF-EMPLOYED.—

“(A) IN GENERAL.—The term ‘employee’ includes an individual who is an employee within the meaning of section 401(c)(1) (relating to self-employed individuals).

“(B) LIMITATION.—The amount which may be excluded under subsection (a) with respect to a participant in a cafeteria plan by reason of being an employee under subparagraph (A) shall not exceed the employee’s earned income (within the meaning of section 401(c)) derived from the trade or business with respect to which the cafeteria plan is established.”

(2) APPLICATION TO BENEFITS WHICH MAY BE PROVIDED UNDER CAFETERIA PLAN.—

(A) GROUP-TERM LIFE INSURANCE.—Section 79 of such Code (relating to group-term life insurance provided to employees) is amended by adding at the end the following new subsection:

“(f) EMPLOYEE INCLUDES SELF-EMPLOYED.—

“(1) IN GENERAL.—For purposes of this section, the term ‘employee’ includes an individual who is an employee within the meaning of section 401(c)(1) (relating to self-employed individuals).

“(2) LIMITATION.—The amount which may be excluded under the exceptions contained in subsection (a) or (b) with respect to an individual treated as an employee by reason of paragraph (1) shall not exceed the employee’s earned income (within the meaning of section 401(c)) derived from the trade or business with respect to which the individual is so treated.”

(B) ACCIDENT AND HEALTH PLANS.—Section 105(g) of such Code is amended to read as follows:

“(g) EMPLOYEE INCLUDES SELF-EMPLOYED.—

“(1) IN GENERAL.—For purposes of this section, the term ‘employee’ includes an individual who is an employee within the meaning of section 401(c)(1) (relating to self-employed individuals).

“(2) LIMITATION.—The amount which may be excluded under this section by reason of subsection (b) or (c) with respect to an individual treated as an employee by reason of paragraph (1) shall not exceed the employee’s earned income (within the meaning of section 401(c)) derived from the trade or business with respect to which the accident or health insurance was established.”

(C) CONTRIBUTIONS BY EMPLOYERS TO ACCIDENT AND HEALTH PLANS.—

(i) IN GENERAL.—Section 106 of such Code, as amended by subsection (b), is amended by adding after subsection (b) the following new subsection:

“(c) EMPLOYER TO INCLUDE SELF-EMPLOYED.—

“(1) IN GENERAL.—For purposes of this section, the term ‘employee’ includes an individual who is an employee within the meaning of section 401(c)(1) (relating to self-employed individuals).

“(2) LIMITATION.—The amount which may be excluded under subsection (a) with respect to an individual treated as an employee by reason of paragraph (1) shall not exceed the employee’s earned income (within the meaning of section 401(c)) derived from the trade or business with respect to which the accident or health insurance was established.”

(ii) CLARIFICATION OF LIMITATIONS ON OTHER COVERAGE.—The first sentence of section 162(l)(2)(B) is amended to read as follows:

“Paragraph (1) shall not apply to any taxpayer for any calendar month for which the taxpayer participates in any subsidized health plan maintained by any employer (other than an employer described in section 401(c)(4)) of the taxpayer or the spouse of the taxpayer.”

(b) LONG-TERM CARE INSURANCE PERMITTED TO BE OFFERED UNDER CAFETERIA PLANS AND FLEXIBLE SPENDING ARRANGEMENTS.—

(1) CAFETERIA PLANS.—The last sentence of section 125(f) of the Internal Revenue Code of 1986 (defining qualified benefits) is amended to read as follows: “Such term shall include the payment of premiums for any qualified long-term care insurance contract (as defined in section 7702B) to the extent the amount of such payment does not exceed the eligible long-term care premiums (as defined in section 213(d)(10)) for such contract.”

(2) FLEXIBLE SPENDING ARRANGEMENTS.—Section 106 of such Code (relating to contributions by employer to accident and health plans) is amended by striking subsection (c).

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2006.

#### SEC. 113. MODIFICATION OF RULES APPLICABLE TO FLEXIBLE SPENDING ARRANGEMENTS.

(a) IN GENERAL.—Section 125 of the Internal Revenue Code of 1986, as amended by section 111, is amended by redesignating subsections (i) and (j) as subsections (j) and (k), respectively, and by inserting after subsection (h) the following new subsection:

“(i) SPECIAL RULES APPLICABLE TO FLEXIBLE SPENDING ARRANGEMENTS.—

“(1) IN GENERAL.—For purposes of this title, a plan or other arrangement shall not fail to be treated as a flexible spending or similar arrangement solely because under the plan or arrangement—

“(A) the amount of the reimbursement for covered expenses at any time may not exceed the balance in the participant’s account for the covered expenses as of such time,

“(B) except as provided in paragraph (4)(A)(ii), a participant may elect at any time specified by the plan or arrangement to make or modify any election regarding the covered benefits, or the level of covered benefits, of the participant under the plan, and

“(C) a participant is permitted access to any unused balance in the participant’s accounts under such plan or arrangement in the manner provided under paragraph (2) or (3).

“(2) CARRYOVERS AND ROLLOVERS OF UNUSED BENEFITS IN HEALTH AND DEPENDENT CARE ARRANGEMENTS.—

“(A) IN GENERAL.—A plan or arrangement may permit a participant in a health flexible spending arrangement or dependent care flexible spending arrangement to elect—

“(i) to carry forward any aggregate unused balances in the participant’s accounts under such arrangement as of the close of any year to the succeeding year, or

“(ii) to have such balance transferred to a plan described in subparagraph (E).

Such carryforward or transfer shall be treated as having occurred within 30 days of the close of the year.

“(B) DOLLAR LIMIT ON CARRYFORWARDS.—

“(i) IN GENERAL.—The amount which a participant may elect to carry forward under subparagraph (A)(i) from any year shall not exceed \$500. For purposes of this paragraph, all plans and arrangements maintained by an employer or any related person shall be treated as 1 plan.

“(ii) COST-OF-LIVING ADJUSTMENT.—In the case of any taxable year beginning in a calendar year after 2007, the \$500 amount under clause (i) shall be increased by an amount equal to—

“(I) \$500, multiplied by

“(II) the cost-of-living adjustment determined under section 1(f)(3) for such calendar year, determined by substituting ‘2006’ for ‘1992’ in subparagraph (B) thereof.

If any dollar amount as increased under this clause is not a multiple of \$100, such amount

shall be rounded to the next lowest multiple of \$100.

“(C) EXCLUSION FROM GROSS INCOME.—No amount shall be required to be included in gross income under this chapter by reason of any carryforward or transfer under this paragraph.

“(D) COORDINATION WITH LIMITS.—

“(i) CARRYFORWARDS.—The maximum amount which may be contributed to a health flexible spending arrangement or dependent care flexible spending arrangement for any year to which an unused amount is carried under this paragraph shall be reduced by such amount.

“(ii) ROLLOVERS.—Any amount transferred under subparagraph (A)(ii) shall be treated as an eligible rollover under section 219, 223(f)(5), 401(k), 403(b), or 457, whichever is applicable, except that—

“(I) the amount of the contributions which a participant may make to the plan under any such section for the taxable year including the transfer shall be reduced by the amount transferred, and

“(II) in the case of a transfer to a plan described in clause (ii) or (iii) of subparagraph (E), the transferred amounts shall be treated as elective deferrals for such taxable year.

“(E) PLANS.—A plan is described in this subparagraph if it is—

“(i) an individual retirement plan,

“(ii) a qualified cash or deferred arrangement described in section 401(k),

“(iii) a plan under which amounts are contributed by an individual's employer for an annuity contract described in section 403(b),

“(iv) an eligible deferred compensation plan described in section 457, or

“(v) a health savings account described in section 223.

“(3) DISTRIBUTION UPON TERMINATION.—

“(A) IN GENERAL.—A plan or arrangement may permit a participant (or any designated heir of the participant) to receive a cash payment equal to the aggregate unused account balances in the plan or arrangement as of the date the individual is separated (including by death or disability) from employment with the employer maintaining the plan or arrangement.

“(B) INCLUSION IN INCOME.—Any payment under subparagraph (A) shall be includible in gross income for the taxable year in which such payment is distributed to the employee.

“(4) TERMS RELATING TO FLEXIBLE SPENDING ARRANGEMENTS.—

“(A) FLEXIBLE SPENDING ARRANGEMENTS.—

“(i) IN GENERAL.—For purposes of this subsection, a flexible spending arrangement is a benefit program which provides employees with coverage under which specified incurred expenses may be reimbursed (subject to reimbursement maximums and other reasonable conditions).

“(ii) ELECTIONS REQUIRED.—A plan or arrangement shall not be treated as a flexible spending arrangement unless a participant may at least 4 times during any year make or modify any election regarding covered benefits or the level of covered benefits.

“(B) HEALTH AND DEPENDENT CARE ARRANGEMENTS.—The terms ‘health flexible spending arrangement’ and ‘dependent care flexible spending arrangement’ means any flexible spending arrangement (or portion thereof) which provides payments for expenses incurred for medical care (as defined in section 213(d)) or dependent care (within the meaning of section 129), respectively.”

(b) CONFORMING AMENDMENT.—

(1) The heading for section 125 of the Internal Revenue Code of 1986 is amended by inserting

“AND FLEXIBLE SPENDING ARRANGEMENTS” after “PLANS”.

(2) The item relating to section 125 of such Code in the table of sections for part III of

subchapter B of chapter 1 is amended by inserting “and flexible spending arrangements” after “plans”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to years beginning after December 31, 2006.

#### Subtitle C—Incentives for Insurance Companies

#### SEC. 121. SPECIAL DEDUCTION FOR CERTAIN HEALTH INSURANCE COMPANIES IN THE SMALL GROUP MARKET.

(a) IN GENERAL.—Section 833 of the Internal Revenue Code of 1986 is amended to read as follows:

#### “SEC. 833. SPECIAL DEDUCTION FOR HEALTH INSURANCE RELATED TO SMALL GROUP COVERAGE AND SMALL BUSINESS HEALTH PLANS.

“(a) GENERAL RULE.—In the case of any insurance company other than a life insurance company, the deduction determined under subsection (b) for any taxable year shall be allowed.

“(b) AMOUNT OF DEDUCTION.—

“(1) IN GENERAL.—Except as provided in paragraph (2), the deduction determined under this subsection for any taxable year is the excess (if any) of—

“(A) 50 percent of the claims incurred during the taxable year and liabilities incurred during the taxable year under cost-plus contracts, over

“(B) the adjusted surplus as of the beginning of the taxable year.

“(2) LIMITATION.—The deduction determined under paragraph (1) for any taxable year shall not exceed taxable income for such taxable year (determined without regard to such deduction).

“(3) ADJUSTED SURPLUS.—For purposes of this subsection—

“(A) IN GENERAL.—The adjusted surplus as of the beginning of any taxable year is an amount equal to the adjusted surplus as of the beginning of the preceding taxable year—

“(i) increased by the amount of any adjusted taxable income for such preceding taxable year, or

“(ii) decreased by the amount of any adjusted net operating loss for such preceding taxable year.

“(B) SPECIAL RULE.—The adjusted surplus as of the beginning of the organization's 1st taxable year beginning after December 31, 2006, shall be its surplus as of such time. For purposes of the preceding sentence, the term ‘surplus’ means the excess of the total assets over the total liabilities as shown on the annual statement.

“(C) ADJUSTED TAXABLE INCOME.—The term ‘adjusted taxable income’ means taxable income determined—

“(i) without regard to the deduction determined under this subsection,

“(ii) without regard to any carryforward or carryback to such taxable year, and

“(iii) by increasing gross income by an amount equal to the net exempt income for the taxable year.

“(D) ADJUSTED NET OPERATING LOSS.—The term ‘adjusted net operating loss’ means the net operating loss for any taxable year determined with the adjustments set forth in subparagraph (C).

“(E) NET EXEMPT INCOME.—The term ‘net exempt income’ means—

“(i) any tax-exempt interest received or accrued during the taxable year, reduced by any amount (not otherwise deductible) which would have been allowable as a deduction for the taxable year if such interest were not tax-exempt, and

“(ii) the aggregate amount allowed as a deduction for the taxable year under sections 243, 244, and 245.

The amount determined under clause (ii) shall be reduced by the amount of any decrease in deductions allowable for the taxable year by reason of section 832(b)(5)(B) to

the extent such decrease is attributable to deductions under sections 243, 244, and 245.

“(4) ONLY CERTAIN HEALTH-RELATED ITEMS TAKEN INTO ACCOUNT.—

“(A) IN GENERAL.—Any determination under this subsection shall be made by only taking into account items attributable to the qualified health-related business of the taxpayer.

“(B) QUALIFIED HEALTH RELATED BUSINESS.—For purposes of this paragraph, the term ‘qualified health-related business’ means health-related business which is attributable to—

“(i) the small group market (as defined under section 2791(e)(6) of the Public Health Service Act), and

“(ii) small business health plans.

“(C) SMALL BUSINESS HEALTH PLAN.—

“(i) IN GENERAL.—For purposes of this section, the term ‘small business health plan’ means a group health plan whose sponsor is (or is deemed under this section to be) described in clause (ii).

“(ii) SPONSORSHIP.—The sponsor of a group health plan is described in this clause if such sponsor—

“(I) is organized and maintained in good faith, with a constitution and bylaws specifically stating its purpose and providing for periodic meetings on at least an annual basis, as a bona fide trade association, a bona fide industry association (including a rural electric cooperative association or a rural telephone cooperative association), a bona fide professional association, a bona fide chamber of commerce (or similar bona fide business association, including a corporation or similar organization that operates on a cooperative basis (within the meaning of section 1381)), or a bona fide labor union, for substantial purposes other than that of obtaining or providing medical care,

“(II) is established as a permanent entity which receives the active support of its members and requires for membership payment on a periodic basis of dues or payments necessary to maintain eligibility for membership in the sponsor, and

“(III) does not condition membership, such dues or payments, or coverage under the plan on the basis of health status-related factors with respect to the employees of its members (or affiliated members), or the dependents of such employees, and does not condition such dues or payments on the basis of group health plan participation.

Any sponsor consisting of an association of entities which meet the requirements of subclause (I), (II), and (III) shall be deemed to be a sponsor described in this clause.”

(b) CONFORMING AMENDMENT.—The table of section for part II of subchapter L of chapter 1 of the Internal Revenue Code of 1986 is amended by striking the item relating to section 833 and inserting the following:

“Sec. 833. Special deduction for health insurance related to small group coverage.”

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2006.

#### SEC. 122. CREDIT FOR LICENSING COSTS OF CERTAIN HEALTH INSURANCE COMPANIES.

(a) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to business related credits) is amended by adding at the end the following new section:

#### “SEC. 45N. HEALTH INSURANCE LICENSING CREDIT.

“(a) DETERMINATION OF AMOUNT.—For purposes of section 38, the health insurance licensing credit determined under this section

with respect to any eligible entity for any taxable year is an amount equal to the qualified licensing costs paid or incurred by such eligible entity in each State during the taxable year.

“(b) **LIMITATION.**—The qualified licensing costs taken into account under subsection (a) with respect to any State for any taxable year shall not exceed the lesser of—

“(1) 50 percent of qualified licensing costs paid or incurred by such eligible entity with respect to such State during the taxable year, or

“(2) \$10,000.

“(c) **ELIGIBLE ENTITY.**—For purposes of this section, the term ‘eligible entity’ means an insurance company (as defined in section 816(a)) other than life which conducts qualified health-related business during the taxable year in the State in which the qualifying licensing costs are incurred.

“(d) **QUALIFIED LICENSING COSTS.**—For purposes of this section, the term ‘qualified licensing costs’ means costs in connection with satisfying State licensing requirements related to conducting a qualified health-related business in such State.

“(e) **QUALIFIED HEALTH-RELATED BUSINESS.**—For purposes of this section, the term ‘qualified health-related business’ has the meaning given such term under section 833(b)(4).

“(f) **REGULATIONS.**—Not later than 6 months after the date of the enactment of this section, the Secretary shall promulgate regulations on allocating qualified licensing costs between a qualified health-related business and other businesses of an eligible entity.

“(g) **TERMINATION.**—This section shall not apply to costs paid or incurred in taxable years beginning after December 31, 2011.”

(b) **CREDIT TREATED AS BUSINESS CREDIT.**—Section 38(b) of the Internal Revenue Code of 1986 (relating to current year business credit) is amended by striking “and” at the end of paragraph (28), by striking the period at the end of paragraph (29) and inserting “, plus”, and by adding at the end the following new paragraph:

“(30) the health insurance licensing credit determined under section 45N(a).”

(c) **CLERICAL AMENDMENT.**—The table of sections for subpart D of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by adding at the end the following new item:

“Sec. 45N. Health insurance licensing credit.”

(d) **EFFECTIVE DATE.**—The amendments made by this section shall apply to taxable years beginning after December 31, 2006.

## **TITLE II—SMALL BUSINESS HEALTH INSURANCE INFORMATION PILOT PROGRAM**

### **SEC. 201. PURPOSE.**

The purpose of this title is to establish a 4-year pilot program to provide information and educational materials to small business concerns regarding health insurance options, including coverage options within the small group market.

### **SEC. 202. DEFINITIONS.**

In this title:

(1) **ADMINISTRATOR.**—The term “Administrator” means the Administrator of the Small Business Administration, acting through the Associate Administrator for Small Business Development Centers.

(2) **ASSOCIATION.**—The term “association” means an association established under section 21(a)(3)(A) of the Small Business Act (15 U.S.C. 648(a)(3)(A)) representing a majority of small business development centers.

(3) **PARTICIPATING SMALL BUSINESS DEVELOPMENT CENTER.**—The term “participating

small business development center” means a small business development center described in section 21 of the Small Business Act (15 U.S.C. 648) that—

(A) is certified under section 21(k)(2) of the Small Business Act (15 U.S.C. 648(k)(2)); and

(B) receives a grant under the pilot program.

(4) **PILOT PROGRAM.**—The term “pilot program” means the small business health insurance information pilot program established under this title.

(5) **SMALL BUSINESS CONCERN.**—The term “small business concern” has the same meaning as in section 3 of the Small Business Act (15 U.S.C. 632).

(6) **STATE.**—The term “State” means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, and Guam.

### **SEC. 203. SMALL BUSINESS HEALTH INSURANCE INFORMATION PILOT PROGRAM.**

(a) **AUTHORITY.**—The Administrator shall establish a pilot program to make grants to small business development centers to provide information and educational materials regarding health insurance options, including coverage options within the small group market, to small business concerns.

(b) **APPLICATIONS.**—

(1) **POSTING OF INFORMATION.**—Not later than 90 days after the date of enactment of this Act, the Administrator shall post on the website of the Small Business Administration and publish in the Federal Register a guidance document describing—

(A) the requirements of an application for a grant under the pilot program; and

(B) the types of informational and educational materials regarding health insurance options to be created under the pilot program, including by referencing such materials developed by the Healthcare Leadership Council.

(2) **SUBMISSION.**—A small business development center desiring a grant under the pilot program shall submit an application at such time, in such manner, and accompanied by such information as the Administrator may reasonably require.

(c) **SELECTION OF PARTICIPATING SBDCs.**—

(1) **IN GENERAL.**—The Administrator shall select not more than 20 small business development centers to receive a grant under the pilot program.

(2) **SELECTION OF PROGRAMS.**—In selecting small business development centers under paragraph (1), the Administrator shall not select—

(A) more than 2 programs from each of the groups of States described in paragraph (3); and

(B) more than 1 program in any State.

(3) **GROUPINGS.**—The groups of States described in this paragraph are the following:

(A) **GROUP 1.**—Group 1 shall consist of Maine, Massachusetts, New Hampshire, Connecticut, Vermont, and Rhode Island.

(B) **GROUP 2.**—Group 2 shall consist of New York, New Jersey, Puerto Rico, and the Virgin Islands.

(C) **GROUP 3.**—Group 3 shall consist of Pennsylvania, Maryland, West Virginia, Virginia, the District of Columbia, and Delaware.

(D) **GROUP 4.**—Group 4 shall consist of Georgia, Alabama, North Carolina, South Carolina, Mississippi, Florida, Kentucky, and Tennessee.

(E) **GROUP 5.**—Group 5 shall consist of Illinois, Ohio, Michigan, Indiana, Wisconsin, and Minnesota.

(F) **GROUP 6.**—Group 6 shall consist of Texas, New Mexico, Arkansas, Oklahoma, and Louisiana.

(G) **GROUP 7.**—Group 7 shall consist of Missouri, Iowa, Nebraska, and Kansas.

(H) **GROUP 8.**—Group 8 shall consist of Colorado, Wyoming, North Dakota, South Dakota, Montana, and Utah.

(I) **GROUP 9.**—Group 9 shall consist of California, Guam, American Samoa, Hawaii, Nevada, and Arizona.

(J) **GROUP 10.**—Group 10 shall consist of Washington, Alaska, Idaho, and Oregon.

(4) **DEADLINE FOR SELECTION.**—The Administrator shall make selections under this subsection not later than 6 months after the later of the date on which the information described in subsection (b)(1) is posted on the website of the Small Business Administration and the date on which the information described in subsection (b)(1) is published in the Federal Register.

(d) **USE OF FUNDS.**—

(1) **IN GENERAL.**—A participating small business development center shall use funds provided under the pilot program to—

(A) create and distribute informational materials; and

(B) conduct training and educational activities.

(2) **CONTENT OF MATERIALS.**—In creating materials under the pilot program, a participating small business development center shall evaluate and incorporate relevant portions of existing informational materials regarding health insurance options, such as the materials created by the Healthcare Leadership Council.

(e) **GRANT AMOUNTS.**—Each participating small business development center program shall receive a grant in an amount equal to—

(1) not less than \$150,000 per fiscal year; and

(2) not more than \$300,000 per fiscal year.

(f) **MATCHING REQUIREMENT.**—Subparagraphs (A) and (B) of section 21(a)(4) of the Small Business Act (15 U.S.C. 648(a)(4)) shall apply to assistance made available under the pilot program.

### **SEC. 204. REPORTS.**

Each participating small business development center shall transmit to the Administrator and the Chief Counsel for Advocacy of the Small Business Administration, as the Administrator may direct, a quarterly report that includes—

(1) a summary of the information and educational materials regarding health insurance options provided by the participating small business development center under the pilot program; and

(2) the number of small business concerns assisted under the pilot program.

### **SEC. 205. AUTHORIZATION OF APPROPRIATIONS.**

(a) **IN GENERAL.**—There are authorized to be appropriated to carry out this title—

(1) \$5,000,000 for the first fiscal year beginning after the date of enactment of this Act; and

(2) \$5,000,000 for each of the 3 fiscal years following the fiscal year described in paragraph (1).

(b) **LIMITATION ON USE OF OTHER FUNDS.**—The Administrator may carry out the pilot program only with amounts appropriated in advance specifically to carry out this title.

By Mr. MENENDEZ:

S. 2460. A bill to permit access to certain information in the Firearms Trace System database; to the Committee on the Judiciary.

Mr. MENENDEZ. Mr. President, today, I am introducing new legislation to address the critical issue of access to information about guns traced to crimes. This bill would repeal restrictions on the release of crime gun trace data from the Federal Government to State and local police.

It goes without saying that the more we understand a problem and its

sources, the more proficient we will be in our attempt to create a solution that works. That is especially true when talking about guns that are used to commit crimes. One study has shown that 1.2 percent of gun dealers sell 57 percent of guns later traced to criminal investigations.

The State that I have the honor of representing in the Senate, New Jersey, has some of the strictest gun laws in the country, yet hundreds, if not thousands, of off-limit customers, such as those under age or those who do not have a license, wind up with such weapons each month. And the overwhelming majority of guns used to commit crimes in our State's cities were originally sold in compliance with the law in other States.

In fact, a large majority of the guns used to commit crimes in Jersey City, Newark, and Camden traveled up the East Coast along I-95, which has been called the "Iron Pipeline." This is truly a paradox that has not only frustrated law enforcement agents, but elected officials too.

That is why the Bureau of Alcohol, Tobacco, Firearms and Explosives's Crime Gun Trace Reports (CGTRs) were created to provide information to three different audiences: Federal, State, and local law enforcement agencies; federal Firearm Licensees (FFL); and the public, Congress, and State and local authorities.

According to the reports released in July 2002, 85 percent of the traced guns used to commit crimes in Jersey City and Newark, and 77 percent of those used in Camden, were originally purchased outside of New Jersey. And more than 67 percent of crime guns recovered in Jersey City were originally purchased more than 250 miles away.

This is exactly the type of information that assists law enforcement officials in placing local crime guns in a regional and national strategic enforcement context and would allow Federal, State, and local elected officials to develop national, regional, and local strategic responses to gun crime.

Unfortunately, every year for the past few years Republicans in the House have slipped a provision into law to prohibit the release of this information to anyone other than "... a Federal, State, or local law enforcement agency or a prosecutor solely in a criminal investigation or prosecution." This amendment effectively prohibits information from reaching Congress, and State and local authorities, and the public.

This even limits how Federal, State and local law enforcement agencies can use these Crime Gun Trace Reports. It only allows law enforcement agencies to use these reports to investigate a crime that has already been committed.

So, it only allows law enforcement officials to retroactively punish crime, rather than proactively preventing it from happening in the first place.

That is why I am introducing legislation to make this gun crime data pub-

lic again. It will not only help law enforcement prosecute gun crimes, but will also increase public awareness about where these guns originated.

Until now, the restrictions have been imposed through the annual appropriations process, which means they end at the end of each fiscal year, or September 30. However, the House Judiciary Committee will hold a hearing tomorrow on legislation that would write these restrictions into law permanently.

Why is this information being concealed from the American people? It certainly contains no classified or sensitive national security material. The taxpayers have paid for information to be collected and the reports to be prepared, so why do they not deserve access to the information? And why is it illegal for Federal, State and local policymakers and law enforcement officials to use these reports in the way they were envisioned: to better understand and combat the scourge of gun violence that plagues our cities?

Denying police access to this information about crime gun traces helps no one but the bad guys. Our families' safety should never take a backseat to the demands of radical interest groups seeking only to further their own narrow agenda. Congress needs to pass my legislation—instead we need to stand up for our families. I urge my colleagues to join me in this important effort.

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. 2460

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

#### SECTION 1. FIREARMS TRACE SYSTEM.

(a) IN GENERAL.—The Science, State, Justice, Commerce, and Related Agencies Appropriations Act, 2006 (Public Law 109-108; 119 Stat. 2295) is amended in title I, under the heading "BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES", by striking "Provided further, That no funds appropriated under this or any other Act with respect to any fiscal year may be used to disclose part or all of the contents of the Firearms Trace System database" and all that follows through "section 921(a)(10) of such title):".

(b) ACCESS TO INFORMATION.—The Attorney General shall provide public access to the Crime Gun Trace Report (both nationally and for individual cities) from the Youth Crime Gun Interdiction Initiative, which is generated using information in the Firearms Trace System database maintained by the Bureau of Alcohol, Tobacco, Firearms and Explosives.

#### SUBMITTED RESOLUTIONS

#### SENATE RESOLUTION 405—DESIGNATING AUGUST 16, 2006, AS "NATIONAL AIRBORNE DAY"

Mr. HAGEL (for himself, Mr. AKAKA, Mr. BINGAMAN, Mr. BURNS, Ms. CANT-

WELL, Mr. COCHRAN, Mrs. DOLE, Mr. JOHNSON, Ms. LANDRIEU, Mr. REED, Mr. REID, and Ms. SNOWE) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 405

Whereas the airborne forces of the United States Armed Forces have a long and honorable history as units of adventuresome, hardy, and fierce warriors who, for the national security of the United States and the defense of freedom and peace, project the effective ground combat power of the United States by Air Force air transport to the far reaches of the battle area and, indeed, to the far corners of the world;

Whereas August 16, 2006, marks the anniversary of the first official validation of the innovative concept of inserting United States ground combat forces behind the battle line by means of a parachute;

Whereas the United States experiment of airborne infantry attack began on June 25, 1940, when the Army Parachute Test Platoon was first authorized by the United States Department of War, and was launched when 48 volunteers began training in July of 1940;

Whereas the Parachute Test Platoon performed the first official Army parachute jump on August 16, 1940;

Whereas the success of the Parachute Test Platoon in the days immediately preceding the entry of the United States into World War II led to the formation of a formidable force of airborne units that, since then, have served with distinction and repeated success in armed hostilities;

Whereas among those units are the former 11th, 13th, and 17th Airborne Divisions, the venerable 82nd Airborne Division, the versatile 101st Airborne Division (Air Assault), and the airborne regiments and battalions (some as components of those divisions, some as separate units) that achieved distinction as the elite 75th Ranger Regiment, the 173rd Airborne Brigade, the 187th Infantry (Airborne) Regiment, the 503rd, 507th, 508th, 517th, 541st, and 542nd Parachute Infantry Regiments, the 88th Glider Infantry Regiment, the 509th, 551st, and 555th Parachute Infantry Battalions, and the 550th Airborne Infantry Battalion;

Whereas the achievements of the airborne forces during World War II provided a basis of evolution into a diversified force of parachute and air assault units that, over the years, have fought in Korea, Vietnam, Grenada, Panama, the Persian Gulf Region, and Somalia, and have engaged in peacekeeping operations in Lebanon, the Sinai Peninsula, the Dominican Republic, Haiti, Bosnia, and Kosovo;

Whereas the modern-day airborne force that has evolved from those World War II beginnings is an agile, powerful force that, in large part, is composed of the 82nd Airborne Division, the 101st Airborne Division (Air Assault), and the 75th Ranger Regiment which, together with other units, comprise the quick reaction force of the Army's XVIII Airborne Corps when not operating separately under a regional combatant commander;

Whereas that modern-day airborne force also includes other elite forces composed entirely of airborne trained and qualified special operations warriors, including Army Special Forces, Marine Corps Reconnaissance units, Navy SEALs, Air Force combat control teams, all or most of which comprise the forces of the United States Special Operations Command;

Whereas in the aftermath of the terrorist attacks on the United States on September 11, 2001, the 75th Ranger Regiment, special

forces units, and units of the 82nd Airborne Division and the 101st Airborne Division (Air Assault), together with other units of the Armed Forces, have been prosecuting the war against terrorism by carrying out combat operations in Afghanistan, training operations in the Philippines, and other operations elsewhere;

Whereas in the aftermath of the President's announcement of Operation Iraqi Freedom in March 2003, the 75th Ranger Regiment, special forces units, and units of the 82nd Airborne Division, the 101st Airborne Division (Air Assault) and the 173rd Airborne Brigade, together with other units of the Armed Forces, have been prosecuting the war against terrorism, carrying out combat operations, conducting civil affair missions, and assisting in establishing democracy in Iraq;

Whereas the airborne forces are and will continue to be at the ready and the forefront until the Global War on Terrorism is concluded;

Whereas of the members and former members of the United States combat airborne forces, all have achieved distinction by earning the right to wear the airborne's "Silver Wings of Courage", thousands have achieved the distinction of making combat jumps, 69 have earned the Medal of Honor, and hundreds have earned the Distinguished-Service Cross, Silver Star, or other decorations and awards for displays of such traits as heroism, gallantry, intrepidity, and valor;

Whereas the members and former members of the United States combat airborne forces are members of a proud and honorable fraternity of the profession of arms that is made exclusive by those distinctions which, together with their special skills and achievements, distinguish them as intrepid combat parachutists, special operation forces, and (in former days) glider troops; and

Whereas the history and achievements of the members and former members of the airborne forces of the United States Armed Forces warrant special expressions of the gratitude of the American people as the airborne community celebrates August 16, 2006, as the 66th anniversary of the first official jump by the Army Parachute Test Platoon: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates August 16, 2006, as "National Airborne Day"; and

(2) requests that the President issue a proclamation calling on Federal, State, and local administrators and the people of the United States to observe "National Airborne Day" with appropriate programs, ceremonies, and activities.

#### SENATE RESOLUTION 406—CONGRATULATING GRACELAND ON THE OCCASION OF ITS DESIGNATION AS A NATIONAL HISTORIC LANDMARK

Mr. FRIST (for himself and Mr. ALEXANDER) submitted the following resolution; which was considered and agreed to:

S. RES. 406

Whereas Graceland—

(1) served as the home and private retreat of Elvis Aaron Presley from 1957 through 1977; and

(2) is intimately connected to the musical and cultural heritage of Elvis Aaron Presley;

Whereas Elvis Presley is—

(1) universally recognized as the "King of Rock and Roll";

(2) known to generations by only his first name; and

(3) widely agreed to be one of the most famous and influential American cultural icons of the 20th century;

Whereas Elvis Presley, having drawn on musical traditions including gospel, country, and rhythm and blues, contributed to the development, popularization, and evolution of the rock and roll genre;

Whereas Elvis Presley, having been an exceptionally talented vocalist and stage performer, experienced a career marked by unprecedented professional success and achievement;

Whereas Elvis Presley received numerous honors and accolades, including—

(1) 3 Grammys;

(2) 14 Grammy nominations; and

(3) a Grammy Lifetime Achievement Award from the National Academy of Recording Arts and Sciences;

Whereas the Recording Industry Association of America has officially recognized Elvis Presley as the number 1 Solo Artist in United States History because he has—

(1) achieved over 150 gold, platinum, or multi-platinum awards; and

(2) documented album sales exceeding 120,000,000 albums;

Whereas Elvis Presley is the only artist to be inducted into 3 major music halls of fame, including—

(1) the Rock and Roll Hall of Fame in 1986;

(2) the Country Music Hall of Fame in 1998; and

(3) the Gospel Music Hall of Fame in 2001;

Whereas Elvis Presley continues to maintain a preeminent position on numerous Top Artist Achievements lists, including—

(1) "Most Chart Hits";

(2) "Most Top 10 Hits";

(3) "Most Top 40 Hits";

(4) "Most Weeks at the number 1 Position";

(5) "Most Consecutive number 1 Hits";

(6) "Most Consecutive Top 10 Hits"; and

(7) "Most Gold and Platinum Hits";

Whereas Elvis Presley was personally involved in the renovation and reconstruction of Graceland, and the unique design and decoration of Graceland enshrines his style, character, influence, and cultural legacy;

Whereas Graceland serves as a museum for promoting, celebrating, and maintaining the role of Elvis Presley in the history of the United States;

Whereas Graceland—

(1) is a historic residence built in the Classical Revival style; and

(2) was placed on the National Register of Historic Places in 1991;

Whereas Graceland continues to serve as a pilgrimage site for millions of Elvis Presley fans from around the world;

Whereas Graceland is recognized as one of the most visited historic house museums in the United States, attracting over 600,000 visitors each year; and

Whereas Graceland will continue to impact the popular culture of the United States by educating millions of visitors for years to come: Now, therefore, be it

*Resolved*, That the Senate—

(1) recognizes Graceland as exceptionally valuable for promoting and illustrating the contributions of Elvis Presley to the music and popular culture of the United States;

(2) acknowledges the importance of designating Graceland as a National Historic Landmark for the purposes of recognizing and preserving that unique cultural attraction; and

(3) congratulates Graceland on the occasion of its designation as a National Historic Landmark.

#### AMENDMENTS SUBMITTED AND PROPOSED

SA 3173. Mr. OBAMA (for himself, Mr. COBURN, and Mr. FEINGOLD) submitted an amendment intended to be proposed by him to the bill S. 2349, to provide greater transparency in the legislative process; which was ordered to lie on the table.

SA 3174. Mr. COBURN submitted an amendment intended to be proposed to amendment SA 2944 submitted by Mr. WYDEN (for himself, Mr. GRASSLEY, and Mr. INHOFE) to the bill S. 2349, supra; which was ordered to lie on the table.

#### TEXT OF AMENDMENTS

SA 3173. Mr. OBAMA (for himself, Mr. COBURN, and Mr. FEINGOLD) submitted an amendment intended to be proposed by him to the bill S. 2349, to provide greater transparency in the legislative process; which was ordered to lie on the table; as follows:

At the appropriate place insert the following:

#### SEC. \_\_\_\_ . PROHIBITION ON PAID COORDINATION LOBBYING ACTIVITIES.

(a) IN GENERAL.—Rule XXXVII of the Standing Rules of the Senate is amended by adding at the end the following:

"13. A Member of the Senate shall not engage in paid lobbying activity in the year after leaving the employment of the Senate, which shall include the development, coordination, or supervision of strategy or activity for the purpose of influencing legislation before Congress."

(b) CRIMINAL PROHIBITION.—Section 207(e)(1) of title 18, United States Code, is amended by inserting after "in his or her official capacity," the following: "or, within 1 year after that person leaves office, receives compensation for the development, coordination, or supervision of strategy or activity for the purpose of influencing legislation before either House of Congress,".

SA 3174. Mr. COBURN submitted an amendment intended to be proposed to amendment SA 2944 submitted by Mr. WYDEN (for himself, Mr. GRASSLEY, and Mr. INHOFE) to the bill S. 2349, to provide greater transparency in the legislative process; which was ordered to lie on the table; as follows:

At the appropriate place insert the following:

#### SEC. \_\_\_\_ .

"No unanimous consent may be granted to pass any bill which amends federal law, has a net budgetary effect, or authorizes new federal spending, unless—

(a) A quorum is present, which shall be ascertained by the Presiding Officer; or

(b) A petition signed by 100 Senators explicitly granting consent to passage is presented to the Presiding Officer and printed in the Congressional Record."

#### NOTICES OF HEARINGS/MEETINGS

##### PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

Mr. COLEMAN. Mr. President, I would like to announce for the information of the Senate and the public that the Permanent Subcommittee on Investigations will hold two days of hearings on March 28 and 30, 2006, "Neutralizing The Nuclear And Radiological Threat: Securing the Global Supply Chain."



On March 28, the Subcommittee will focus on the domestic and international deployment of radiation detection equipment, as well as U.S. Government efforts to prevent radiological or nuclear terrorism. Three Government Accountability Office Reports will be released at the March 28th hearing. These reports include: 1. U.S. Customs and Border Protection Radiation Portal Monitor Program, RPMP, to install Radiation Portal Monitors, RPMs, at U.S. Ports of Entry; 2. the Department of Energy Second Line of Defense program to install RPMs at key international border crossings and ports; and 3. the successful importation of radiological sources across the northern and southern border.

On March 30, the Subcommittee will focus on the security of the global supply chain and update the May 2005 hearing, *The Container Security Initiative and the Customs-Trade Partnership Against Terrorism: Securing the Global Supply Chain or Trojan Horse?* A Subcommittee staff report on global supply chain security will be released at the March 30 hearing.

In addition to examining forthcoming reports, the hearings will examine the other programs that form our layered defense against nuclear terrorism including the Container Security Initiative, the Megaports Initiative, and the Customs-Trade Partnership Against Terrorism. Moreover, these hearings will examine the role of the Domestic Nuclear Detection Office, a new office created within DHS to coordinate global nuclear detection architecture.

The Subcommittee hearings are scheduled for Tuesday, March 28 at 9:30 a.m. and Thursday, March 30 at 10 a.m. in room 342 of the Dirksen Senate Office Building. For further information, please contact Raymond V. Shepherd III, Staff Director and Chief Counsel to the Permanent Subcommittee on Investigations, at 224-3721.

#### SUBCOMMITTEE ON PUBLIC LANDS AND FORESTS

Mr. CRAIG. Mr. President, the Subcommittee on Public Lands and Forests has previously announced a hearing to be held on Wednesday, March 29, 2006, at 2:30 p.m. in room SD-366 of the Dirksen Senate Office Building in Washington, DC. In addition to the bills previously listed, the following bills will be included:

S. 1056, to direct the Secretary of the Interior to convey to the city of Henderson, NV, certain Federal land located in the city, and for other purposes; and S. 2373, to provide for the sale of approximately 132 acres of public land to the city of Green River, at fair market value.

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, SD-364 Dirksen Senate Office Building, Washington, DC 20510-6150.

For further information, please contact Dick Bouts at (202) 224-7545 or Sara Zecher at (202) 224-8276.

#### COMMITTEE ON INDIAN AFFAIRS

Mr. MCCAIN. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Tuesday, March 28, 2006, at 9:30 a.m. in room 485 of the Russell Senate Office Building to conduct a hearing on S. 1439, the Indian Trust Reform Act of 2005, Titles II through VI. Those wishing additional information may contact the Indian Affairs Committee at (202) 224-2251.

#### COMMITTEE ON INDIAN AFFAIRS

Mr. MCCAIN. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Wednesday, March 29, at 9:30 a.m. in room 485 of the Russell Senate Office Building to conduct a business meeting on the following bills:

1. S. 2078, Indian Gaming Regulatory Act Amendments.
2. S. 1899, Indian Child Protection and Family Violence Prevention Act Amendments.
3. S. 2245, Indian Youth Telemental Health Demonstration Project Act.

Those wishing additional information may contact the Indian Affairs Committee at (202) 224-2251.

#### AUTHORITY FOR COMMITTEES TO MEET

##### COMMITTEE ON THE JUDICIARY

Mr. LOTT. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a markup on Monday, March 27, 2006, at 10 a.m. in the Dirksen Senate Office Building Room 226.

#### Agenda

I. Nominations: Norman Randy Smith, to be U.S. Circuit Judge for the Ninth Circuit; Patrick J. Schiltz, to be U.S. District Court Judge for the District of Minnesota; Steven G. Bradbury, to be an Assistant Attorney General for the Office of Legal Counsel.

II. Bills: S. \_\_\_\_\_, Comprehensive Immigration Reform; Chairman's Mark; S. 1768, A bill to permit the televising of Supreme Court proceedings; Specter, Leahy, Cornyn, Grassley, Schumer, Feingold, Durbin; S. 829, Sunshine in the Courtroom Act of 2005; Grassley, Schumer, Conlyn, Leahy, Feingold, Durbin, Graham, DeWine, Specter; S. 489, Federal Consent Decree Fairness Act; Alexander, Kyl, Cornyn, Graham, Hatch; S. 2039, Prosecutors and Defendants Incentive Act of 2005; Durbin, Specter, DeWine, Leahy, Kennedy, Feinstein, Feingold; S. 2292, A bill to provide relief for the Federal judiciary from excessive rent charges; Specter, Leahy, Cornyn, Feinstein, Biden; S. 2453, National Security Surveillance Act of 2006; Specter; S. 2455, Terrorist Surveillance Act of 2006; DeWine, Graham.

III. Matters; S.J. Res. 1, Marriage Protection Amendment; Allard, Sessions, Kyl, Hatch, Cornyn, Coburn, Brownback; S. Res. 398, A resolution relating to the censure of George W. Bush; Feingold.

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

#### CONGRATULATING GRACELAND

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 406, which was submitted earlier today.

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

The legislative clerk read as follows:

A resolution (S. Res. 406) Congratulating Graceland on the occasion of its designation as a National Historic Landmark.

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

Mr. FRIST. 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. 406) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

#### S. RES. 406

Whereas Graceland—

(1) served as the home and private retreat of Elvis Aaron Presley from 1957 through 1977; and

(2) is intimately connected to the musical and cultural heritage of Elvis Aaron Presley;

Whereas Elvis Presley is—

(1) universally recognized as the "King of Rock and Roll";

(2) known to generations by only his first name; and

(3) widely agreed to be one of the most famous and influential American cultural icons of the 20th century;

Whereas Elvis Presley, having drawn on musical traditions including gospel, country, and rhythm and blues, contributed to the development, popularization, and evolution of the rock and roll genre;

Whereas Elvis Presley, having been an exceptionally talented vocalist and stage performer, experienced a career marked by unprecedented professional success and achievement;

Whereas Elvis Presley received numerous honors and accolades, including—

(1) 3 Grammys;

(2) 14 Grammy nominations; and

(3) a Grammy Lifetime Achievement Award from the National Academy of Recording Arts and Sciences;

Whereas the Recording Industry Association of America has officially recognized Elvis Presley as the number 1 Solo Artist in United States History because he has—

(1) achieved over 150 gold, platinum, or multi-platinum awards; and

(2) documented album sales exceeding 120,000,000 albums;

Whereas Elvis Presley is the only artist to be inducted into 3 major music halls of fame, including—

(1) the Rock and Roll Hall of Fame in 1986;

(2) the Country Music Hall of Fame in 1998; and

(3) the Gospel Music Hall of Fame in 2001; Whereas Elvis Presley continues to maintain a preeminent position on numerous Top Artist Achievements lists, including—

(1) "Most Chart Hits";

(2) "Most Top 10 Hits";

(3) "Most Top 40 Hits";

(4) "Most Weeks at the number 1 Position";

(5) "Most Consecutive number 1 Hits";

(6) "Most Consecutive Top 10 Hits"; and



(7) "Most Gold and Platinum Hits";

Whereas Elvis Presley was personally involved in the renovation and reconstruction of Graceland, and the unique design and decoration of Graceland enshrines his style, character, influence, and cultural legacy;

Whereas Graceland serves as a museum for promoting, celebrating, and maintaining the role of Elvis Presley in the history of the United States;

Whereas Graceland—

(1) is a historic residence built in the Classical Revival style; and

(2) was placed on the National Register of Historic Places in 1991;

Whereas Graceland continues to serve as a pilgrimage site for millions of Elvis Presley fans from around the world;

Whereas Graceland is recognized as one of the most visited historic house museums in the United States, attracting over 600,000 visitors each year; and

Whereas Graceland will continue to impact the popular culture of the United States by educating millions of visitors for years to come: Now, therefore, be it

*Resolved*, That the Senate—

(1) recognizes Graceland as exceptionally valuable for promoting and illustrating the contributions of Elvis Presley to the music and popular culture of the United States;

(2) acknowledges the importance of designating Graceland as a National Historic Landmark for the purposes of recognizing and preserving that unique cultural attraction; and

(3) congratulates Graceland on the occasion of its designation as a National Historic Landmark.

Mr. FRIST. Mr. President, I want to take a few moments to comment on the resolution that was just agreed to with regard to Graceland.

As famous as the White House, as beloved as Wrigley Field, each year over 600,000 people from around the world travel to Memphis, TN, to see Graceland, the legendary home of the King of Rock.

Today, I am pleased to introduce and pass the Senate resolution honoring Graceland as a National Historic Landmark.

On behalf of my fellow Tennesseans, I extend my thanks to Secretary Norton for recognizing this unique contribution to American culture, and the extraordinary influence of the man who made it his own, Elvis Aaron Presley.

Born on January 8, 1935, in a 2-room house in East Tupelo, MS, Elvis and his family moved to Memphis when he was 13. Six years later—with the help of Sam Phillips, Sun Records, and his recording of "That's All Right"—Elvis became a star.

From that moment on his fame only grew, propelling him into the small pantheon of American icons who single-handedly remade popular culture.

In the 1960s, Leonard Bernstein was moved to remark, "Elvis is the greatest cultural force in the 20th century. He introduced the beat to everything music, language, clothes. It's a whole new social revolution."

John Lennon famously said, "Before Elvis, there was nothing."

Elvis fused the styles of gospel country, and rhythm and blues. His instinctual style revolutionized rock'n roll and drove it to the center of popular culture.

Through his enormous talent, drive, and charisma, Elvis achieved remarkable success over 2 decades earning 97 gold albums, 55 platinum albums, 25 multi-platinum albums, 51 gold singles, 27 platinum singles, 7 multi-platinum singles, and album sales exceeding 120 million copies.

When the 21-year-old star appeared on the Ed Sullivan Show in 1956, 82.6 percent of the viewing public tuned in.

Thirteen years later Elvis opened in Las Vegas, selling out a 2,000 seat showroom, 2 shows a night, for 4 weeks straight.

He became the most successful performer in Las Vegas history, surpassing Frank Sinatra, Dean Martin, or Barbra Streisand.

In 1973 Elvis performed the now legendary "Aloha from Hawaii, via Satellite." The concert was beamed worldwide, attracting the largest television audience to date, estimated at 1.5 billion viewers.

Elvis was only 36 when he received the prestigious Recording Academy's Lifetime Achievement Award.

In 2004, the Recording Industry Association officially certified Elvis Presley as the No. 1 solo artist in U.S. history.

Elvis was, and remains, a genuine cultural force. Millions of fans from around the world have traveled to Graceland to feel a little closer to this American icon. And his music continues to course through American life.

Bruce Springsteen once said, "There have been a lotta tough guys. There have been pretenders. And there have been contenders. But there is only one King."

And there's only one Graceland that preserves the King's memory.

I commend my colleagues for recognizing this singular cultural landmark.

#### CONGRESSIONAL GOLD MEDAL ON BEHALF OF THE TUSKEGEE AIRMEN

Mr. FRIST. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be discharged from further consideration of H.R. 1259, and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 1259) to award a congressional gold medal on behalf of the Tuskegee Airmen, collectively, in recognition of their unique military record, which inspired revolutionary reform in the Armed Forces.

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

Mr. FRIST. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

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

The bill (H.R. 1259) was read the third time and passed.

#### MEASURES PLACED ON THE CALENDAR—H.R. 4472 and H.R. 4911

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 a second time.

The legislative clerk read as follows:

A bill (H.R. 4472) to protect children, to secure the safety of judges, prosecutors, law enforcement officers, and their family members, to reduce and prevent gang violence, and for other purposes.

A bill (H.R. 4911) to temporarily extend the programs under the Higher Education Act of 1965, and for other purposes.

Mr. FRIST. Mr. President, in order to place the bills on the calendar under the provisions of rule XIV, I object to further proceedings en bloc.

The PRESIDING OFFICER. Objection is heard. The bills will be placed on the calendar.

#### PRIVILEGES OF THE FLOOR

Mr. FRIST. Mr. President, I ask unanimous consent that the privilege of the floor be extended to Harry Wingo through this session of Congress. Mr. Wingo is on loan to the Senate Commerce Committee from the Federal Communications Commission.

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

#### ORDERS FOR TUESDAY, MARCH 28, 2006

Mr. FRIST. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:45 a.m. Tuesday, March 28. I further ask that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved, and the Senate proceed to a period for the transaction of morning business for up to an hour, with the first 30 minutes the under control of the Democratic leader or his designee, and the final 30 minutes under the control of the majority leader or his designee; provided further that the cloture vote scheduled on the motion to proceed to the border control bill be postponed until 2:15 p.m. tomorrow.

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

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate stand in recess from 12:30 p.m. to 2:15 p.m. to accommodate the weekly policy luncheons.

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

#### PROGRAM

Mr. FRIST. Mr. President, this evening we have continued to work on

an agreement for lobbying reform, as well as the border control bill which is scheduled for tomorrow. Under the agreement just reached, the cloture vote on the motion to proceed to the border control bill will be postponed to the afternoon unless further agreement is reached. We will notify Members as we lock in votes on either of the bills mentioned, and we do expect votes throughout Tuesday's session of the Senate.

Before we close today's session, I want to again say how much the Senate mourns the loss of Erma Byrd, the wife of our esteemed colleague, Senator BYRD. As the Chaplain opened the Senate remembering her in prayer, it is only fitting to close honoring this lovely and remarkable lady. Our thoughts and prayers are with Senator BYRD and his entire family.

#### ADJOURNMENT UNTIL 9:45 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 8:26 p.m., adjourned until Tuesday, March 28, 2006, at 9:45 a.m.

#### NOMINATIONS

##### EXECUTIVE NOMINATIONS RECEIVED BY THE SENATE MARCH 27, 2006:

###### ENVIRONMENTAL PROTECTION AGENCY

MOLLY A. O'NEILL, OF VIRGINIA, TO BE AN ASSISTANT ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY, VICE KIMBERLY TERESE NELSON.

###### DEPARTMENT OF STATE

MICHAEL D. KIRBY, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF MOLDOVA.

###### EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

RONALD S. COOPER, OF VIRGINIA, TO BE GENERAL COUNSEL OF THE EQUAL EMPLOYMENT OPPORTUNITY COMMISSION FOR A TERM OF FOUR YEARS, VICE ERIC S. DREIBAND, RESIGNED.

###### NATIONAL MEDIATION BOARD

HARRY R. HOGLANDER, OF MASSACHUSETTS, TO BE A MEMBER OF THE NATIONAL MEDIATION BOARD FOR A TERM EXPIRING JULY 1, 2008. (REAPPOINTMENT)

PETER W. TREDICK, OF CALIFORNIA, TO BE A MEMBER OF THE NATIONAL MEDIATION BOARD FOR A TERM EXPIRING JULY 1, 2007, VICE EDWARD J. FITZMAURICE, JR., TERM EXPIRED.

###### IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS ASSISTANT SURGEON GENERAL/CHIEF OF THE DENTAL CORPS, UNITED STATES ARMY AND FOR APPOINTMENT TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 3036 AND 3039:

###### To be major general

COL. RUSSELL J. CZERW, 0000

###### IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

###### To be lieutenant general

MAJ. GEN. FRANCES C. WILSON, 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 vice admiral

REAR ADM. NANCY E. BROWN, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C. SECTION 12203:

###### To be rear admiral

REAR ADM. (LH) ANN D. GILBRIDE, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVY RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C. SECTION 12203:

###### To be rear admiral

REAR ADM. (LH) JON W. BAYLESS, JR., 0000

REAR ADM. (LH) EDWARD MASSO, 0000

REAR ADM. (LH) WILLIAM H. PAYNE, 0000

###### IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS PERMANENT PROFESSOR, UNITED STATES AIR FORCE ACADEMY, IN THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 9333(B) AND 9336(A):

###### To be colonel

REX R. KIZIAH, 0000

THE FOLLOWING NAMED AIR NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12212:

###### To be colonel

MAUREEN MCCARTHY, 0000

THE FOLLOWING NAMED AIR NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12212:

###### To be colonel

JOSEPH A. WEBER, JR., 0000

THE FOLLOWING NAMED AIR NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12212:

###### To be colonel

DANIEL J. MCGRAW, 0000

THE FOLLOWING NAMED AIR NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12212:

###### To be colonel

CONSTANCE C. MCNABB, 0000

AMY L. WALKER, 0000

THE FOLLOWING NAMED AIR NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12212:

###### To be colonel

KENNETH R. FRANKLIN, 0000

MICHAEL S. PETERS, 0000

THE FOLLOWING NAMED AIR NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12212:

###### To be colonel

PETER L. BARRENECHEA, 0000

PATRICK H. DURBIN, 0000

ALAN K. HODGDON, 0000

WORTHE S. HOLT, JR., 0000

KAREN L. MORRISSETTE, 0000

JAMES T. NINOMIYA, 0000

DAVID L. PORTER, 0000

PHILLIP E. STYKA, 0000

RALPH M. SUTHERLIN, 0000

THE FOLLOWING NAMED AIR NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12212:

###### To be colonel

DAVID G. ALLEN, 0000

RALPH B. ARNOLD, 0000

ROBERT B. AUNAN, 0000

PAUL L. AYERS, 0000

JOHN C. BABICZ, 0000

JAMES D. BARKER, 0000

BRIAN P. BARNES, 0000

GWENDOLYN G. BATES, 0000

MARK H. BERRY, 0000

JAMES C. BLAYDON, 0000

GREGORY A. BULKLEY, 0000

CHRISTOPHER H. COLBERT, 0000

LANDIS B. COOK, 0000

JOHN M. CROCKER, 0000

JOHN F. CURRENTI, 0000

HOWARD D. DAVIS, JR., 0000

JOHN L. DERRICO, 0000

SCOTT A. DOLD, 0000

JOSEPH H. EARLY III, 0000

DAVID R. FOUNTAIN, 0000

LENUÉ GILCHRIST, JR., 0000

JEROME J. GOODIN, 0000

RANDALL E. GRATZ, 0000

STEVEN F. GRECO, 0000  
MICHAEL J. GREEN, 0000  
JOHN A. GWOSCH, 0000  
RICHARD N. HARRIS, JR., 0000  
EARL A. HENDERSON, 0000  
CECIL J. HENSEL, JR., 0000  
SHELLY M. HUNIHAN, 0000  
HAROLD L. JENNINGS, JR., 0000

DAVID R. JOBE, 0000

ZANE R. JOHNSON, 0000

DAVID T. KENNEDY, 0000

DAVID E. KRINER, 0000

MICHAEL D. LABOUNTY, 0000

BURL N. LAMBERT, 0000

MICHAEL A. LOH, 0000

DAVID C. LOWELL, 0000

RUSSELL A. MADDERRA, 0000

NORBERT MADERA, 0000

TIMOTHY J. MALONE, 0000

JIM S. MCCREADY, JR., 0000

MICHAEL G. MCMILLIE, 0000

STEPHEN B. MEHRING, 0000

ROBERT A. MEYER, JR., 0000

JAMES C. MILLER, 0000

HAROLD T. MOBLEY, 0000

ROBERT C. MOHR, 0000

GREG H. MUSE, 0000

JANET F. NOBLE, 0000

MICHAEL A. NOLAN, 0000

GREGORY P. OCONNOR, 0000

JAMES OGONOWSKI, 0000

SCOTT E. PATTEN, 0000

JAMES M. PFAFF, JR., 0000

STEPHEN M. PULLEY, 0000

STEPHEN E. RADER, 0000

GREGORY S. RIDDLEMOSER, 0000

ORLANDO J. ROSADO, 0000

WILLIAM S. RYAN, 0000

LUTTRELL G. SCHETTLER, 0000

MICHAEL A. SCHWAMM, 0000

PAUL R. SHEPPARD, 0000

DONALD B. SIMS, 0000

GEORGE C. SPEAKE, 0000

MICHAEL E. STASIEWICZ, 0000

MICHAEL E. STENCEL, 0000

GREGORY N. STROUD, 0000

SCOTT A. STUDER, 0000

GARY A. TAYLOR, 0000

KEVIN A. TURNBO, 0000

SCOTT T. TYRRELL, 0000

JONATHAN C. WARREN, 0000

WENDY B. WENKE, 0000

DAVID B. WHIPPLE, 0000

DENNIS W. YOUNT, 0000

DAVID D. ZWART, 0000

###### IN THE ARMY

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

###### To be colonel

DAVID M. LIND, 0000

THE FOLLOWING NAMED INDIVIDUALS FOR REGULAR APPOINTMENT TO THE GRADES INDICATED IN THE UNITED STATES ARMY NURSE CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

###### To be colonel

MARY M. SUNSHINE, 0000

###### To be major

DEBRA CHAPPEL

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY NURSE CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

###### To be lieutenant colonel

JACQUELINE P. ALLEN, 0000

THE FOLLOWING NAMED INDIVIDUAL FOR REGULAR APPOINTMENT TO THE GRADES INDICATED IN THE UNITED STATES ARMY DENTAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

###### To be lieutenant colonel

VALERIE MCDAVID, 0000

BRUCE R. MEYER, 0000

VICKI WYAN, 0000

###### To be major

SCOTT BROWN, 0000

MARK E. BUFALINI, 0000

ROBERT SELTERS, 0000

CATHLEEN STERLING, 0000

THE FOLLOWING NAMED INDIVIDUAL FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY VETERINARY CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

###### To be major

CHARLES C. DODD, 0000

THE FOLLOWING NAMED INDIVIDUALS FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL SERVICE CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

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**CONFIRMATION**

Executive nomination confirmed by  
the Senate Monday, March 27, 2006:

**DEPARTMENT OF ENERGY**

DENNIS R. SPURGEON, OF FLORIDA, TO BE AN ASSISTANT SECRETARY OF ENERGY (NUCLEAR ENERGY).

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

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**WITHDRAWALS**

Executive Message transmitted by  
the President to the Senate on March

27, 2006, withdrawing from further Senate consideration the following nominations:

HENRY W. SAAD, OF MICHIGAN, TO BE UNITED STATES CIRCUIT JUDGE FOR THE SIXTH CIRCUIT, WHICH WAS SENT TO THE SENATE ON FEBRUARY 14, 2005.

DAVID C. SANBORN, OF VIRGINIA, TO BE ADMINISTRATOR OF THE MARITIME ADMINISTRATION, WHICH WAS SENT TO THE SENATE ON JANUARY 18, 2006.