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Senate

The Senate met at 9:45 a.m. and was called to order by the Honorable GEORGE ALLEN, a Senator from the State of Virginia.

PRAYER

The PRESIDING OFFICER. Today's prayer will be offered by the guest Chaplain, Bishop Steven E. Wright, National Chaplain for the American Legion, from Layton, UT.

The guest Chaplain offered the following prayer:

Let us pray:

Our Father who art in heaven, we humbly thank Thee for untold blessings poured out upon the people of this great Nation. From our earliest beginnings, we have placed our trust in Thy power to guide and defend us. We reaffirm that trust as we seek Thy strength, Thy wisdom, Thy inspiration, and Thy love to be upon our Senators in their deliberations and efforts and decisions this day.

We thank Thee for the valiant men and women of our Armed Forces, as well as for our veterans, and ask Thee to bless them and their families with safety and with Thy comforting love. We pray likewise for each individual and family unit, and ask Thee to particularly bless fathers and mothers with ability to instill virtue in its many forms in their children.

We express our love and gratitude for Thy tender mercies in all our trials and challenges, and do so with a concluding moment of silence, allowing each to offer the personal benediction of his and her own heart and faith.

Amen.

PLEDGE OF ALLEGIANCE

The Honorable GEORGE ALLEN, a Senator from the State of Virginia, 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.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. STEVENS).

The legislative clerk read as follows:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, February 28, 2006.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable GEORGE ALLEN, a Senator from the State of Virginia, to perform the duties of the Chair.

TED STEVENS,
President pro tempore.

Mr. ALLEN thereupon assumed the Chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

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

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, today we will begin with a period for morning business for up to 60 minutes. Following that time, the Senate will resume debate on S. 2271, the PATRIOT Act amendments legislation. The debate will be equally divided until the hour of 12:30, and at 12:30 the Senate will recess until 2:15 p.m. for the weekly policy meetings. When we reconvene at 2:15, there will be 15 minutes for closing remarks prior to the cloture vote, which is scheduled for 2:30. That cloture vote on the PATRIOT Act amendments bill will be the first vote of the day. We fully expect cloture to

be invoked, and therefore we have an agreement that the vote on passage of the bill will occur at 10 a.m. tomorrow, on Wednesday.

On Wednesday, in addition to the PATRIOT Act amendments bill, we will return to the conference report on the underlying PATRIOT Act. That conference report will require an additional cloture vote and we will have that vote on Wednesday afternoon.

I remind my colleagues that on Wednesday we will have a joint meeting with the House of Representatives in order to hear an address by the Prime Minister of Italy. That address will begin at 11 o'clock tomorrow morning, and therefore Senators are asked to gather in the Senate Chamber at 10:30 so we can proceed together at 10:40 to the Hall of the House of Representatives. I will have more to say about the remaining schedule for this week and the next at the close of business today.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Democratic leader is recognized.

APPOINTMENT OF CONFEREES ON PENSION REFORM

Mr. REID. Mr. President, employer-sponsored pension plans have been a critical part of employment security for America's workers. Over 40 million Americans rely on these pension plans that promise a monthly retirement benefit for life. Increasingly, the retirement security offered by pension plans is at risk, and more and more employers opt out of offering pension plans because of increased costs and growing administrative difficulties. Further complicating the situation is the fact that the agency that insures workers' pensions, the Pension Benefit Guaranty Corporation, faces huge deficits as a result of the termination of

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



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pension plans throughout the country. These pension plans were maintained by companies in the troubled steel and airline industries.

For all these reasons and more, we know that Congress must act on pension reform legislation so employees can continue to count on the retirement security provided by employer-sponsored pension plans. That is why Senate Democrats strongly supported pension reform legislation and were eager to go to conference on this bill. We recognize this is an important bill and strongly believe the Senate and House must get to work immediately to hammer out the compromises necessary to produce a final bill.

Senators agree. I think, from our perspective, we are united, Democrats and Republicans. Senate Democrats believe we can and should name conferees right now, this morning, and send the bill to the House so they can name their conferees. Nevertheless, some recent press reports on the status of the pension reform bill have suggested that Democrats are preventing this bill from moving to conference.

I wish to take a few minutes and correct this record. We strongly support the improvements this legislation will bring to our private pension system. We support improvements this legislation will bring, improvements to our private pension system. We want to improve pension funding so employees will know their employer's pension promise will be fulfilled. Democrats believe it is important to provide certainty to employers who are trying to plan their pension costs. Democrats believe it is important to clarify the rules governing cash balance pension plans so older workers are protected. Democrats believe it is important we act quickly to provide relief to those airlines that want to maintain their pension plans but need some time to recover from the downturn following the attacks of 9/11. Democrats believe it is imperative that we shore up the finances of the PBGC.

In other words, Democrats want this bill to go to conference today, and we can do that if the majority will agree to a reasonable number of conferees. Throughout this process, Senate Democrats have worked closely with Republicans to move pension reform legislation in an expedited manner. The pension reform bill was reported by the Finance Committee by voice vote on July 26 of last year. The HELP Committee reported the bill on September 28 by a vote of 18 to 2. After consideration, the two committee bills had to be reconciled into one proposal. Senators ENZI, GRASSLEY, KENNEDY, and BAUCUS worked long and hard on a bipartisan basis to produce that legislation. At each step during this process, Democrats worked with the Republicans to produce a bipartisan bill.

When it came time to consider the bill on the Senate floor, Democrats again worked to move this legislation forward. Senate Democrats worked

with the majority leader to reach agreement on a limited number of amendments. Democrats also worked to limit debate so the bill could move forward. Democrats did not have to forego their rights to offer amendments to the pension bill, but we did. Democrats didn't have to forego their rights to debate issues raised by this legislation, but we did. There are any number of steps that can be taken to slow down the progress of legislation if a Member of the Senate is so inclined. Democrats have not chosen to take any of these steps and are not choosing to take any of these steps now.

We are eager to go to conference on this legislation and we are not contesting the Republicans' desire to have a two-vote advantage in the conference. The majority leader set the margin at 7 to 5. We believe fairness is 8 to 6. All we are asking is that each committee which is a party to this legislation be adequately represented. We believe that appointing 14 conferees in a ratio of 8 to 6 gives the Senate the best opportunity to bring back a bill from the conference that will garner strong support by the Senate.

The majority leader has said he will go 9 to 6. That is not fair, to have a three-vote advantage. I urge the majority to consider its opposition to our very reasonable request so we can get to work on this legislation. Together we can improve our Nation's pension system and make America better.

Mr. President, simply it is this: Are we going to go to conference on this bill? We want to go. Arbitrarily, the majority leader said it will be a 7-to-5 ratio. We wanted 8 to 6. We will go to conference right now. It doesn't seem fair. We are not holding up the conference. We are not holding up the conference as indicated by the fact that we are willing to go from 7 to 5 to 8 to 6.

The distinguished Senator from Tennessee comes back with the suggestion that, well, we will go 9 to 6. That isn't fair. We want to go to conference, but we want at least to have a semblance of fairness. We are willing to go with the two-vote margin but not three votes.

MORNING BUSINESS

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

The Senator from Missouri.

ORDER FOR FILING DEADLINE

Mr. BOND. Mr. President, I ask unanimous consent that the filing deadline for first-degree amendments to S. 2271 occur at 12 noon today.

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

THE PATRIOT ACT

Mr. BOND. Mr. President, I come to the floor today to speak about the war on terror, progress in Iraq, and the PATRIOT Act. In spite of the negative press you see on the nightly news, Iraq is progressing toward the goal of being independent, free, and democratic. It has been nearly 3 years since our brave men and women in the military and our other agencies freed a people from the grip of a tyrannical and murderous dictator and began to work to establish a democratic society in the heart of the Middle East. In doing so, they are also making the world and all of us much safer.

Since then, the people of Iraq have set up a constitutional government and braved death by voting in free elections.

Surely more remains to be done, but let there be no doubt, progress is being made. But challenges remain. We recognize that and we must.

The recent bombing of a mosque in Samarra has highlighted the challenges Iraq continues to face. Who did it?

Following the attack, a prominent Iraqi Shiite cleric, al-Sistani, recognizing the hallmarks of al-Qaida, called, for the first time, for street demonstrations against the bombing, and thousands of his angry supporters protested, shouting slogans against al-Qaida and its supporters, accusing them of fueling hatred and violence, which is surely what they did.

News of the attack only underscores why we are in Iraq and what is at stake. When our delegation met with Sunni, Shiite, and Kurd leaders last month in Baghdad, those leaders recognized, as our able Ambassador emphasized, the dangers of sectarian violence. They committed to work together, knowing that they have to bring about a national unity government.

Recent news reports suggest that with the intervention of enlightened leaders such as al-Sistani, people are beginning to work together again. But the disturbing news of the bombing of the mosque and resulting reactions and killings simply seems to embolden all the hand-wringing naysayers who have incessantly talked of civil war in Iraq and American withdrawal. A greater lesson, however, lies within this tragic development.

Simply put, what is the alternative?

Is America to retreat from Iraq and simply seek to be left alone and leave the world's problems to others to fix?

In the age of bin Laden, al-Zarqawi, and al-Sistani, that is a course America and the world cannot afford to take. We should have learned our lesson on 9/11.

As the Wall Street Journal recently pointed out, the fact is that under the Bush administration's policy, four democratic governments have come to power in the Middle East—Iraq, Afghanistan, Lebanon, and Palestine. Yes these democracies will face serious challenges along the way, from insurgents to bloody ethnic feuding.

These are very serious challenges, and we are witnessing these challenges right now.

Let us be blunt. There is always the possibility that a murderous dictator can come to power in a democracy. That is how Hitler got in, in Germany. No one said this approach is perfect. It isn't, especially when Hamas wins in Palestine. But democracy isn't supposed to be perfect or easy or smooth. It was not such as we set up our Government.

But what is the alternative to promoting democracy, no matter how great the challenges become? I submit there is no viable alternative. It is democracy, and only democracy, that will offer these countries the possibility of greater civic freedoms, greater economic freedoms, and the hope for a politically moderate future.

It is only because of American leadership, our brave soldiers, our brave civilians, and the hopeful leadership, the enlightened leadership of people such as Hamid Karzai, Jalal Talabani, and Saad Hariiri that these countries and their people stand a chance of a better life and the world stands a chance to be a safer place. Along with it, America stands a chance of having important friends in a part of the world that in the past has been no friend to America.

Some of my colleagues have said we need to get out of Iraq. I agree—as soon as we train the Iraqi military and the police to ensure security but not until that is done.

But even when Iraq is stabilized, we will continue to see the threat of violence from the Islamofascists such as al-Qaida, Ansar al-Islam, Jamia Islamia.

As President Bush warned, this is going to be a decade-long war. Thus, our battles will go on overseas to deny foreign safe havens to murderous terrorist groups.

At home, the threat is still grim. And with recent disclosures, regrettably, of our most sensitive intelligence, according to CIA Director Porter Goss, we have experienced very severe damage to our capabilities.

It is even more important now that we provide our domestic law enforcement agencies the tools they need. That is why it is imperative we pass the PATRIOT Act as soon as possible. It is past time that we do so. 9/11 was not so long ago that we should have forgotten what it felt like that day.

You know and I know what it was like. We all need to remember. The results of hamstringing our domestic intelligence abilities are not so distant. The reasons we passed the PATRIOT Act have not gone away.

I am glad that an overwhelming number of Senators will join together to provide our terror fighters with the tools they need. For those for whom this was a hard decision, I applaud your courage. However, our actions pale in comparison to the courage exercised by those of us who protect us every day. It is to them we give these

tools, to them we entrust our safety, to them we owe our freedoms, to them we owe our lives.

Why would we not give them the tools they need to hold terror at bay? Why should we slow their hunt for terror suspects here at home? Why would we take from them the tools that have aided in the capture of over 400 terrorist suspects?

Renewing the PATRIOT Act will do this and more. It strikes a balance between national security and personal liberties. In the words of our colleagues on the other side of the aisle, it is a better bill now than it was before.

Negotiators have addressed many concerns. A balance has been struck on national security letters. Nondisclosure requirements prevent terrorists from learning the progress of investigations and investigative techniques. New language allows recipients of NSL letters to overturn the nondisclosure requirements, if a judge finds there is no reason to believe that disclosures may endanger the national security of the United States, interfere with criminal, counterterrorism or counterintelligence investigation, interfere with diplomatic relations or endanger the life or physical safety of any person.

Could we allow anything else?

Language was added clarifying that libraries, where functioning in their traditional roles, are not subject to national security letters. The agreement removes the requirement that a person inform the FBI of the identity of any attorney to whom disclosure was made or will be made to obtain legal advice or assistance.

For those of us who care about port security—quite a few people have been talking about it—this legislation includes the Reducing Crime and Terrorism at America's Seaports Act of 2005.

Those who join me in supporting this measure will make it a Federal crime to use fraud or false pretenses to enter America's ports; establish a new, general Federal crime to interfere forcibly with inspections of vessels by Federal law enforcement or resist arrest or provide law enforcement officers with false information; add "passenger vessels" to the forms of mass transit protected against terrorist attacks under Federal law; make it a Federal crime to place any substance or device in the navigable waters of the United States with the intent to damage a vessel or its cargo or to interfere with maritime commerce; and make it a Federal crime to transport explosives, biological, chemical, radioactive weapons or nuclear material aboard a vessel in the United States, in waters subject to U.S. jurisdiction on the high seas or aboard a vessel of the United States.

In addition, I care very deeply about fighting the drug scourge sweeping rural America, especially in the Midwest. Folks in my State know all too well that methamphetamine is perhaps the most deadly, fiercely addictive, and rapidly spreading drug the United

States has known. It is cheap, potent, and available everywhere.

During the past decade, while law enforcement officers continue to bust record numbers of clandestine labs, methamphetamine use in some communities has increased by as much as 300 percent.

The PATRIOT Act reauthorization includes the most comprehensive antimeth package ever introduced in the Congress by my colleagues Senator JIM TALENT of Missouri and Senator DIANNE FEINSTEIN of California. This Combat Meth Act will make certain legitimate consumers have access to the medicine they need while cutting off the meth cooks from the large amounts of ingredients they need to cook meth.

For all of these reasons, we must reauthorize the PATRIOT Act now. Our terror fighters cannot wait, our ports cannot wait, and our communities suffering from the scourge of meth cannot wait.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Nevada is recognized.

MILITARY RECRUITERS

Mr. ENSIGN. Mr. President, I rise to speak about a very important issue—access for our military recruiters on our high school campuses.

Later today, I will introduce a resolution in support of our military recruiters.

I rise and stand here today in a country free from tyranny, free from dictatorship, and free from oppression. I stand here today protected by the rights that are guaranteed to me by the Constitution of the United States. I am free to stand here because I am protected by the men and women of our nation's Armed Forces. It is because of our Nation's military that I enjoy the freedoms that are laid out in our country's Constitution.

These freedoms are enjoyed by every citizen of this great country.

The No Child Left Behind Act contains a provision that provides military recruiters and college and university recruiters with access to some student information. The intent behind this provision was to ensure that military recruiters were put on a level playing field with recruiters from our Nation's colleges and universities. At the time this language was included in NCLB military recruiters across the country were being denied access to student information that college and university recruiters were given full access to.

The text contained in No Child Left Behind is very simple. It states that "each local educational agency receiving assistance under this Act shall provide, on a request made by military recruiters or an institution of higher education, access to secondary school students' names, addresses, and telephone listings."

Recently, there have been numerous news reports on this topic. The debate

has swirled around a provision also in NCLB that allows a student or parent to request that contact information not be released to recruiters. School districts are required to inform parents and students that they have the option to make this request.

In some areas the debate on this provision has gone much further. The city of San Francisco recently voted in favor of Measure I, a symbolic measure that opposes, but does not forbid, military recruiting on public high school or college campuses. The city cannot forbid military recruiting at public high schools as doing so would put the schools at risk of losing all federal funding. I cannot fathom why the city passed this Measure. Students in San Francisco should have access to the same information that all other students have, and should be allowed to hear what the military has to offer them.

I understand the concerns surrounding privacy of personal information in today's society. However, I find it appalling that people have taken this provision and used it to rally against our troops, against our military system, and against our President.

We are here today because we are secured by the presence of our military that protects our freedoms. My question is why are we so frightened by the very instrument that helps keep us free?

Service in our armed forces is 100 percent voluntary and has been since the end of the Vietnam War. In order to maintain a voluntary force, the services must offer incentives to allow them to compete with the private sector for young, bright students about to graduate from high school. Recruiters search for the best and the brightest in our Nation's high schools to keep our forces strong and able to fight the forces that are against our way of life.

In the last 30 years, millions of young Americans have been given technical skills, received money for college tuition and preferred loans for first-time home purchases by choosing to serve in our military. Not only are these young soldiers given skills that can lead them to future employment, they are also given unique leadership training. Our military trains leaders not just for war, but for success in life.

Yet, it is perplexing to me that many parents today seem to look at military service as being akin to joining a radical cult or a violent gang. Military recruiters are going to our Nation's high schools to inform high school students of the opportunities that are available in our Armed Forces. Military recruiters are on campuses to provide information to students that is often not available in the mainstream media or in many high school counseling offices. Military recruiters are on high school campuses to dispel the many myths that surround service opportunities in the Army, Navy, Air Force, and Marines and Coast Guard.

Some parents are concerned about reports of recruiter abuse. In fact, following televised reports of recruiter abuse, the U.S. Army stopped recruiting activities for one day to review procedures that its 7,500 recruiters use.

In one case the network reported a recruiter suggesting how a volunteer might cheat to pass a drug test, and in another, a sergeant threatened a prospect with arrest if he didn't report to a recruiting station. Two cases out of 7,500 Army recruiters operating out of some 1,700 recruiting stations nationwide prompted the Army to stand down, to refocus recruiters on their mission, reinforcing the Army's core values, and ensure its procedures were carried out consistently at all recruiting stations. It sounds like a pretty responsible reaction to me. It sounds like an institution concerned about doing things the right way.

We must not forget the brave young men and women who do sign up for a tour of duty with the military. They swear to uphold and to protect the Constitution. We must not forget they take that duty seriously. They protect each and every one of us from outside threats, not just threats of violence but also threats to our constitutionally protected freedoms of speech and religion.

In his book "The Greatest Generation," Tom Brokaw recounts a generation of Americans who sacrificed all they had to preserve our freedoms. Young men even went so far as to lie about their age so they could enjoy the honor of fighting for our country in World War II. Their country needed them, and they responded with uncommon valor and courage. The crucible of war formed who we are as a country today. Today, our soldiers, sailors, airmen, and marines stand on the shoulders of those warriors. We celebrate their accomplishments in movies and books. We regale them with the honors they earned and deserve. I wonder what sort of message we are sending to today's youth if we honor the soldiers of yesterday but shun the soldiers of today.

My fear is that freedom is becoming almost too free, too entitled to more and more Americans. As long as we are free to switch cell phone service or download music from any Web site, we believe our freedoms are intact. But freedom is about so much more than that. Freedom is having the ability to speak our mind and stand for what we believe. Freedom means having the right to publicly disagree with the decisions of elected leaders. Freedom is a right, but it comes with a responsibility.

As a parent, I have the direct responsibility to teach my children about the honor in serving our fellow man, our community, and in serving our country. As parents, from the time our children are born, we worry about their health, the friends they keep, the decisions they make, and the grades they bring home from school. We worry

about drugs, letting them drive, and about preparing them for a life after mom and dad. But when we shield young adults from the things that scare us as parents, we belittle our children. It is our responsibility to share the world with our children, in many cases, the good with the bad. It is our responsibility to instill in them a sense of pride in our country and in the freedom we enjoy.

We cannot shield our children from information about military service because in doing so, we underestimate our children's capacity to judge for themselves what their future should be. It is vital that our young adults in high school have access not only to future employment and educational opportunities but also to the opportunities provided in the U.S. military. And most importantly, it is absolutely necessary that our Nation's military have the opportunity to recruit the best and the brightest our Nation has to offer. If we continue to discriminate against our military recruiters, we risk undermining the well-being of our military. We risk fracturing the base on which our Army, our Navy, our Air Force and our Marines is built. It is vital that recruiters have access to our Nation's young adults to continue the traditions of our Armed Forces.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Florida.

Mr. NELSON of Florida. Mr. President, I ask unanimous consent to speak as in morning business.

The ACTING PRESIDENT pro tempore. I inform the Senator from Florida that there is approximately 8 minutes remaining of the time reserved for the majority leader; there is 30 minutes reserved for the Democratic leader. The Senator may request to speak out of turn and have his time allocated toward the Democratic leader's time.

Mr. NELSON of Florida. I ask unanimous consent to do so.

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

The Senator from Florida is recognized.

CONFISCATION OF SENIORS' PRESCRIPTION DRUGS

Mr. NELSON of Florida. Mr. President, I share with the Senate that there have been a couple of occurrences in Florida over the course of this recess that might be worth noting.

The first is, seniors were assured by the Food and Drug Administration 2 years ago that our senior citizens would not be harassed by the confiscation of their prescription drugs when they order those prescriptions by the Internet or by mail from Canada for a limited supply. The Food and Drug Administration assured me that the overall intent of the law was to stop the massive purchases of drugs out of State in which they would go on the black market, but that for senior citizens

seeking a 90-day supply, since the prescriptions are so much cheaper ordering them through Canada, there was not going to be the harassment of the confiscations.

That has dramatically changed. Over the course of the last week and a half, I have received over 100 complaints of senior citizens from all over Florida having their prescriptions, when ordered by mail or Internet from Canada, confiscated. This is serious business. This could be a matter of life and death for senior citizens who cannot afford to pay the retail price and are depending on that medicine in order to help them with whatever their ailments are—in some cases, life-threatening situations. Fortunately, we have not had any one of those reported to me, but the harassment has started.

I certainly hope there is no connection between this spike in the number of instances with Customs taking senior citizens' prescriptions. I hope there is no connection between that and trying to force senior citizens into the Medicare prescription drug benefit, the Medicare Part D. Naturally, seniors are quite resistant to the new plan.

We have talked in the Senate over and over, and I have offered amendments, all of which have had a majority vote, but under the parliamentary procedure of having to waive the Budget Act, I had to get 60 votes. I have gotten over 50 but not the 60 votes needed in order to delay the implementation of the prescription drug benefit, the deadline for signing up, which is May 15.

Naturally, seniors are resistant because they do not understand it. They are confused and in some cases bewildered. They have 40 to 50 plans to pick from. They are confused and they are frightened because if they do not pick a plan by the May deadline, they will be penalized 1 percent a month or 12 percent a year, or if they pick the wrong plan, they are stuck with that plan for a year and they have the fear that suddenly the need to change their prescription by their doctor may occur and the formulary they pick may not cover the new prescription.

This resistance is a fact. I hope we do not see any of this harassment connected with trying to force seniors into the prescription drug bill.

I call on the Department of Homeland Security, Customs, to stop harassing our senior citizens by confiscating their prescriptions for purchase of a short supply, which is bought at so much of a reduced cost.

That is not the total answer, just getting the drugs from Canada. That is bandaiding the problem. The problem is having a Medicare prescription drug benefit offered to senior citizens where Medicare can use its huge buying power of bulk purchases in order to bring down the price of the drugs, as the Veterans' Administration has been doing for the last two decades. But until we can get to that point, until we can change the law, until we can get

the votes to change the law, in the meantime, some of our senior citizens who have trouble making financial ends meet have to buy their drugs through Canada at a much reduced price.

I bring this to the attention of the Senate. I bring it to the attention of Customs, as I have through correspondence. It is time to stop harassing our senior citizens.

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

The PRESIDING OFFICER (Mr. COLEMAN). The clerk will call the roll. The assistant legislative clerk proceeded to call the roll.

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

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

Mr. MENENDEZ. I ask unanimous consent to have 12 minutes in morning business.

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

Mr. MENENDEZ. I thank the Chair.

(The remarks of Mr. MENENDEZ pertaining to the introduction of S. 2334 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER. The Senator from Texas is recognized.

ORDER FOR FILING DEADLINE

Mr. CORNYN. Mr. President, I ask unanimous consent that the filing deadline for all amendments to S. 2271 occur at 12 noon today.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. CORNYN. Mr. President, I yield back the remaining Republican time for morning business.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is now closed.

USA PATRIOT ACT ADDITIONAL REAUTHORIZING AMENDMENTS ACT OF 2006

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of S. 2271, which the clerk will report.

The bill clerk read as follows:

A bill (S. 2271) to clarify that individuals who receive FISA orders can challenge non-disclosure requirements, that individuals who receive national security letters are not required to disclose the name of their attorney, that libraries are not wire or electronic communication service providers unless they provide specific services, and for other purposes.

Pending:

Frist Amendment No. 2895, to establish the enactment date of the Act.

Frist Amendment No. 2896 (to Amendment No. 2895), of a perfecting nature.

The PRESIDING OFFICER. Under the previous order, the time until 12:30 p.m. will be equally divided.

The Senator from Texas is recognized.

Mr. CORNYN. Mr. President, I wish to speak about the USA PATRIOT Act. As you know, the Senate has recently agreed to another temporary extension of this act. We have twice since December been in a position of having to offer, instead of permanent reauthorization, a temporary fix. Yet at a time when so many in this body are continuing to talk about security, this one piece of legislation, in my humble opinion, has been more important in terms of protecting the security of the United States than anything else we have done since September 11.

This critical law, which, of course, provides law enforcement agencies with the vital tools necessary to fight and win the war on terror, should not be allowed to expire. I, frankly, am at a loss to explain why we are spending so much time trying to get to final closure on this legislation when the merits of the legislation seem to be so obvious—primarily by providing tools to law enforcement and intelligence agencies of this country, tools that are already in broad use in other aspects of law enforcement investigations.

Unfortunately, it seems to me that there has been a certain amount of hysteria whipped up over this to cause people to have unreasonable fear and concern about civil liberties, when, in fact, the balance between security and civil liberties has been struck in an entirely appropriate way in this legislation.

We must make it a top priority of the Senate to reauthorize this legislation as soon as possible, as it would be unconscionable to compromise the safety of the American people and undermine the progress we have made since 9/11 and delay critical investigations.

An agreement reached in December between the House and Senate conferees preserved the provisions of this act which have made America safer since 9/11 while increasing congressional and judicial oversight, which should alleviate the concerns of those who believe the law enforcement tools somehow endanger civil liberties. And even recently, the White House and leaders of the House and Senate have made additional concessions in an attempt to reach a final agreement to reauthorize the PATRIOT Act.

Unfortunately, it seems that there are a few who are continuing in their effort to stop reauthorization of the PATRIOT Act, insisting on imposing their will on a bipartisan majority of the Senate, the House, and the President of the United States. The handful of diehards who continue to oppose this legislation are simply unwilling to accept the compromise that has been agreed to by both Houses of Congress, despite efforts from all quarters to try to accommodate reasonable concerns. Most reasonable people would agree

that it is a practical impossibility for each legislator to get every single thing they want out of any particular piece of legislation, but that doesn't mean the American people should be left with nothing and be stripped bare of the protections the PATRIOT Act has been so effective at delivering.

The art of compromise is, at times, a bitter pill, particularly when matters of such profound consequence as our national security and waging the war on terror hang in the balance. I personally supported leaving sections 215, 213, and other provisions of the PATRIOT Act alone. I also wanted to add administrative subpoenas to the PATRIOT Act and to add judicial review for national security letters.

I also feel very strongly about ensuring that the 9/11 Commission's recommendations with regard to risk-based funding for homeland security grant moneys are implemented and personally pushed for such a provision during these negotiations. Senator SPECTER made it clear to me that he would try to seek consensus but that my demands would not be met in all regards.

While I did not get everything I wanted and while I believe what I wanted was in the best interests of my country, I support this bill. I am simply unwilling to return the American people to the pre-9/11 law enforcement tools which so poorly served our national interests at that time. And while this legislation is not perfect in every regard, it represents what I believe are the best efforts of the Congress to arrive at an acceptable compromise.

The national security has been well served by the PATRIOT Act since its original passage in a way that is both consistent with our national values and the protection of civil liberties. The war on terror must be waged in a manner consistent with American values and American principles.

The hysteria over this legislation is simply hard for me to understand. The fact that people in too many instances have not focused on the hard-fought attempts to balance our security and civil liberty concerns is, I believe, a disservice to the American people. This debate does not concern a typical policy disagreement about taxes or other issues; in fact, the stakes are much higher.

The PATRIOT Act was enacted in 2001 by an overwhelming bipartisan margin—98 to 1 in the Senate and 357 to 66 in the House. At that time, Senators on both sides of the aisle agreed that this legislation struck a wise and careful balance between national security and civil liberties.

The law, to date, has had a successful track record. In addition to helping prevent any terrorist attacks in this country since 9/11 and playing such a critical role in dismantling several terrorist cells within the United States, the Department of Justice inspector general has consistently found no sys-

temic abuses of any of the act's provisions.

I support these recent concessions that have made this bill what it is today—and one in particular. Before these changes, a recipient of a 215 order seemingly could challenge the non-disclosure obligation at any time. The new revisions make clear that a recipient cannot challenge this requirement for 1 year, and it ensures that the conclusive presumption applies to these orders as well—something that was not clear before reaching this compromise agreement.

The remaining changes seemed to me to be quite sensible; that is, recipients of a 215 order or a national security letter do not have to tell the FBI that they have or will consult an attorney or that a library is not an electronic or wire communications provider unless, of course, they happen to be such a provider.

Prior to the PATRIOT Act, we know there were barriers that seriously hindered information sharing among law enforcement agencies and intelligence agencies, and those barriers imperiled our Nation. This was described by Patrick Fitzgerald in his testimony before the Senate Judiciary Committee. I quote:

I was on a prosecution team in New York that began a criminal investigation of Osama bin Laden in early 1996. The team—prosecutors and FBI agents assigned to the criminal case—had access to a number of sources. We could talk to citizens. We could talk to local police officers. We could talk to foreign police officers. Even foreign intelligence personnel. We could talk to foreign citizens. And we did all of those things as often as we could. We could even talk to al-Qaida members—and we did. We actually called several members and associates of al-Qaida to testify before a grand jury in New York. And we even debriefed al-Qaida members overseas who agreed to become cooperating witnesses. But there was one group of people we were not permitted to talk to. Who? The FBI agents across the street from us in lower Manhattan assigned to a parallel intelligence investigation of Osama bin Laden and al-Qaida. We could not learn what information they had gathered. That was the wall.

I am confident I am not the only one who is astounded at that statement. Consider our progress in the war on terror since the PATRIOT Act's enactment: Information sharing between intelligence and law enforcement personnel has been critical in dismantling terrorist operations, including the Portland Seven in Oregon, as well as a terrorist cell in Lackawanna, NY.

It has helped prosecute several people involved in an al-Qaida drugs-for-weapons scheme in San Diego, two of whom have already pleaded guilty.

Furthermore, nine associates of an al-Qaida-associated Northern Virginia violent extremist group were convicted and sentenced to prison terms ranging from 4 years to life.

Two Yemeni citizens have been charged and convicted for conspiring to provide material support to al-Qaida and Hamas.

An individual has been convicted of perjury and illegally acting as an agent of the former Government of Iraq by a jury in January of 2004.

And the executive director of the Illinois-based Benevolence International Foundation, who has had a long-standing relationship with Osama bin Laden, pleaded guilty to racketeering and furthermore admitted that he diverted thousands of dollars from his charity organization to support Islamic militant groups in Bosnia and Chechnya.

These tools simply must remain available to those on the front lines who continue to wage the war on terror. The very safety of our Nation depends on it.

I would like to share with my colleagues—and perhaps some of them have seen this op-ed piece—a piece written by Debra Burlingame, the sister of Charles F. "Chic" Burlingame III, the pilot of American Airlines flight 77 which crashed into the Pentagon on September 11, 2001. This op-ed was originally published in the Wall Street Journal, and I believe it articulates precisely why this legislation must be reauthorized without delay.

I will read an excerpt, and I ask unanimous consent that the complete op-ed be printed in the RECORD following my remarks.

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

(See exhibit 1.)

Mr. CORNYN. Mr. President, Ms. Burlingame writes:

A mere four-and-a-half years after victims were forced to choose between being burned alive and jumping from 90 stories, it is frankly shocking that there is anyone in Washington who would politicize the Patriot Act. It is an insult to those who died to tell the American people that the organization posing the greatest threat to their liberty is not al Qaeda but the FBI. Hearing any member of Congress actually crow about "killing" or "playing chicken" with this critical legislation is as disturbing today as it would have been when Ground Zero was still smoldering. Today we know in far greater detail what not having it cost us.

She continues:

The Senate will soon convene hearings on renewal of the Patriot Act—

And indeed we had those hearings—and the NSA terrorist surveillance program. A minority of Senators want to gamble with American lives and "fix" national security laws which they can't show are broken. They seek to eliminate or weaken anti-terrorism measures which take into account that the Cold War in its slow-moving, analog world of landlines and stationary targets is gone. The threat we face today is a completely new paradigm of global terrorist networks operating in a high-velocity digital age using the Web and fiber-optic technology. After four-and-a-half years without another terrorist attack, these senators think we're safe enough to cave in to the same civil liberties lobby that supported that deadly FISA wall in the first place. What if they, like those lawyers and judges, are simply wrong?

Why should we allow enemies to annihilate us simply because we lack the clarity or resolve to strike a reasonable balance between

a healthy skepticism of government power and the need to take proactive measures to protect ourselves from such threats? The mantra of civil-liberties hard-liners is to “question authority”—even when it is coming to our rescue—then blame that same authority when, hamstrung by civil liberties laws, it fails to save us. . . . More Americans should not die because the peace-at-any-cost fringe and antigovernment paranoids still fighting the ghost of Nixon hate George Bush more than they fear al Qaeda. Ask the American people what they want. They will say that they want the commander in chief to use all reasonable means to catch the people who are trying to rain terror on our cities. Those who cite the soaring principle of individual liberty do not appear to appreciate that our enemies are not seeking to destroy individuals, but rather whole populations.

She concludes:

The public has listened to years of stinging revelations detailing how the government tied its own hands in stopping the devastating attacks of September 11. It is an irresponsible violation of the public trust for members of Congress to weaken the Patriot Act or jeopardize the NSA terrorist surveillance program because of the same illusory theories that cost us so dearly before, or worse, for rank partisan advantage. If they do, and our country sustains yet another catastrophic attack that these antiterrorism tools could have prevented, the phrase “connect the dots” will resonate again—but this time it will refer to the trail of innocent American blood which leads directly to the Senate floor.

I urge my colleagues to heed the words of Ms. Burlingame. And today I join my voice with hers and the millions of Americans who are calling for us to do our duty and to do our utmost to protect this country and the American people.

Mr. President, I yield the floor.

EXHIBIT 1

[From opinionjournal.com, Jan. 30, 2006]

OUR RIGHT TO SECURITY

(By Debra Burlingame)

One of the most excruciating images of the September 11 attacks is the sight of a man who was trapped in one of the World Trade Center towers. Stripped of his suit jacket and tie and hanging on to what appears to be his office curtains, he is seen trying to lower himself outside a window to the floor immediately below. Frantically kicking his legs in an effort to find a purchase, he loses his grip, and falls.

That horrific scene and thousands more were the images that awakened a sleeping nation on that long, brutal morning. Instead of overwhelming fear or paralyzing self-doubt, the attacks were met with defiance, unity and a sense of moral purpose. Following the heroic example of ordinary citizens who put their fellow human beings and the public good ahead of themselves, the country's leaders cast aside politics and personal ambition and enacted the USA Patriot Act just 45 days later.

A mere four-and-a-half years after victims were forced to choose between being burned alive and jumping from 90 stories, it is frankly shocking that there is anyone in Washington who would politicize the Patriot Act. It is an insult to those who died to tell the American people that the organization posing the greatest threat to their liberty is not al Qaeda but the FBI. Hearing any member of Congress actually crow about “killing” or “playing chicken” with this critical legislation is as disturbing today as it would have been when Ground Zero was still smoldering.

Today we know in far greater detail what not having it cost us.

Critics contend that the Patriot Act was rushed into law in a moment of panic. The truth is, the policies and guidelines it corrected had a long, troubled history and everybody who had to deal with them knew it. The “wall” was a tortuous set of rules promulgated by Justice Department lawyers in 1995 and imagined into law by the Foreign Intelligence Surveillance Act (FISA) court. Conceived as an added protection for civil liberties provisions already built into the statute, it was the wall and its real-world ramifications that hardened the failure-to-share culture between agencies, allowing early information about 9/11 hijackers Khalid al-Mihdhar and Nawaf al-Hazmi to fall through the cracks. More perversely, even after the significance of these terrorists and their presence in the country was known by the FBI's intelligence division, the wall prevented it from talking to its own criminal division in order to hunt them down.

Furthermore, it was the impenetrable FISA guidelines and fear of provoking the FISA court's wrath if they were transgressed that discouraged risk-averse FBI supervisors from applying for a FISA search warrant in the Zacarias Moussaoui case. The search, finally conducted on the afternoon of 9/11, produced names and phone numbers of people in the thick of the 9/11 plot, so many fertile clues that investigators believe that at least one airplane, if not all four, could have been saved.

In 2002, FISA's appellate level Court of Review examined the entire statutory scheme for issuing warrants in national security investigations and declared the “wall” a nonsensical piece of legal overkill, based neither on express statutory language nor reasonable interpretation of the FISA statute. The lower court's attempt to micromanage the execution of national security warrants was deemed an assertion of authority which neither Congress or the Constitution granted it. In other words, those lawyers and judges who created, implemented and so assiduously enforced the FISA guidelines were wrong and the American people paid dearly for it.

Despite this history, some members of Congress contend that this process-heavy court is agile enough to rule on quickly needed National Security Agency (NSA) electronic surveillance warrants. This is a dubious claim. Getting a FISA warrant requires a multistep review involving several lawyers at different offices within the Department of Justice. It can take days, weeks, even months if there is a legal dispute between the principals. “Emergency” 72-hour intercepts require sign-offs by NSA lawyers and preapproval by the attorney general before surveillance can be initiated. Clearly, this is not conducive to what Gen. Michael Hayden, principal deputy director of national intelligence, calls “hot pursuit” of al Qaeda conversations.

The Senate will soon convene hearings on renewal of the Patriot Act and the NSA terrorist surveillance program. A minority of senators want to gamble with American lives and “fix” national security laws, which they can't show are broken. They seek to eliminate or weaken anti-terrorism measures which take into account that the Cold War and its slow-moving, analog world of landlines and stationary targets is gone. The threat we face today is a completely new paradigm of global terrorist networks operating in a high-velocity digital age using the Web and fiber-optic technology. After four-and-a-half years without another terrorist attack, these senators think we're safe enough to cave in to the same civil liberties lobby that supported that deadly FISA wall in the first place. What if they, like those lawyers and judges, are simply wrong?

Meanwhile, the media, mouthing phrases like “Article II authority,” “separation of powers” and “right to privacy,” are presenting the issues as if politics have nothing to do with what is driving the subject matter and its coverage. They want us to forget four years of relentless “connect-the-dots” reporting about the missed chances that “could have prevented 9/11.” They have discounted the relevance of references to the two 9/11 hijackers who lived in San Diego. But not too long ago, the media itself reported that phone records revealed that five or six of the hijackers made extensive calls overseas.

NBC News aired an “exclusive” story in 2004 that dramatically recounted how al-Hazmi and al-Mihdhar, the San Diego terrorists who would later hijack American Airlines flight 77 and fly it into the Pentagon, received more than a dozen calls from an al Qaeda “switchboard” inside Yemen where al-Mihdhar's brother-in-law lived. The house received calls from Osama Bin Laden and relayed them to operatives around the world.

Senior correspondent Lisa Myers told the shocking story of how, “The NSA had the actual phone number in the United States that the switchboard was calling, but didn't deploy that equipment, fearing it would be accused of domestic spying.” Back then, the NBC script didn't describe it as “spying on Americans.” Instead, it was called one of the “missed opportunities that could have saved 3,000 lives.”

Another example of opportunistic coverage concerns the Patriot Act's “library provision.” News reports have given plenty of ink and airtime to the ACLU's unsupported claims that the government has abused this important records provision. But how many Americans know that several of the hijackers repeatedly accessed computers at public libraries in New Jersey and Florida, using personal Internet accounts to carry out the conspiracy? Al-Mihdhar and al-Hazmi logged on four times at a college library in New Jersey where they purchased airline tickets for AA 77 and later confirmed their reservations on Aug. 30. In light of this, it is ridiculous to suggest that the Justice Department has the time, resources or interest in “investigating the reading habits of law abiding citizens.”

We now have the ability to put remote control cameras on the surface of Mars. Why should we allow enemies to annihilate us simply because we lack the clarity or resolve to strike a reasonable balance between a healthy skepticism of government power and the need to take proactive measures to protect ourselves from such threats? The mantra of civil-liberties hard-liners is to “question authority”—even when it is coming to our rescue—then blame that same authority when, hamstrung by civil liberties laws, it fails to save us. The old laws that would prevent FBI agents from stopping the next al-Mihdhar and al-Hazmi were built on the bedrock of a 35-year history of dark, defeating mistrust. More Americans should not die because the peace-at-any-cost fringe and antigovernment paranoids still fighting the ghost of Nixon hate George Bush more than they fear al Qaeda. Ask the American people what they want. They will say that they want the commander in chief to use all reasonable means to catch the people who are trying to rain terror on our cities. Those who cite the soaring principle of individual liberty do not appear to appreciate that our enemies are not seeking to destroy individuals, but whole populations.

Three weeks before 9/11, an FBI agent with the bin Laden case squad in New York learned that al-Mihdhar and al-Hazmi were in this country. He pleaded with the national security gatekeepers in Washington to launch a nationwide manhunt and was summarily told to stand down. When the FISA

Court of Review tore down the wall in 2002, it included in its ruling the agent's Aug. 29, 2001, email to FBI headquarters: "Whatever has happened to this—someday someone will die—and wall or not—the public will not understand why we were not more effective and throwing every resource we had at certain problems. Let's hope the National Security Law Unit will stand behind their decisions then, especially since the biggest threat to us now, [bin Laden], is getting the most 'protection.'"

The public has listened to years of stinging revelations detailing how the government tied its own hands in stopping the devastating attacks of September 11. It is an irresponsible violation of the public trust for members of Congress to weaken the Patriot Act or jeopardize the NSA terrorist surveillance program because of the same illusory theories that cost us so dearly before, or worse, for rank partisan advantage. If they do, and our country sustains yet another catastrophic attack that these antiterrorism tools could have prevented, the phrase "connect the dots" will resonate again—but this time it will refer to the trail of innocent American blood which leads directly to the Senate floor.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. FEINGOLD. 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. FEINGOLD. Mr. President, later today we will have a cloture vote on S. 2271. We should not end debate on this bill, and we should not pass this bill. Doing so will only help implement the deeply flawed deal that was struck with the White House to reauthorize the PATRIOT Act without enacting the core civil liberties protections for which so many of us have fought. So I urge my colleagues to vote no on cloture.

Everybody in this body wants to reauthorize the PATRIOT Act. Many of the expiring provisions are entirely noncontroversial. But we also need to fix the provisions that went too far, that do not contain the checks and balances necessary to protect our rights and freedoms. This reauthorization process is our chance to get it right, and moving forward with this bill takes us one step closer to wasting that chance.

Back in December, 46 Senators voted against cloture on the PATRIOT Act conference report. I think it is clear by now that the deal makes only minor changes to that conference report, which remains as flawed today as it was 2 months ago. The Senator from Pennsylvania, the chairman of the Judiciary Committee and the primary proponent of the conference report in this body, was quoted as saying that the changes that the White House agreed to were "cosmetic." And then he said, according to the AP:

But sometimes cosmetics will make a beauty out of a beast and provide enough cover for Senators to change their vote.

Since this deal was announced, editorial pages of newspapers also have pointed out how minimal these changes are and have urged Senators not to change their votes. Let me read a few examples.

The editorial board of the Roanoke Times in Virginia had this to say on February 11:

A compromise that is expected to clear the way for the law's reauthorization is a victory of fear over strength. The "compromise" the White House and congressional leaders reached this week on reauthorization of the USA PATRIOT Act is a compromise of the basic freedoms that define this Nation. The Bush administration has made a few minor concessions, enough to give the handful of defiant Senate Republicans and some of their Democratic allies cover to extend the broad antiterrorism bill and claim they have done what they could to protect the civil liberties of innocent Americans. They have not.

That same day from the New York Times we heard this:

The PATRIOT Act has been one of the few issues on which Congress has shown backbone lately. Last year, it refused to renew expiring parts of the act until greater civil liberties protections were added. But key members of the Senate have now caved, agreeing to renew these provisions in exchange for only minimal improvements. At a time when the public is growing increasingly concerned about the lawlessness of the Bush administration's domestic spying, the Senate should insist that any reauthorization agreement do more to protect Americans against improper secret searches.

From my own home State, this is from the Wisconsin State Journal on February 18:

In recent weeks, Senators have worked with the White House to produce a compromise. However, the compromise remains far short of what is required to protect Americans' civil liberties. Regrettably, the Senate has backed down from its earlier stand and is poised to pass the inadequate bill.

These editorial boards and millions of Americans across the country recognize what everybody in this body already knows: that this deal makes only minor—yes, cosmetic—changes to the conference report that was blocked in December. The deal is woefully inadequate, and let me explain why.

I start by reminding my colleagues of the context for this deal. Back in November and December, when so many of us were fighting for improvements to the conference report, we made very clear what we were asking for. We laid out five issues that needed to be addressed to get our support, and I am going to read quickly excerpts from a letter we sent explaining our concerns because I think it will help demonstrate why this deal is so bad and so inadequate. Here are the problems we identified and the changes we asked for several months ago.

On section 215, we said:

The draft conference report would allow the Government to obtain sensitive personal information on a mere showing of relevance. This would allow Government fishing expeditions. As business groups like the U.S. Chamber of Commerce have argued, the Gov-

ernment should be required to convince a judge that the records they are seeking have some connection to a suspected terrorist or spy.

Next, we discussed gag orders, both for section 215 orders and national security letters:

The draft conference report does not permit the recipient of a section 215 order to challenge its automatic, permanent gag order. Courts have held that similar restrictions violate the First Amendment. The recipient of a section 215 order is entitled to meaningful judicial review of the gag order.

The draft conference report does not provide meaningful judicial review of an NSL's gag order. It requires the court to accept as conclusive the Government's assertion that a gag order should not be lifted, unless the court determines the Government is acting in bad faith. The recipients of NSLs are entitled to meaningful judicial review of a gag order.

We then moved on to national security letters more generally. The draft conference report does not sunset the NSL authority. In light of recent revelations about possible abuses of NSLs, the NSL provision should sunset in no more than 4 years when the Congress will have an opportunity to review the use of this power.

Finally, we addressed sneak-and-peek search warrants. The draft conference report requires the Government to notify the target of a sneak-and-peek search no earlier than 30 days after the search rather than within 7 days as the Senate bill provides and as pre-PATRIOT Act judicial decisions required. The conference report should include a presumption that notice will be provided within a significantly shorter period in order to protect fourth amendment rights. The availability of additional 90-day extensions means that a shorter initial timeframe should not be a hardship on the Government.

Again, these quotes are from a letter we sent late last year. Now, you might ask, in this newly announced deal on the PATRIOT Act, have any of these five problems been solved?

The answer is no, not a single one. Only one of these issues has even been partially addressed by this deal, but it has not been fixed.

This deal only makes a few small changes. First, it would permit judicial review of section 215 gag orders, but under conditions that would make it very difficult for anyone to obtain meaningful judicial review. Under the deal, judicial review can only take place after a year has passed, and it can only be successful if the recipient of the section 215 order proves that the Government has acted in bad faith. As many have argued in the context of the national security letters, now that is a virtually impossible standard to meet. We need meaningful judicial review of these gag orders, not just the illusion of it.

Second, the deal would specifically allow the Government to serve national security letters on libraries if the library comes within the current requirements of the NSL statute. This is a provision that appears to just restate current law. Even the American

Library Association has called it nothing other than a fig leaf.

Third, the deal would clarify that people who receive a national security letter or a section 215 order would not have to tell the FBI if they consult with an attorney. Now, this last change is a positive step, but it is only one relatively minor change. So that is what we are left with: one relatively minor improvement. That is nowhere near enough.

Ordinarily, when we debate a flawed bill such as this one, we at least have the chance to improve it on the Senate floor by offering amendments, and I have been trying to do just that to make sure we don't miss the opportunity to address the core problem with the PATRIOT Act that so many of us have been fighting to fix. Before the recess, I filed four amendments to S. 2271, but I was prevented from calling them up because the majority leader used the procedural tactic of filling the amendment tree in order to prevent Senators from offering and getting votes on amendments. Using procedural maneuvers like this to prevent the Senate from debating and voting on amendments is an insult to the institution, and it is an insult to every one of my colleagues. We are being told that we have no choice but to accept the deal that a few Members cut with the White House, without being allowed to even try to change a single word.

We do have a choice—to oppose closure on this bill and insist that any deal include meaningful civil liberties protections. I don't know if the majority leader fears that my amendments would actually pass or if he just wants to protect Senators from having to explain why they oppose basic protections for law-abiding Americans, but that should not be how the Senate does its business. Offering, debating, and voting on amendments is what the Senate is supposed to be all about. That is how we are supposed to craft legislation. Trying to ram this deal through without a real amending process is a cynical maneuver that we should all reject, regardless of how we may feel about the merits of the bill.

If my colleagues want to vote against my amendments, that is their right. But no one has the right to turn this body into a rubberstamp.

Let's take a step back and consider the process that got us here today. As we know, conference reports are not amendable. They come to this body as a take-it-or-leave-it proposition. Those are the rules, and we all understand them and play by them. In December, we understood that. In December, we just said no. We said no to the PATRIOT Act conference report.

Now we have a new bill, the product of a side deal with the White House, that is essentially an amendment to the conference report. It is even drafted that way. Each section of the bill amends the underlying law, as amended by the conference report. That is

right. The bill we are considering today amends a law that hasn't even been passed by the Senate, much less signed into law. As I understand it, this bill, should both Houses of Congress pass it, will have to sit on the President's desk unsigned until the President signs the conference report bill into law.

The proponents of this deal want to effectively amend the conference report which couldn't pass the Senate in December, even though conference reports are unamendable, and they want to do it by circumventing the regular legislative process with a bill that no one is being allowed to amend, even though the bill did not go through committee, let alone a conference. How is that fair? Why should a handful of members of this body be able to amend an unamendable conference report with a deal struck by the White House, and then prevent the Senate from working its will on that deal?

How can one group of Senators amend the conference report but prevent other Senators from trying to do the same thing? How is that possible?

The answer is that it is not possible unless the Senate lets it happen. And the vote we will have later today is the vote where we will find out if the Senate will let it happen.

I hope even colleagues who may support the deal will oppose such a sham process. It makes no sense to agree to end debate without a guarantee that we will be allowed to actually try to improve the bill, and it is a discourtesy to all Senators, not just me, to try to ram through controversial legislation without the chance to improve it.

My amendments are limited and reasonable. I spoke about them at length before the recess, but let me just take a few minutes to explain again what they would do.

First, amendment No. 2892 would implement the standard for obtaining section 215 orders that was in the Senate bill that the Judiciary Committee approved by a vote of 18 to 0, and that was agreed to in the Senate without objection. This is obviously a very reasonable amendment that every Senator in one way or another has basically supported.

It took hard work, but the Judiciary Committee came up with language on section 215 that protects innocent Americans, while also allowing the Government to do what it needs to do to investigate and prevent terrorism. The Senate standard would require the Government to convince a judge that a person has some connection to terrorism or espionage before obtaining their sensitive records.

The Senate standard is the following: One, that the records pertain to a terrorist or spy; two, that the records pertain to an individual in contact with or known to a suspected terrorist or spy; or—and I emphasize “or”—three, that the records are relevant to the activities of a suspected terrorist or spy. That is the standard my amendment would impose.

This would not limit the types of records that the Government could obtain, and it does not go as far to protect law-abiding Americans as I might prefer, but it would make sure the Government cannot go on fishing expeditions into the records of innocent people.

The conference report did away with this delicate compromise, replacing the three-prong test with a simple and quite broad relevance standard which could arguably justify the collection of all kinds of information about perfectly law-abiding Americans.

Of all the concerns that have been raised about the PATRIOT Act since it was passed in 2001, section 215 is the one that has received the most public attention, and rightly so. A reauthorization bill that doesn't fix this provision, in my view, has no credibility.

My second amendment is amendment No. 2893, which would ensure the recipients of business records orders under section 215 of the PATRIOT Act and also recipients of national security letters can get meaningful judicial review of the gag orders they are subject to.

Under the conference report, as modified by the Sununu bill, recipients of these documents would theoretically have the ability to challenge the gag orders in court, but the standard for getting the gag orders overturned would be virtually impossible to meet. In order to prevail in challenging the NSL or section 215 gag order, the recipient would have to prove that any certification by the Government that disclosure would harm national security or impair diplomatic relations was made in bad faith. There would be what many have called a conclusive presumption that the gag order stands, unless the recipient can prove that the Government acted in bad faith. Again, I simply don't think that anyone could reasonably call this meaningful judicial review.

My amendment would eliminate the bad faith showing currently required for overturning both section 215 and NSL gag orders. And it would no longer require recipients of section 215 orders to wait a year before they can challenge the accompanying gag orders, which is actually a new requirement in the Sununu bill.

My third amendment, amendment No. 2891, would add to the conference report one additional 4-year sunset provision. It would sunset the national security letter authorities that were expanded by the PATRIOT Act. It would simply add that sunset to the already existing 4-year sunsets that are in the conference report with respect to section 206, section 215, and the so-called lone wolf provision.

National security letters, or NSLs, are finally starting to get the attention they deserve. This authority was expanded by sections 358 and 505 of the PATRIOT Act. The issue of NSLs has flown under the radar for years, even though many of us have been trying to bring more public attention to it.

National security letters are issued by the FBI to businesses to obtain certain kinds of records without any—any—sort of court approval whatsoever. NSLs can be used to obtain three types of business records: subscriber and transactional information related to Internet and phone usage; credit reports; and financial records, a category that has been expanded to include records from all kinds of everyday businesses such as jewelers, car dealers, travel agents, and even casinos. This is a very broad power. I can think of no reason Congress would not want to place a sunset on these authorities to ensure we have the opportunity to take a close look at them.

Finally, my fourth amendment, amendment No. 2894, concerns so-called sneak-and-peek searches, whereby the Government can secretly search people's houses in everyday criminal investigations and not provide notice of the search until afterward. The key issue here is how long the Government should be allowed to wait, at least in most cases, before it notifies individuals that their homes have been searched. The Senate bill said 7 days, 7 days should be the presumption, with the ability to get extensions if necessary, but the conference report does away with that and instead allows a delay of 30 days in most cases.

My amendment would restore the key component in the Senate compromise by requiring that subjects of sneak-and-peek searches be notified of the search within 7 days unless a judge grants an extension of that time because there is good reason to still keep the search secret.

It makes no other change in the conference report other than changing 30 days to 7 days.

Those are my amendments. They are eminently reasonable. They are consistent with provisions that we approved in the Senate last year or they were central to the concerns raised by so many Senators late last year. So these are obviously not extreme ideas, and the Senate should be allowed to vote on these four amendments. All of us have as much right as the Senators who struck a deal with the White House to try to amend the conference report.

I am happy to report that the Senator from Pennsylvania, the chairman of the Judiciary Committee, thinks these are reasonable amendments, too. In fact, he thinks they are so reasonable that late yesterday he announced that he is going to combine them into a single bill and introduce it today and try to move it through the Judiciary Committee. That is right. The chairman of the Judiciary Committee, the chief proponent in this body of the PATRIOT Act reauthorization conference report and of the White House deal the Senate is being asked to ratify, has taken the four amendments I just described and, with a few minor tweaks, he has introduced them as a bill.

I must say, I guess I am flattered and, of course, I will support that bill,

but there is an alternative to the lengthy and uncertain legislative process that awaits the chairman's new bill, and that is to simply allow the Senate to vote on my amendments this week. The chairman could offer them with me. We could make a pretty powerful team on this issue, maybe. We have the perfect and logical vehicle for these amendments to the PATRIOT Act before us right now. All we need to do is add the chairman's reasonable proposals to this bill and send it to the House, where it would almost certainly pass if the leadership would simply allow it to be voted on.

These provisions, most of which come right out of the bill that passed the Senate without objection last July, could become law in a matter of weeks rather than a year or more from now, if ever.

My amendments and Senator SPECTER's bill are simply what the bipartisan group asked for back in December when we blocked the PATRIOT Act reauthorization conference report. Our requests were reasonable then, and they are reasonable now. The only reason we are considering a package that doesn't include them is that the White House played hardball, and the decision was made by some to capitulate.

Mr. President, I oppose the flawed deal we are being asked to ratify, and I oppose the sham process that the Senate is facing here. We still have not fixed some of the most significant problems of the PATRIOT Act, and if we allow the conference report to go through, the chairman's sincere hopes notwithstanding, I fear that we will lose that chance for at least another 4 years. So I must oppose cloture on this bill, which will allow the deal to go forward.

Before I yield the floor, let me ask one more time for unanimous consent to set the pending amendments aside so that I may call up amendment No. 2892, the amendment to modify the standard for section 215 orders.

The PRESIDING OFFICER. In my capacity as Senator from New Hampshire, I object.

Objection is heard.

Mr. FEINGOLD. Mr. President, that objection says it all. I urge my colleagues to vote no on cloture, not only because this deal is flawed but also because of the tactics being used to prevent votes on reasonable, relevant amendments—reasonable, relevant amendments that would improve the flawed bill we are debating.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SUNUNU. 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. SUNUNU. Mr. President, I want to speak briefly about the bill before

us, a bill that I introduced and the details of which I helped work out over a period of 5 or 6 weeks following the delay of the conference report to reauthorize the PATRIOT Act at the end of last year.

I recognize that this legislation, like almost any piece of legislation that is dealt with in Congress and in the Senate, in particular, represents a compromise. If you pursue every piece of legislation insisting that you get everything you asked for in that bill, in all likelihood you will never get anything you are seeking, and you certainly would not be able to count on the long-term support of others in this institution who might have requests or initiatives with which you might not agree. A compromise is always necessary.

But I think in this case the legislation represents a substantial step forward in terms of better safeguarding our civil liberties from where we were with the current law and, equally important, allows us to lock in, to get enacted into law a number of other improvements that many of us worked very hard on in a bipartisan way.

I understand that Senator FEINGOLD doesn't support the legislation. That is certainly his right, his prerogative. But I think he shortchanges the nature of these improvements.

I want to touch on the three elements of this bill so that all Senators and the public understand how these three provisions take us forward. Maybe the agreement represented in this bill does not move us as far forward as he or I or others in the Senate might like, but its moves us forward nonetheless.

First, in this bill, we create an explicit review of the gag order that accompanies a 215 subpoena. He has criticized the fact that there is a 12-month waiting period for taking that gag order before a judge.

In our legislation, the SAFE Act, we had a 3-month waiting period. We asked for a 3-month waiting period, and we ended up with a 12-month waiting period. That is the nature of compromise, but we did get an explicit judicial review of the gag order. I think the principle that any gag order be given an opportunity for review before a judge is not only a step forward but a victory on principle, which is extremely important in this legislation, and I think it will guide us in the future when we might deal with similar questions.

Second, we struck a provision in the delayed conference report that requires the recipient of a national security letter to disclose the name of their attorney to the FBI. That is a provision that doesn't occur anywhere else in the law. It is a provision that I think could have discouraged people from seeking legal advice. And in the case of a national security letter—a subpoena issued without the approval of a judge—we are not talking about a few

dozen subpoenas or a few dozen individuals or businesses affected; we are talking about tens of thousands. Striking that requirement regarding the recipient of an NSL notifying the FBI the name of their attorney, I think, again, is a very important step forward not only in encouraging people to seek legal advice but also a very important principle to set down in this bill.

A third improvement which was not even considered in the remarks of Senator FEINGOLD is clarification that a library engaged in the traditional role of lending books, providing books to patrons in digital format, or providing access to the Internet, is not subject to a national security letter. This is an important clarification of congressional intent, an important clarification of the existing law which, unfortunately, is not clear on this point.

It is not clear because the underlying law uses definitions that were written 20 years ago before the age of the Internet. I hope the Judiciary Committee will take up a full review and evaluation of the definitions and the standards regarding technology and the underlying law that is referenced here. In lieu of that, the least we can do is provide clarification as to how and when this law applies to institutions such as libraries. We have done so in a positive and meaningful way.

There are two areas Senator FEINGOLD mentioned where we had not made progress. I am more than willing to recognize we did not get everything asked for, even as we significantly improved the conference report. One is the standard of conclusive presumption which is a standard he does not support. I do not support imposing this standard of inclusive presumption for overturning the 215 and NSL gag orders, but the fact remains, as was pointed out by Chairman SPECTER during our original debate at the end of last year, that this is a standard that was in the Senate bill that was passed unanimously last summer. It is quite challenging tactically to try to negotiate out a provision that all Senators supported and voted for in the original Senate bill.

The second issue is the most problematic, the one where I would like to have made more progress. That is in changing the standard for getting a 215 subpoena from one of mere relevance to terrorism investigation, as is the current law and the standard in the conference report, to having a clear connection to a suspected or known terrorist or foreign power. We did not succeed in getting an improvement to the standard itself. However, through the course of negotiations, because of the work done by me and Senator FEINGOLD and others, we were able to get other requirements and criteria to be met by the government before a 215 subpoena can be issued which I will speak to in a moment.

These three provisions, again, are significant steps forward from the delayed conference report. They are a

step forward in the very areas that were raised as concerns at the end of the session. In conversations with Senator FEINGOLD and Senator CRAIG and others after we defeated cloture on the conference report in December, we came back to the four priorities about which most of our discussions with the administration took place. We made progress on two of those priorities and added the provision clarifying the applicability of national security letters to libraries. That is a real success, indeed.

It is unfortunate in this debate on the underlying bill has included language such as "capitulation" and "caving." But it certainly does not bother me. I am very comfortable with the process we used to get these improvements. I am certainly very comfortable with the stand I took, the priorities I raised, and the end result as far as this reauthorization process goes. The conference report is a significant improvement over current law and the bill before us today is a significant improvement to the conference report. However, it is unfair to those Members who might not have had the opportunity to work directly on these issues in Judiciary or directly in our working group but feel this is a good, appropriate improvement and a good compromise, to suggest that they are only changing their vote for political reasons. There were many individuals—Democrats and Republicans—who were never willing to take a stand on this issue, even though they may have agreed with Senator FEINGOLD, me, or others, about our concerns. They may have wished the issue would go away. There were some Members who claimed to support us but, frankly, when given the opportunity to weigh in with the administration or to help move the process forward, they chose not to.

It is unfair to criticize those who worked with us—Democrats and Republicans—to push this issue forward, to make these improvements, to suddenly bring their motivation into question when they decide to support a compromise. I do not think that serves the institution of the Senate well, especially as we had before the recess a 93-to-6 vote to move forward. We have leadership on both sides of the aisle supporting this package. I think the ultimate vote on final passage of my bill and the delayed conference report will yield a very strong bipartisan agreement also.

We can take issue with the level of progress that was made, we can take issue with the underlying substance of the original PATRIOT Act, the conference report, or these additional improvements, but everyone I have dealt with in this process has worked in a very direct, straightforward way. There has been a desire to find common ground, and in finding that common ground, to come to a consensus that allowed this conference report to move forward.

In addition to the three improvements I described, we had previously

gained improvements in a number of other areas in the conference report. I talked about the 215 standard and the fact we were not successful in changing the standard as it exists in current law. We were successful, though, in getting into the conference report the requirement that a statement of facts is provided, a statement of articulable facts supporting the 215 subpoena request. We now have minimization requirements in the conference report that require the Justice Department to eliminate extraneous information, information collected on innocent Americans, and to report to Congress exactly how that is done. We were successful in adding clarity to the roving wiretap provision so it is less likely to be abused or misused. We were able to improve the sneak-and-peek search warrant.

Senator FEINGOLD indicated we supported a 7-day notification period. In the bill we have a 30-day notification period. The original PATRIOT Act contains no specific requirement on notice other than that notice must be given to the subject of a search "in a reasonable amount of time," which I think everyone would recognize leaves things to the whim of a prosecutor or a judge unnecessarily.

We have 4-year sunsets for the most controversial provisions of this bill, including the 215 subpoena power, the roving wiretaps, and the lone wolf provisions.

Through the work of Senator LEAHY, in particular, we were able to get a criminal penalty for inadvertent disclosure of national security letters dropped from the conference report. All of these represent significant changes from the original act, significant changes included in the conference report. And in addition to the three changes in this underlying legislation, we have a better product and one that will receive strong bipartisan support.

I look forward to passage of the bill. I was pleased to work with my colleagues on both sides of the aisle in getting this done. In doing so, in forcing us to take more time and forcing the administration to add additional protections for civil liberties to the legislation and putting together a bipartisan group willing to demand these things, we sent an important message, a message that we have a group willing to work in Congress to achieve these improvements and a message to the administration that when we are dealing with these issues, they need to be engaged and active and working toward consensus from the very beginning of the process.

I yield the floor and 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. FEINGOLD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

RECESS

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

Thereupon, the Senate, at 12:30 p.m., recessed until 2:14 p.m. and reassembled when called to order by the Presiding Officer (Mr. VOINOVICH).

USA PATRIOT ACT ADDITIONAL REAUTHORIZING AMENDMENTS ACT OF 2006—Continued

The PRESIDING OFFICER. The Chair, in his capacity as a Senator from the State of Ohio, suggests the absence of a quorum.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. FEINGOLD. 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. FEINGOLD. Mr. President, in a few minutes the Senate is going to vote on whether one small group of Senators, with the blessing of the majority leader, can effectively amend a conference report while other Senators are precluded from offering amendments by a procedural tactic. I urge my colleagues, regardless of their views on the White House deal or PATRIOT Act reauthorization, to vote against cloture. Senators should not be precluded from offering amendments to important pieces of legislation.

In December, 46 Senators voted against cloture on the PATRIOT Act reauthorization conference report. The deal we are asked to bless today makes only minor or, in the words of the Senator from Pennsylvania, "cosmetic" changes to that conference report. But regardless of whether you agree with me that the deal does not address the key civil liberties issues identified as problems with the conference report in December, there is no question this is a deal the vast majority of the Senate had no role in. A few Senators worked out a few changes with the White House, and we are now being asked to take it or leave it. That is not how the Senate is supposed to work.

I have filed four reasonable amendments. They reflect provisions that were included in the bill the Senate passed in July without objection or that were central to the concerns raised by so many Senators late last year. They are so reasonable the Senator from Pennsylvania plans to introduce a bill incorporating them and has pledged to pursue it after the conference report becomes law. There is no reason we should put off addressing these important concerns that long when we could be debating and voting on them this week.

I am also willing to have time agreements limiting debate on my amendments as long as they get votes. But, again, the majority leader has simply

said no. He has filled the amendment tree, effectively blocking me or any other Senator from trying to improve this bill during debate. The majority leader has told us the conference report will be amended by this deal cut with the White House by a few Senators, and there is nothing the rest of us can do about it.

But, of course, there is something we can do about it. We can reject this parliamentary game. These kinds of strong-arm tactics are not right. They are an abuse of the process. They are beneath the Senate, and I hope my colleagues will send a strong message that it will not be tolerated on this bill or any other bill. So I urge my colleagues to vote no on cloture and to allow the Senate to consider amendments to improve the PATRIOT Act.

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

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. 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.

MAKING AVAILABLE FUNDS FOR THE LOW-INCOME HOME ENERGY ASSISTANCE PROGRAM, 2006—MOTION TO PROCEED

CLOTURE MOTION

Mr. FRIST. Mr. President, I now move to proceed to Calendar No. 363, S. 2320, the LIHEAP bill, and I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to S. 2320: a bill 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.

Bill Frist, Lindsey Graham, John Warner, Norm Coleman, Lisa Murkowski, George Allen, Lamar Alexander, Elizabeth Dole, Rick Santorum, Susan Collins, Mitch McConnell, Ted Stevens, Christopher Bond, George Voinovich, John Thune, Johnny Isakson, Orrin Hatch, Craig Thomas.

Mr. FRIST. Mr. President, I now withdraw the motion.

The PRESIDING OFFICER. The motion to proceed is withdrawn.

USA PATRIOT ACT ADDITIONAL REAUTHORIZING AMENDMENTS ACT OF 2006—Continued

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, pursuant to rule

XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will report.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on S. 2271: to clarify that individuals who receive FISA orders can challenge nondisclosure requirements, that individuals who receive national security letters are not required to disclose the name of their attorney, that libraries are not wire or electronic communication service providers unless they provide specific services, and for other purposes.

Bill Frist, Arlen Specter, Thad Cochran, Richard Burr, Mel Martinez, Jim Bunning, Jon Kyl, Craig Thomas, Mike Crapo, David Vitter, Bob Bennett, Norm Coleman, Michael B. Enzi, Lindsey Graham, Jeff Sessions, Saxby Chambliss, John Cornyn, John Thune.

Mr. REID. Mr. President, I rise to explain why I will oppose cloture on the PATRIOT Act Amendments Act. In brief, I will vote against cloture to register my objection to the procedural maneuver under which Senators have been blocked from offering any amendments to this bill.

While I will vote against cloture, I nonetheless support the underlying bill offered by the Senator from New Hampshire, which improves the PATRIOT Act. The Sununu bill puts in place more checks on the expanded authorities granted to the Government by the PATRIOT Act, without interfering with the Government's ability to protect Americans from terrorism.

I support the PATRIOT Act. I voted for it in 2001, and I voted for a reauthorization bill that passed the Senate unanimously last summer. In December, however, I voted against cloture on a conference report to reauthorize the PATRIOT Act. I opposed that bill because it returned from the House-Senate conference without adequate checks to protect the privacy of innocent Americans.

In my view Congress should give the executive branch the tools it needs to fight terrorism, combined with strong oversight to protect against Government overreaching and abuse of these tools.

Senator SUNUNU has negotiated several needed improvements with the White House. His bill would allow for judicial review of the gag order imposed by the PATRIOT Act when the Government seeks business records. It would also restrict Federal access to library records, and it would eliminate the requirement that recipients of a national security letter tell the FBI the identity of any lawyer they consult.

The Sununu bill is a step in the right direction, and therefore I will support it.

Of course even a good bill can be improved. That is why we have an amendment process in the Senate. The junior Senator from Wisconsin has tried to offer a small number of relevant

amendments that I believe would make this bill even better. I am disappointed that he has been denied that opportunity by a procedural maneuver known as "filling the amendment tree."

This is a very bad practice. It runs against the basic nature of the Senate. The hallmark of the Senate is free speech and open debate. Rule XXII establishes a process for cutting off debate and amendments, but rule XXII should rarely be invoked before any amendments have been offered. There is no reason to truncate Senate debate on this important bill in this unusual fashion.

I will vote against cloture to register my objection to this flawed process.

I expect that cloture will be invoked and that the Sununu bill will pass. I also expect that the PATRIOT Act reauthorization will pass, now that it has been improved. But the passage of these measures should not be the end of our work. The Senate should continue the effort to strengthen civil liberties in the war on terror.

I welcome the bill of Senator SPECTER which includes many of the improvements Senator FEINGOLD seeks. I look forward to working with him to have his legislation enacted into law as soon as possible.

In this and other areas, we should give the Government the tools it needs to protect our national security, while placing sensible checks on the arbitrary exercise of executive power.

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

The question is, Is it the sense of the Senate that debate on S. 2271, the USA PATRIOT Act Additional Reauthorizing Amendments Act of 2006, shall be brought to a close? The yeas and nays are mandatory under the rule. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Hawaii (Mr. INOUE) necessarily absent.

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

The yeas and nays resulted—yeas 69, nays 30, as follows:

[Rollcall Vote No. 23 Leg.]

YEAS—69

Alexander	Craig	Kyl
Allard	Crapo	Landrieu
Allen	DeMint	Lincoln
Bennett	DeWine	Lott
Biden	Dole	Lugar
Bond	Domenici	Martinez
Brownback	Ensign	McCain
Bunning	Enzi	McConnell
Burns	Feinstein	Murkowski
Burr	Frist	Nelson (FL)
Carper	Graham	Nelson (NE)
Chafee	Grassley	Pryor
Chambliss	Gregg	Roberts
Clinton	Hagel	Rockefeller
Coburn	Hatch	Santorum
Cochran	Hutchison	Schumer
Coleman	Inhofe	Sessions
Collins	Isakson	Shelby
Conrad	Johnson	Smith
Cornyn	Kohl	Snowe

Specter
Stevens
Sununu

Talent
Thomas
Thune

Vitter
Voinovich
Warner

NAYS—30

Akaka
Baucus
Bayh
Bingaman
Boxer
Byrd
Cantwell
Dayton
Dodd
Dorgan

Durbin
Feingold
Harkin
Jeffords
Kennedy
Kerry
Lautenberg
Leahy
Levin
Lieberman

Menendez
Mikulski
Murray
Obama
Reed
Reid
Salazar
Sarbanes
Stabenow
Wyden

NOT VOTING—1

Inouye

The PRESIDING OFFICER. On this vote, the yeas are 69, the nays are 30. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

The Democratic leader.

SENATOR LEAHY'S 12,000TH VOTE

Mr. REID. Mr. President, today PAT LEAHY, senior Senator from Vermont, reached a Senate milestone, to say the least. A few minutes ago he cast his 12,000th vote. He has voted in the Senate 12,000 times. This is quite an accomplishment. He joins a very elite club, led by the distinguished senior Senator from West Virginia, Senator BYRD, who has voted more than 17,000 times; Senator KENNEDY, more than 14,000 times; Senator INOUE, more than 14,000 times; Senator STEVENS, more than 14,000 times; Senators BIDEN and DOMENICI, just over 12,000 times.

PAT LEAHY came to the Senate in 1974, the youngest Senator in Vermont history and the only Democrat ever elected to the U.S. Senate in the entire history of the State of Vermont—the only one, the first and only. He has been in the Senate 32 years. In each of those votes, Senator LEAHY voted to make Vermont a better and stronger place.

Senator LEAHY has a lot of things in mind when he comes to cast a vote, but No. 1 on the list is Vermont. That is one of the principal reasons Vermont is a great place to live, work, and raise a family.

I have worked very closely with PAT LEAHY. He is a Senator's Senator. He is able to be as partisan as any Senator we have, but he is also a person who can be as bipartisan as any Senator who has ever served in the Senate. The first example of that is his work with his colleague, the chairman of the Judiciary Committee, ARLEN SPECTER of Pennsylvania.

I like PAT LEAHY for lots of reasons. His legislative skills, of course, are one of the reasons. But, to me, everything pales when I think of his wife Marcelle. She is a wonderful human being. PAT LEAHY is who he is because of the wife he has chosen. They have been married more than 40 years. She is a registered nurse. Marcelle Leahy is as kind and gentle as anyone would expect a nurse to be. I care about her a great deal.

PAT and Marcelle are very proud of their three children and certainly very proud of their grandchildren. All of us who have been in talking distance of

PAT LEAHY have heard about his grandchildren. He is not bashful about bragging on his grandchildren. His newest grandchild was born earlier this month—in fact, about 27, 28 days ago.

I don't think Vermont could ask for anyone better than PAT LEAHY. I have been very impressed with his work. On the Judiciary Committee, he has been an advocate for fairness. He has worked with us on judges. It has been difficult and tiresome at times, but he has always done what I believe to be an outstanding job and a fair job.

For farmers, his work on issues relating to dairy has been historic. He has saved hundreds of family farms just in Vermont, and thousands and thousands around the country in his work on agriculture. His environmental credentials are unsurpassed by anyone.

Some would question his musical taste, but as far as I am concerned, that is also great. Emmylou Harris, to whom he introduced me, is my favorite. I think I met her personally because of a birthday party PAT LEAHY had. Then, of course, I am happy to say that PAT LEAHY and I are Deadheads.

He is a wonderful man and a great Senator. I congratulate him on reaching this milestone and look forward to watching him cast thousands of votes in the years ahead.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I join in paying tribute to the distinguished Senator from Vermont, Senator LEAHY. Our friendship precedes the service of both of us in the Senate. I first met Senator LEAHY at the National District Attorneys Convention in Philadelphia in 1970. Senator LEAHY was the district attorney of Burlington, VT, and I was the district attorney of Philadelphia. That friendship was renewed when I was elected to the Senate in 1980. Senator LEAHY had already been here for 6 years. We have worked together for 25 years plus on Judiciary and Appropriations and on the Subcommittee on Labor, Health, Human Services and Education. It has been a very close working relationship, and never as close as it has been for the past 14 months as we have worked together on the Judiciary Committee with some very significant accomplishments for the Senate and for the American people.

Last year, when I had a problem or two, besides working with Senator LEAHY on the administration of the Judiciary Committee I had a period where I was bald. On our frequent visits together, the only way we could be distinguished was by the color of our ties. I usually wore red and he customarily wore green, so people knew who was who.

Earlier today I received this picture of Senator LEAHY with his new grandson. The grandson is a few weeks old, but I am pleased to report to C-SPAN viewers, if there are any, that the grandson has more hair than Senator LEAHY.

PAT LEAHY is a great Senator and he is a great friend. It is a great achievement to cast 12,000 votes. I have been here for a good many of them, and he has even been right some of the time. I am delighted to join in praising my good friend Senator PAT LEAHY.

The PRESIDING OFFICER. The majority leader.

Mr. FRIST. Mr. President, when you reflect back to that many votes, that many thousands of votes, very quickly you could go back and look at various issues PAT LEAHY has been involved with. I think that is important to do. It reflects a great legacy for our country, what he has stood for, the values and principles.

I wish to add to the accolades what I have found, and that is, as I have gone around the world over the last several years in humanitarian causes, part of which is done as official CODELs as a Senator but even more than that as a volunteer physician, going on the ground into communities, into villages all over the world, what is interesting to me—people don't care about the majority leader, they don't care about the typical names you hear from the Senate floor, but PAT LEAHY's name comes up again and again from the underserved, from the people who have suffered the tragedy of landmine injuries. It is remarkable. It is something we don't talk about on the floor a lot. But to have real people thousands of miles away coming forward with his name reflects the great legacy he leaves, that he continues to leave, and I am sure there will be another 12,000 votes as we come forward.

I do want to express both to him and to Marcelle, a nurse, who greatly influenced his life and for whom he has so much love that he expresses so directly to so many of us in casual conversations or the sorts of occasions that people don't see—that is the PAT LEAHY I want to recognize today—congratulations.

The PRESIDING OFFICER. The majority whip.

Mr. MCCONNELL. Mr. President, it has been my distinct pleasure to be either the ranking member of the Foreign Operations Subcommittee or the chairman with my good friend PAT LEAHY. Part of what Senate etiquette tells us is we are supposed to refer to each other as "my good friend," but in the case of PAT LEAHY, it is not only Senate etiquette but it is the case that he has become a good friend.

Twelve thousand votes is quite an accomplishment, but beyond that, I have enjoyed the spirit of bipartisanship with which we have pursued each Foreign Operations Appropriations bill for each of the last 14 years, whether he was chairman or I was chairman. We tried to develop the expenditures of the Federal Government in a way that made sense for America and also had an impact on the rest of the world.

The majority leader has mentioned the landmine crusade Senator LEAHY has led for a long time. He is indeed

known around the world for that. It has been an extraordinary crusade. He deserves enormous credit for leading it and is widely known around the world for that.

I thank him for his extraordinary service over the last 14 years in which I have been associated with him. It has been a pleasure to work with him every year. I, too, wish him 12,000 more votes. I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, it is hard to put in words what I feel as I listen to my good friends, HARRY REID and ARLEN SPECTER, BILL FRIST and MITCH MCCONNELL, saying such nice things. They are friends. We work together. HARRY—I should say, following Senate protocol, the distinguished Senator from Nevada, Senator REID—was kind enough to first and foremost mention my wife Marcelle. There is no conceivable way I could have accomplished any of this without Marcelle. She has been my guiding light for well over 40 years. Nothing I have done could I have accomplished without her.

Senator SPECTER was kind enough to hold up the picture of the latest member of our clan, Patrick Lucas Jackson. I think of that because I came here holding the actual pictures in my mind of my three children, Kevin, Alicia, and Mark, and their spouses, Carolyn, Lawrence, and Kristine, but also the pictures of four wonderful grandchildren: Roan, Francesca, Sophia, and now Patrick. To have them mentioned I realize there is another generation, and I hope their children will be proud of what their father does, but I especially hope the grandchildren, who will be the hope of our future, will feel the same way.

BILL FRIST, the distinguished Republican leader, and Senator MITCH MCCONNELL, the distinguished deputy Republican leader, were kind to speak of the landmine issue and things we worked out together—both of them being Senators who have done so much in that same area.

Sometimes we deal in issues people look at as just local issues or issues that affect only a few. What we have done in this case—Senator MCCONNELL, who was so good to move to name the war victims fund the Leahy War Victims Fund—is something I will never forget; Senator FRIST, who voluntarily goes into parts of Africa and elsewhere to use his medical skills. We talk of these kinds of things—the landmine issue; things Senator MCCONNELL and I have done to bring medicine to parts of the world that never see it; efforts to eradicate polio, childhood diseases, to bring to people the ability to actually feed themselves. The people we help don't contribute to campaigns. When Senator MCCONNELL and I pass a bill here on the floor, they don't know who we are. They do not know whether it is Republicans or Democrats. None of them know that. We will never meet most of them, but we like to think—I like to think—we have made their lives better.

We speak of what we bring to this body. We all come from different backgrounds. It is not just our political background; it is how we are raised, it is what our faith is. And if we believe in the best of what we learned when we were being raised or the best of what it is we believe in, then we have to help these people who will never be helped otherwise, and I have been proud to do that. I like to think what was instilled in me by my parents, Howard and Alba Leahy or in Marcelle by her parents, Phil and Cecile Pomerleau, brought about some of this, or just the upbringing in the special little State of Vermont.

I will close with this. I didn't expect to say anything, but I was kind of overwhelmed by what was said by a dear friend like ARLEN SPECTER, whom I have known since we were both prosecutors, a job that some days we think was the best job we ever had. It made me reflect on what a great honor it is for all of us, Republicans and Democrats and Independents, to serve in this body. Only 100 of us get a chance to do it at any one time, and someday we will be replaced by others. What an honor it is to be here and what a responsibility it is.

I have seen the Senate go through many changes, but I have also seen the personal relationships the press doesn't see, the public doesn't see, the personal relationships we have built across the aisle and with each other. When we do, the country is better, the Senate is better, and people's lives are better.

I must say that I was awed and humbled the first day I walked on the floor as a 34-year-old to be sworn in, where 30 minutes before I was the State's attorney sitting in a county in Vermont and 30 minutes later was then the junior Senator from Vermont. I still feel that same awe every time I walk on this floor. The day I stop feeling that awe, I will stop walking here.

With that, I have said more than Vermonters usually do. 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. BUNNING. 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. BUNNING. Mr. President, I come to the floor to speak about the PATRIOT Act. I support the reauthorization of this law. It is vital we reauthorize it and make it permanent. Finally, we will be able to move this reauthorization forward with a series of votes this week. It has been lingering out there too long, especially since the House passed it over 2 months ago.

The Senate needs to be taken seriously in the domestic fight against terrorism. Two months is too long to wait. I fear our delays have sent the wrong message to our antiterrorism investigators and prosecutors as well as those who would do us harm.

In this body I hear a lot of critics of the President and his efforts to fight terrorism. Those critics always have problems but rarely do they have any solutions other than to do nothing. Doing nothing led us to 9/11, and we would be foolish to go back.

The PATRIOT Act was one of the first things we did after September 11 to make sure something like that never happens again. It passed the Senate 98 to 1. This Chamber can be pretty partisan at times, but at that time 98 Senators thought it went far enough to protect civil liberties.

But now we hear how the PATRIOT Act is bad. The conference report we received in December makes permanent most of the expiring provisions of the existing law but with additional protections for civil liberties. But that was not enough, and 47 Senators filibustered the bill. So here we are today, 2 months later, about to pass some changes to the conference report and finally send something to the President.

Now, do not get me wrong. I think the improvements in the conference report are positive. We absolutely should write protections into the law where they do not tie the FBI's hands in stopping terrorist attacks. But the FBI was not using the PATRIOT Act to bother law-abiding Americans. We did not need to delay the law for 2 months. And we do not need to rewrite it from scratch, as some of my colleagues in the body are suggesting.

It is important to protect Americans' civil liberties, and the original PATRIOT Act and the updated one do this. But I think some Senators are missing the point. Civil liberties do not mean much when you are dead. And that is what the PATRIOT Act is about: stopping us from ending up dead at the hands of terrorists.

Some Senators make the PATRIOT Act sound like some huge expansion of law enforcement powers. That is simply not true. The PATRIOT Act brought our laws up to date with modern technology. It gave antiterrorist investigators the same tools as other investigators, and it tore down the artificial wall between intelligence and law enforcement. In other words, it removed the legal barriers that kept us from being able to prevent things like the September 11 attacks.

As Senators, it is our job to fix the laws when they put Americans in danger. It is sad that it took September 11 for those problems to be exposed. But it is even sadder still that some want to second-guess those changes and turn our antiterror laws into a partisan issue. But the safety of Americans is not a partisan issue. We have to do everything we can within the Constitution to protect Americans from both foreign and domestic threats. We all swore an oath to do so when we joined this body.

The PATRIOT Act is critical to protecting Americans, and now is the time to pass this bill once and for all.

Just last week, we were reminded that there are those in America who want to do us harm. Three men in Ohio were indicted for conspiring to commit acts of terrorism, including trying to make bomb vests that could be used on the battlefield in Iraq or in a shopping mall in America. The enemy is not sleeping, and now is not the time for us to lose our resolve.

Under the PATRIOT Act, we have captured over 400 terrorist suspects. That is a lot of people who want to do us harm. Over 200 terrorists have been convicted or pled guilty in investigations helped by the PATRIOT Act.

Using the PATRIOT Act, our investigators have seized cash and drugs being used to fund terrorism. They have also captured weapons and broke up plans to smuggle weapons into the country, including anti-aircraft missiles.

Home-grown terrorists have been caught, also. The list of successes goes on and on. There are terrorists behind bars instead of advancing plots against us because of the PATRIOT Act tools and, more importantly, there are many Americans alive who may be dead if those terrorists were successful in carrying out their plots.

We need the PATRIOT Act. We need to get it reauthorized and signed into law. Our terrorist investigators need their tools to be permanent. This gives them certainty. We need to send a strong message to the terrorists that we will come after them with everything we can.

I urge my colleagues to support these bills and to drop their obstruction so we can do our job to protect all Americans.

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

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

The legislative clerk proceeded to call the roll.

Mrs. MURRAY. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

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

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

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

BUDGET PRIORITIES

Mrs. MURRAY. Mr. President, as we return from the President's Day recess, the Senate will be debating the future direction of our country.

This debate will come in the form of the discussions we have on the Federal Government's budget.

A budget is a statement of our priorities. Families across our country make difficult decisions every day while living within their own budgets, choosing one priority over another and working hard to fulfill their own American dream.

Likewise, our national budget and the way we spend tax dollars reflects our priorities as a Nation. We make

difficult choices, establish priorities and try to set our Nation on a course to prosperity.

Unfortunately, the President's recent submission of his fiscal year 2007 budget and subsequent request for supplemental appropriations for the ongoing war in Iraq do not reflect the priorities our Nation needs to move ahead, and it makes the wrong choices in spending and saving.

Taken together, they represent a callous disregard for fiscal reality and a failure to prioritize our country's most important needs.

No American family would dare manage their finances this way, and I am on the floor today to say that we must take a different course.

In the 3 years since the start of Operation Iraqi Freedom, our country and Congress have stood with the President in staunch support of our troops.

While we are both proud and duty-bound to provide the resources our men and women in uniform need to do their jobs safely and effectively, it is disingenuous to continue to ask for "emergency" spending to pay for military action that has been ongoing for years.

Year in and year out, the President asks the Congress to provide the resources for his Iraq policy outside the bounds of the traditional budget process, and in each one of those years, concerns over accountability swell and demands for a plan that will allow our troops to fulfill their mission and return home go unanswered.

Like every American, we all want to succeed in our mission in Iraq. We want to achieve our military and policy goals, and to bring our troops home safely.

We know that this will require sacrifice and that a U.S. presence will be required for some period of time.

Despite these obvious facts, the administration continues to operate from the pretense that the cost of this ongoing war is unknowable and thus requires emergency spending.

The continued adherence to this policy deliberately misleads the American people about the cost of this war.

But it also misses a central point, the real emergency is here at home in our classrooms, in communities from the Gulf Coast to the Pacific Northwest, in our hospitals, and in our firehouses.

The Senate has shown unwavering support for our men and women fighting overseas. These heroes deserve every bit of aid we can provide—be it the best body armor, the best equipment, or the best pay and health care.

Time and again Democrats have stood shoulder to shoulder with the Bush administration to do just that—and in many cases we have pushed to provide more than the President requested for our troops, our veterans, and their families.

My concern—and I know many of my colleagues share it as well—is that while we provide the best for our men

and women overseas, we are doing far less for the men, women and children fighting to get ahead on our own shores.

They too deserve the best—the best education, the best health care, and the best protection from terrorist attack. I don't think anyone in this Chamber today can honestly say that we are achieving that goal.

I am here to say that this Senator will not stand idly by as we send billions to support and protect the heroes overseas while cutting basic needs for the heroes waking up every morning across our great Nation trying to provide themselves and their children a better life. We can and must do both.

So, as the Senate prepares to consider the budget and support our troops, I am going to ask that we stand up to protect and support hard working American families right here at home. That means: Providing affordable, accessible health care for every American, ensuring the best education for our young people, taking care of our veterans when they return home, pointing our Nation down a path toward energy, independence, and protecting our homeland from both terrorists and natural disasters.

The costs of mismanagement, corruption, and lack of investment at home are creating a crisis of confidence in our current path among the American people. We must change course.

There is precedent in our Nation's history for future oriented investment during difficult times—in fact, troubled times demand that we don't just wallow in current events, but better prepare for our future.

In 1862, our great Country was torn apart. The Civil War defined our Nation and determined our future. But war was not the only thing that was debated that year, and war was not the only thing that determined our Nation's fate: 1862 was also the year that legislation creating the land-grant college system was passed by Congress and signed into law by President Lincoln.

Think of it, in the midst of war, when the Union's very existence was in question, our leaders took the forward looking step of establishing a path by which average Americans could improve themselves and contribute to the welfare of our Nation. And you know what—it worked.

Today, those same land-grant colleges and universities are the envy of the world because of the great education they provide many Americans and the economic benefit they provide to our country.

Today, we too, are in the grip of war, and there are forces arrayed against us that seek to do us real and lasting harm—we must combat our enemies with every ounce of energy we have.

But like previous generations of American leaders, we also have an obligation to prepare the American people for the challenges we will confront in the future and to ensure that we are

strong and secure in meeting those challenges head-on. Today, our efforts in this regard are woefully inadequate.

To be strong in the future—to have the ability to fight the wars of the future, create the economy of the future, and lead the world in human liberty and freedom—we must create an environment of hope and opportunity here at home. And yes, this is an emergency.

We all support our troops, and we will support the President's efforts to provide for their well-being and to ensure that they have the tools and resources they need to carry out their missions.

But, candidly, we must be able to both support our troops and create a country full of hope and optimism for them to return to.

To accomplish this we need to make changes in policy and allocation of resources, and I am going to demand that we consider these important questions when we debate the budget and the Iraq war supplemental appropriations request.

As I have said before on this floor, the Federal budget is the statement of our priorities as a people, and it should be a moral, thoughtful document.

Today, America's need for sound fiscal policy and a solid commitment to prosperity at home is not being met.

We can do better. If the President and the majority won't lead our country toward a more hopeful, prosperous future, then we will.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. DORGAN. Mr. President, I ask unanimous consent to speak and have my speech recorded as if in morning business. I will use the time allotted with my hour postcloture.

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

(The remarks of Mr. DORGAN pertaining to the introduction of S. 2341 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

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

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

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

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

PRESCRIPTION DRUGS

Mr. DURBIN. Mr. President, during this President's Day recess, I journeyed to Illinois and made stops in several cities. There were many places to visit, but I chose to visit drugstores. In each one of these towns, large and small, I sought out pharmacists—whether it was Collinsville, IL, or Decatur, IL, or Chicago—to talk about the Medicare prescription Part D plan. I thought the pharmacist was the right person to speak to because these pharmacists are on the front line in health care. Across America, many Americans view the pharmacist as their friend when it comes to their medical conditions and their health. So they have a good, trusting relationship.

Also, of course, Medicare prescription Part D is the first time we are trying to provide prescription drugs to people under Medicare, something we should have done from the beginning, but we are doing now. We are not doing it very well.

What I learned during my visit to Illinois is the fact that there are thousands of people in my home State who are struggling to make the right decision when it comes to their Medicare prescription drug program. They are struggling because there are some choices, and the choices are very difficult to evaluate. In Illinois, there are about 42 different plans from which seniors can choose. If you seek the information on the plan, you are directed to a Web site. A Web site may be of value to many people who are following the Senate proceedings, but to many senior citizens it is terror incognito; it is unknown territory.

Only one in four senior citizens have ever logged onto a computer. They do not have the luxury of going to the appropriate Web site using their mouse to click through the options trying to figure out the best choice. They are lucky, in many cases, to have one of their kids who will sit with them and work through the options.

But, I tell you, some of the professional people I run into, educated people I run into, quickly tell me that this is not an easy thing to navigate. With 42 plans, you had better make the right choice.

Most seniors start with the basic drug they are currently taking and they go to the prescription drug plan to see if that drug is offered by the drug plan. Then they calculate the prices of the drugs to try to determine how much they are going to have to spend to get into the program, or once in the program how they will pay for their drugs. What they come to learn, to their chagrin, is that many of the drugs which are part of the formulary or the drugs that are being offered in a program today are changed tomorrow. The drug you needed, the drug you are looking for may be discontinued tomorrow.

In other words, instead of a discount you may have to pay the full price. It is really a classic bait-and-switch situation.

Second, the price that is quoted to you for this drug may change as well. It is like following the stock market. You have had two different plans. These seniors are trying to choose the right one. The drugs that are covered can change day to day. The prices can change day to day. And seniors have to make their choice and live with it for a year.

It is fundamentally unfair. It is unfair that the drug plans can change right as these seniors have made their choice. And the seniors can't change their drug plan for a year.

I have introduced legislation that would give senior citizens that option, an option that if the price of the drug goes up 10 percent or more, or it is dropped from the formulary, you can change your plan without a penalty. I think that is only reasonable.

I also have to tell you that many of these pharmacists are at their wit's end. They care for these people. They really do. These are customers of a lifetime, and they come to these drugstores—some of them—distracted over what they are going through with Medicare prescription Part D, and the pharmacist tries to help. He gets on the phone. He may call that drug plan and try to make sure that the seniors are being treated fairly. He may ignore the plan, which says don't give some tablets over the course of a month, and give the person what he knows they need.

These are things he does at his own peril in terms of his own financial well-being.

I talked to one pharmacist who said that the drug Ambien, which is used by some who can't sleep at night had been prescribed, and one of the seniors who signed onto one of the plans brought in his monthly prescription for Ambien and was told he could only have 18 pills.

So the plan decided that whatever the doctor had said notwithstanding, whatever the condition, the senior citizen, 12 days out of 30, was not going to have their medication.

That is the kind of thing these seniors are facing. It is no wonder, to me, that the seniors I meet and the pharmacists who are trying to help them are really upset about this plan. They understand, as I do, that this plan wasn't written for senior citizens. This plan was written for health insurance companies that make these plans available, as well as the pharmaceutical companies. They are the big winners in many respects, first, because Medicare is not offering an overall plan for every senior to choose. I think that is where we should have started.

We have a Medicare plan in America. People were brought into it in a matter of a few months, and it has worked very well for 40 years. There could have been a Medicare prescription drug plan which would have been the basic template, the standard model that is available to every senior. If someone in the

private sector wants to compete and offer an alternative, they could have. I would have voted for that. But Medicare should have been able to offer the basic fundamental model plan that every senior could turn to, and it would have been successful because Medicare, with the potential of bargaining for 40 million senior citizens, could sit down with that drug company and tell them you can't raise the price of drugs 10 percent a year, we just won't let you under the plan.

You know what happened. The same thing happened in Canada. That is exactly what the Canadian Government did to these same American drug companies. They told them if they wanted to sell to the Canadian health plan, they couldn't keep raising the cost of the drugs every single year.

That is why exactly the same drugs manufactured in the United States sell for a fraction of the cost in Canada because the Canadian Government stepped in.

When we tried to do that on the floor of the Senate, the pharmaceutical companies fought us and won big time. Now we have 500 plans across America trying to negotiate better prices. And you know what that means: You don't get the discount, the bulk discount, and the lower prices that can occur.

We know the VA had already tried this. They offered the veterans who come to veterans clinics and hospitals prescription drugs at reduced rates because they bargained with the same drug companies, but these drug companies didn't want to give up their power in this negotiation. So they insisted that Medicare would not write a basic plan. They insisted that there be 500 plans across America. They knew they would make more money that way.

I am sure they will—but at the expense of senior citizens and taxpayers.

There is also this strange, inexplicable, indefensible element in Medicare prescription Part D known as the donut hole. The donut hole says as follows: Once you have spent out of pocket \$2,200 for prescription drugs during the course of a year, you are on your own—no protection, no payment. Everything from that point on is out of pocket. Until you have spent an additional \$2,900 and reached \$5,100 total spending, then the plan kicks in and is generous to you.

The donut hole means that seniors truly in need of medication can find themselves at some point during the course of a year reaching into their savings to pay for their prescription drugs. How often does that occur?

When I went to the Order of Saint Francis Health Center in Peoria, IL, I met with the pharmacy, Wayne Beckman, and his wife Bev. I asked Bev if they had run into anyone who is concerned about this donut hole where they already spent out \$2,200. She said: There was a woman in here yesterday who already reached \$2,200 in the month of February. She was a transplant patient. She needed expensive medication.

So, now, this woman having gone through all of these surgeries, all of this medical care, has to reach into her pocket and pay out \$2,900 before the Medicare plan kicks in again.

Could we have dreamed up a more complex and convoluted approach to providing prescription drugs to seniors?

I learned during the course of my visit that many of these seniors are desperate. They know they have to decide by May 15 to sign up for a plan. Some of them are not taking drugs at this moment but are afraid if they do not sign up for some plan and start paying for it that they will be penalized, which is part of the law as well. So they are trying to decide what the best decision might be.

I really wish my colleagues in Congress would get out of these marble halls and get into some drugstores. I wish they would stop listening to lobbyists and start listening to pharmacists. If they did, they would realize what a bad law this is. This was passed 2 years ago. We were supposed to have all the time in the world to get this right, make sure that when the moment came that this plan went into place nothing like this would occur. Yet it does.

Some of the, I guess, most painful stories involve victims who are in nursing homes—people who have really spent down everything they have in life. They have nothing left. How do they live? Social Security, Medicare, and Medicaid. Medicaid, of course, is health insurance for the poorest among us.

These poor people who usually don't have many friends, other than maybe a couple of family members, are sick in the nursing homes. Many of them are caught in the middle of this Medicare prescription Part D and what it does to them. Someone takes their prescription to a pharmacy and finds out they will not fill a month's prescription, only 10 days, and Governors across America have had to step in to protect these people, these poor people, literally poor people, who need a helping hand.

What a sad turn of events. What could have been a source of pride for America, for seniors, for all has turned out to be a national embarrassment, an embarrassment that could have been avoided.

My colleagues have to understand unless and until we work to make Medicare prescription drugs Part D a program that reaches out and helps people, a program that is simple, fair, gives true discounts on their prescriptions, then we have not done a service to our seniors. These men and women are parents and grandparents, the greatest generation who served in America's past in so many different ways. How can we put them in this predicament? They, unfortunately, had to go to the back of the line when it came to passage of this bill. The prescription

drug companies, as well as the insurance companies, were the ones that wrote the bill.

I know what we have to do. We have to take from this calendar, after we finish the PATRIOT Act, we have to push aside all the special interest legislation. We spent a week and a half on a bill last week, the clash of the special interest titans over asbestos. We have to set those aside and say, for at least a week, instead of taking up special interest legislation, we are going to take up the Medicare prescription drug bill. We are going to make this work. We are going to finally put something together that is an honor to the people who are part of our Medicare system.

I don't know if we can do that. When the President signed this bill, people said: You are going to have to change some parts of it. He said: I am not going to touch it, not a word.

The President should show a little humility. All of us in public life should from time to time. As we look at this Medicare prescription drug program, we know it is not working for America, it is not working for seniors. It is causing much too much heartache, much too much concern.

This much I will say I have learned, having been in public life a few years. There is one thing about senior citizens, they know who is on their side. They have long memories. I might add, they vote. If the leaders in Congress, the Republican leaders, the President's own party, do not understand how badly this Medicare prescription Part D program is working, some of the seniors may give them their medicine in November. They have to understand we have a responsibility to these people, not to the lobbyists in the hallway who represent the drug companies. They are doing quite well, thank you.

We have a responsibility to the people whom we were sent to represent. They may not have a lobbyist, but they have a vote and a voice and we will hear from them.

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

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

MORNING BUSINESS

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

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

BLACK HISTORY MONTH

Mr. FRIST. Mr. President, each year, during the month of February, Amer-

ica celebrates the achievements, contributions, and history of the African-American community.

In previous years, I have had the honor of joining my colleague Congressman John Lewis on his civil rights pilgrimage to Alabama and Tennessee.

It is an extraordinary journey that changes all who partake.

It connects us to our history, our geography, our shame and redemption, and to the astonishing bravery and commitment of the civil rights leaders who fought for America's honor: Martin Luther King, Jr., his wife Coretta Scott, Rosa Parks, the Greensboro Four, to name a few.

Their willingness to face violence and intimidation, injustice and oppression, with steadfast love and bravery transformed America.

Indeed, it led to a great awakening that continues to reverberate around the world.

This year, as we celebrate those extraordinary individuals and events, let us also recognize the exceptional leaders in our midst who toil every day for justice and racial reconciliation.

This year, I have the pleasure of presenting Mr. Jeffrey T. Higgs of Memphis, TN, with my office's first ever American New Trailblazer Award in honor of Black History Month.

In January, my office sent out requests to over 200 recipients of our African-American leader's newsletter. We asked our readers to nominate individuals of extraordinary character and achievement.

We received the nominations of published authors, clergy, local community leaders, and business professionals. All were deserving candidates and I am both humbled by and proud of their example of service.

After culling through the nominations, we chose Mr. Higgs for his outstanding work as executive director of LeMoyne-Owen College Community Development Corporation.

For over 15 years, Mr. Higgs has been involved in urban community housing, economic development and micro lending.

As CEO of the multi-million-dollar organization, he has led the efforts to revitalize the community surrounding LeMoyne-Owen College.

Among his many development projects, he led the renovation of the historic JE Walker House. Today, the building serves as a community resource center for housing development, computer training, economic development and investment.

Currently, Mr. Higgs is leading the charge for 2 major capital projects generating over \$25 million in economic activity.

His sponsor for the award, Bridget Chisolm, President and CEO of BBC Consulting, wrote to tell us that Mr. Higgs is, "truly a Renaissance man and community trailblazer. We are blessed to have such a leader striving to make a good city great."

Indeed, America is blessed to have individuals like Mr. Higgs selflessly serving his fellow citizens.

I congratulate Mr. Higgs for his contributions to his community. And I thank him for carrying forward the torch of social justice.

As we close this month of celebration, let us remember that the movement is not over. So much has changed in so very short a time. But the great hope of the movement has yet to be realized: full equality not only before the law, but in the lives of every citizen.

It is citizens like Mr. Higgs who are working to make that happen.

I close with a quote from the great Dr. King.

In his historic speech following the march to Selma, the Reverend told his fellow freedom marchers,

We must come to see that the end we seek is a society at peace with itself, a society that can live with its conscience. And that will be a day not of the white man, not of the black man. That will be the day of man as man.

RECOGNITION OF NATIONAL AFRICAN AMERICAN HISTORY MONTH

Mr. SARBANES. Mr. President, "Celebrating Community: A Tribute to Black Fraternal, Social and Civic Institutions" is the theme this year of African American History Month. On this last day of the Month I want to pay a special tribute to the Alpha Phi Alpha, which is the oldest of the African American Greek-letter collegiate fraternities and sororities. Alpha, which I am proud to say has its headquarters in Baltimore, this year celebrates its centennial. For the past one hundred years Alpha has upheld the principles of scholarship, fellowship, good character and the uplifting of humanity principles that command our respect and admiration.

It has been my privilege to work closely with Alpha in the effort to establish an appropriate memorial to Dr. Martin Luther King, Jr. in our Nation's Capital. More than 20 years ago I introduced legislation to assure that a monument would be built, and it took a decade to get the legislation enacted. Since 1996, when the bill was signed into law, we have moved steadily forward. The site on the Mall is set, lying between the Memorial to President Franklin Roosevelt and the Lincoln Memorial. The magnificent design is in hand. The challenging work of raising the necessary funds continues, and in this Alpha and the other African American campus organizations play a vital role. I look forward to the day, not too far in the future, when we will have on the Mall a monument worthy of Dr. King's legacy, to remind us and future generations of the struggles the civil rights movement endured, and to inspire us all to continue the movement.

Even as we celebrate our progress toward a memorial to Dr. King, we mourn the loss of two great Americans, Rosa Parks and Coretta Scott King.

When Rosa Parks died 4 months ago, all Americans mourned her passing. Fifty years ago, with a singular courageous act that in the words of the New York Times became a "mythic event," she galvanized the civil rights movement and helped to write a new and hopeful chapter in our history. As the Times put it, "(W)hat seems a simple gesture of defiance so many years later was in fact a dangerous, even reckless move" at the time. Her steadfastness in the face of harsh and unjust laws struck a chord in the nation's conscience and challenged us to build a society worthy of the principles on which it was founded. When Ms. Parks was awarded the Congressional Gold Medal in 1999, I was honored to have an opportunity to meet her. At the time of her death I joined with my Senate colleagues in honoring her at her memorial service.

We lost a second courageous leader with the death more recently of Coretta Scott King. She was a student at the New England Conservatory of Music with plans for a musical career when she met her future husband, but she was from the beginning his steadfast partner in the arduous fight for civil rights and a more decent and humane society. After Dr. King's death she continued the fight with the quiet dignity and determination that were her hallmarks. It was a privilege to work with Mrs. King on the legislation establishing Martin Luther King day as a national holiday; I deeply regret that she could not live long enough to see the memorial to her husband built as well.

Last month we honored Dr. Martin Luther King and his legacy. If he were with us today, Dr. King would be deeply gratified by the national tributes paid to Ms. Parks and Mrs. King. In the 50 years since Martin Luther King, Jr., Coretta Scott King and Rosa Parks first challenged the Nation to live up to its founding principles, we have come a long way. We have changed our laws fundamentally to assure the rights of all Americans. We have worked together—at the local, State and national level—to create hope and opportunity where there was none, and to guarantee respect for every person.

The role of the Black fraternal, social and civic institutions in bringing about these changes cannot be overstated. Over the years they have fought for justice in courts of law and in the court of public opinion, and worked tirelessly to promote equality and opportunity for all.

Still, much remains to be done. Working together we continue to build the society for which Rosa Parks and Coretta Scott King stood, and fought. Success in this effort is the finest tribute we can pay to them.

Mr. LAUTENBERG. Mr. President, I rise to recognize Black History Month and pay tribute to the enormous and varied contributions African Americans have made to our Nation.

The other evening, on the final night of the Olympics, Tom Brokaw of NBC

News did a story about an American soldier named Vernon Baker who fought in Italy in World War II. Mr. Baker is now 86 years old. He was just a young man on the day in 1945 when he wiped out three Nazi machine gun nests and took out an enemy observation post.

Mr. Baker came home from the war without much fanfare. But like the 1.7 million other Black soldiers who served our Nation during World War II, he came home a changed man. After fighting on foreign soil against an enemy that claimed superiority to other races, these men could no longer accept second-class treatment in their own country.

World War II was the catalyst that finally convinced a significant portion of the American people that segregation was wrong. It was the beginning of the end of segregation in our Nation.

After World War II, 432 Americans were awarded the Congressional Medal of Honor. Not one of them was African American. Finally, in 1997, the Government bestowed our Nation's highest medal on six Black veterans of World War II. Vernon Baker was the only one of those men still alive to accept his award.

Mr. Baker's story mirrors Black history in our Nation in the last half of the 20th century. It is a story of determination and hope. During World War II, African Americans fought to keep our Nation free, even when their own freedom was not fully enjoyed. In the same way, the ideas and talent of African Americans have always enriched American life, even as their own lives were impoverished by racism and the vestiges of slavery.

From the Nobel laureate Toni Morrison to the great composer Duke Ellington, from the brilliant jurist Thurgood Marshall to my old friend Larry Doby, the first Black baseball player in the American League, from the uplifting leadership of Martin Luther King, Jr., to the heroism of Vernon Baker, African Americans have inspired and enlightened our Nation.

I join the people of New Jersey in celebrating the contributions of African American citizens during Black History Month.

NATIONAL EATING DISORDERS WEEK

Mr. REID. Mr. President, I rise today in recognition of National Eating Disorders Awareness Week to heighten awareness and emphasize prevention of eating disorders.

More than 10 million Americans today struggle with eating disorders, including anorexia nervosa, bulimia nervosa, and compulsive eating. Not only do these serious illnesses afflict people of all races and socioeconomic groups, eating disorders are now striking more men and children. The harm to the victims and their families can be tragically devastating, yet too often they continue to suffer in silence.

This week, I hope that we can take an important step to reach out to them and let them know that help is available. Inadequate information, misunderstandings, or shame should never be a barrier to recovery.

For this reason, I proudly sponsored Eating Disorders Information and Education Act of 1997 and the very first Senate resolution, S. Res. 197, to designate a National Eating Disorders Awareness Day. And it is the same reason I rise today. I hope that my colleagues will join me in this effort to improve eating disorder awareness, prevention, and treatment.

Mr. President, I ask unanimous consent that a letter from Ms. Chelsey Cogil, a resident of Zephyr Cove, NV, be printed in the RECORD.

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

DEAR SENATOR REID: Hello! My name is Chelsey Cogil and I am writing to inform you that National Eating Disorders Awareness Week is coming up next month starting on February 26th and lasting until March 4th.

Coming from a family where eating disorders run common, I know first hand the importance of spreading eating disorder awareness and prevention.

I would be absolutely delighted if you would make a statement, in support of National Eating Disorders Awareness Week, about the importance of spreading eating disorders awareness. Below are some statistics that I encourage you to read.

Thank you for your time and help!

Very Sincerely,

CHELSEY COGIL,
Zephyr Cove, NV.

The Renfrew Center Foundation for Eating Disorders, "Eating Disorders 101 Guide: A Summary of Issues, Statistics and Resources," published September 2002, revised October 2003, <http://www.renfrew.org>: 1 in 5 women struggle with an eating disorder or disordered eating; Up to 24 million people suffer from an eating disorder in the United States; Up to 70 million people world wide struggle with an eating disorder; Nearly half of all Americans personally know someone with an eating disorder; Eating disorders have the highest mortality rate of any mental illness; The mortality rate associated with anorexia nervosa is 12 times higher than the death rate of ALL causes of death for females 15-24 years old. Anorexia is the 3rd most common chronic illness among adolescents; Eating disorders are higher among young women with type 1 diabetes than among young women in the general population.

IN RECOGNITION OF AMERICAN HEART MONTH

Mr. DORGAN. Mr. President, February is American Heart Month. As co-chair of the Congressional Heart and Stroke Coalition, I rise today to urge my colleagues to commit to the fight against this devastating disease.

Heart disease remains the Nation's leading cause of death. Stroke is the No. 3 killer. More than 70 million adults in the United States suffer from heart disease, stroke, or other cardiovascular diseases. Cardiovascular diseases will cost our Nation an estimated \$403 billion in 2006, including more than \$250 billion in direct medical costs.

Although we need to continue to fund research to unlock the many mysteries that remain, we can make real progress in the fight against cardiovascular diseases by applying the knowledge that we already have today. A recent study funded by the National Heart, Lung and Blood Institute found that by quitting smoking, reducing obesity and controlling blood pressure and cholesterol levels, you can add 10 years to your life.

Thanks to our prior investments in cardiovascular research and prevention programs, we are now at a point where we have the tools in hand to make substantial progress. Yet, we find ourselves at a crossroads. As the population ages, the number of Americans affected by cardiovascular diseases will rapidly increase if we don't take the right steps today. It is estimated that by 2050, the number of deaths from heart disease will increase by nearly 130 percent.

Now is the time to redouble our efforts to fight heart disease, stroke and other cardiovascular diseases, not back away from our commitment. Yet, the President's budget proposal for fiscal year 2007 would cut funding for medical research and cardiovascular disease prevention programs.

The administration has even proposed eliminating a program to help rural communities purchase automated external defibrillators, AEDs. Last year, over my objection, Congress cut funding for this program by more than 80 percent. This makes no sense to me. AEDs are small, laptop size devices that help restore normal heart function after cardiac arrest. AEDs save lives, especially when placed in areas where large numbers of people congregate and in rural communities where emergency medical personnel are not readily available.

That is why I was pleased to see the Architect of the Capitol announce last month that AEDs will be placed around the Capitol complex. However, I find it highly ironic that Congress decided to purchase AEDs for its own buildings while slashing funding for programs that help rural communities purchase the same devices.

In the next several weeks, we will have a serious debate in the Senate about the administration's budget proposal. The decisions we will make will clearly show our priorities. I urge my colleagues to make the fight against heart disease, stroke and other cardiovascular diseases a top priority.

HAWAII CREDIT UNION LEAGUE

Mr. AKAKA. Mr. President, every year, members of the Hawaii Credit Union League meet with me during their trip to Washington, DC. They keep me abreast of their work in Hawaii by providing affordable financial services to their members. I would like to recognize credit unions and other mainstream financial services organizations that provide access to financial

services that improve the lives of their members. Without credit unions, even more of our constituents would be susceptible to predatory lending and high-cost financial services. For example, individuals that lack credit union or bank accounts are considered to be unbanked. The unbanked rely on alternative financial service providers to cash checks, pay bills, send remittances, utilize payday loans, and obtain credit. However, their earnings are unnecessarily diminished in the process by their reliance on these high-cost, and often predatory, financial services. These hardworking families can ill-afford this hit to their paychecks. Not having a credit union or bank account prevents families from being able to save securely to prepare for the loss of a job, a family illness, a down payment on a first home, or education expenses for their children.

I am proud that we have credit unions in Hawaii that provide innovative services to more effectively meet the needs of their members such as offering payday loan alternatives to members of the armed services. Payday loans are small cash loans repaid by borrowers' postdated checks or borrowers' authorizations to make electronic debits against existing financial accounts. Typically, the principal for payday loans is in the range of \$100 to \$500 with full payment due in 2 weeks. Finance charges on payday loans are normally in the range of \$15 to \$30 per \$100 borrowed, which translates into triple digit interest rates of 390 percent to 780 percent when expressed as an annual percentage rate, APR. A common practice is loan flipping, which is the renewing of loans at maturity by paying additional fees without any principal reduction. This practice often creates a cycle of debt that is hard to break. Furthermore payday lenders often locate near military bases because they know that a military servicemember's government paychecks represent a reliable source of fees and military personnel may be court marshaled or dishonorably discharged for failing to repay their debt.

I am proud that the Windward Community Federal Credit Union in Kailua, on the island of Oahu, has developed an affordable alternative to payday loans. I commend the staff of the Windward Community Federal Credit Union for their outstanding program which benefits the marines and other members that they serve. I have introduced legislation that would encourage credit unions and other financial institutions to offer this sort of low-cost, short-term credit product. S. 1347, the Low-Cost Alternatives to Payday Loans Act, would promote low-cost alternatives to payday loans by authorizing the Secretary of the Treasury to award demonstration project grants. I will continue to work with my colleagues on the Banking, Housing, and Urban Affairs Committee to enact this important legislation.

I also have included efforts to increase access to credit union and bank

accounts in an attempt to combat refund anticipation loans, RALs. While the earned income tax credit, EITC, helps working families meet their food, clothing, housing, transportation, and education needs, EITC refunds are unnecessarily diminished by excessive use of RALs. Interest rates on RALs can range from 97 percent to more than 2,000 percent. Considering the low repayment risk of this type of loan, the interest rates and fees charged on this type of product are not justified. Often, those who take out RALs are lower income families for whom these costs are a particular burden.

I have introduced the Taxpayer Abuse Prevention Act, which would restrict predatory practices associated with RALs and expand access to mainstream financial services. The bill would expand the eligibility of electronic transfer accounts, ETA, which are low-cost accounts at banks and credit unions intended for recipients of certain Federal benefit payments, to include EITC benefits. These accounts will allow taxpayers to receive direct deposit refunds into an account without the need for a refund anticipation loan. Additionally, my bill would mandate that low- and moderate-income taxpayers be provided opportunities to open low-cost accounts at federally insured banks or credit unions via appropriate tax forms. Providing taxpayers with the option of opening a bank or credit union account through the use of tax forms provides an alternative to RALs and immediate access to financial opportunities found at banks and credit unions.

In addition, I have worked with my friend, the Senator from New Mexico, Mr. BINGAMAN, on the Taxpayer Protection and Assistance Act. The legislation includes a provision that authorizes a grant program to link tax preparation services with the opening of a bank or credit union account. This will help encourage the estimated four million unbanked EITC recipients to establish a relationship with a mainstream financial institution. In turn, they will no longer be forced to pay the excessive fees RAL providers assess. Once the previously unbanked have established a credit union or bank account, they will be able to benefit from the wide range of financial services that mainstream financial institutions provide.

I will continue to work to expand access to mainstream financial institutions so that more individuals can benefit from lower cost opportunities found at credit unions and banks. I thank the representatives from the Hawaii Credit Union League for all of their work in providing financial services and increasing the financial literacy knowledge of their members. I also will continue to work to enact legislation that promotes the utilization of the services of credit unions and banks so that even more people can improve their lives by having access to

low-cost accounts, cheaper remittances, less expensive loans, and insured savings accounts.

LOCAL LAW ENFORCEMENT ENHANCEMENT ACT OF 2005

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. Each Congress, Senator KENNEDY and I introduce hate crimes legislation that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society. Likewise, each Congress I have come to the floor to highlight a separate hate crime that has occurred in our country.

On June 15, 2005, Dwan Prince was savagely beaten by three men as Prince stood outside of his apartment building in New York, NY. The apparent motivation for the attack was Prince's sexual orientation. According to police, the three attackers shouted anti-gay slurs throughout the attack on Prince.

I believe that the Government's first duty is to defend its citizens, to defend them against the harms that are born out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

LETTER ON THIRD ARMORED CAVALRY REGIMENT

Mr. SANTORUM. Mr. President, I rise today to share with my colleagues a letter written by the mayor of Tall-at Afar, Ninewa, Iraq, concerning the 3rd Armored Cavalry Regiment of the U.S. Army. This unit of brave soldiers is completing its second deployment to Iraq. As the unit prepares to come home, they have recently received this letter from the mayor of that city:

In the Name of God the Compassionate and Merciful To the Courageous Men and Women of the 3rd Armored Cavalry Regiment, who have changed the city of Tall-at Afar from a ghost town, in which terrorists spread death and destruction, to a secure city flourishing with life.

To the lion-hearts who liberated our city from the grasp of terrorists who were beheading men, women and children in the streets for many months. To those who spread smiles on the faces of our children, and gave us restored hope, through their personal sacrifice and brave fighting, and gave new life to the city after hopelessness darkened our days, and stole our confidence in our ability to reestablish our city.

Our city was the main base of operations for Abu Mousab Al Zarqawi. The city was completely held hostage in the hands of his henchmen. Our schools, governmental services, businesses and offices were closed.

Our streets were silent, and no one dared to walk them. Our people were barricaded in their homes out of fear; death awaited them around every corner. Terrorists occupied and controlled the only hospital in the city. Their savagery reached such a level that they stuffed the corpses of children with explosives and tossed them into the streets in order to kill grieving parents attempting to retrieve the bodies of their young.

This was the situation of our city until God prepared and delivered unto them the courageous soldiers of the 3rd Armored Cavalry Regiment, who liberated this city, riding it of Zarqawi's followers after harsh fighting, killing many terrorists, and forcing the remaining butchers to flee the city like rats to the surrounding areas, where the bravery of other 3rd ACR soldiers in Sinjar, Rabiah, Zumar and Avgani finally destroyed them.

I have met many soldiers of the 3rd Armored Cavalry Regiment; they are not only courageous men and women, but avenging angels sent by The God Himself to fight the evil of terrorism.

The leaders of this Regiment; COL McMaster, COL Armstrong, LTC Hickey, LTC Gibson, and LTC Reilly embody courage, strength, vision and wisdom. Officers and soldiers alike bristle with the confidence and character of knights in a bygone era. The mission they have accomplished, by means of a unique military operation, stands among the finest military feats to date in Operation Iraqi Freedom, and truly deserves to be studied in military science. This military operation was clean, with little collateral damage, despite the ferocity of the enemy. With the skill and precision of surgeons they dealt with the terrorist cancers in the city without causing unnecessary damage.

God bless this brave Regiment; God bless the families who dedicated these brave men and women. From the bottom of our hearts we thank the families. They have given us something we will never forget. To the families of those who have given their holy blood for our land, we all bow to you in reverence and to the souls of your loved ones. Their sacrifice was not in vain. They are not dead, but alive, and their souls hovering around us every second of every minute. They will never be forgotten for giving their precious lives. They have sacrificed that which is most valuable. We see them in the smile of every child, and in every flower growing in this land. Let America, their families, and the world be proud of their sacrifice for humanity and life.

Finally, no matter how much I write or speak about this brave Regiment, I haven't the words to describe the courage of its officers and soldiers. I pray to God to grant happiness and health to these legendary heroes and their brave families.

NAJIM ABDULLAH ABID AL-JIBOURI
Mayor of Tall-at Afar, Ninewa, Iraq.

This mayor's gratitude towards the soldiers of the 3rd Armored Cavalry Regiment speaks volumes of the sacrifice and bravery that all of our soldiers are displaying in Iraq. Our service men and women are making a difference in Iraq by spreading democracy and fighting the terrorists. These soldiers ought to be proud of their efforts—we certainly are, and so are the Iraqis.

CLEAN WATER AUTHORITY RESTORATION ACT

Mr. FEINGOLD. Mr. President, for the last 33 years, the American people have relied upon the Clean Water Act to protect and restore the health of the Nation's waters. The primary goal of the act to make rivers, streams, wetlands, lakes, and coastal waters safe for fishing, swimming and other recreation, suitable for our drinking water supply, and available for wildlife and

fish habitat—has become accepted by the public not only as a worthy endeavor but also as a fundamental expectation of government providing for its citizens. It is our responsibility to provide adequate protection to ensure that our freshwater resources are able to enhance human health, contribute to the economy, and help the environment.

Despite being one of our Nation's bedrock environmental laws, the Clean Water Act faces new and unprecedented challenges.

The Supreme Court recently heard two Clean Water Act cases, the outcome of which will have significant implications for Federal efforts to protect the Nation's waters from pollution and destruction. Fortunately, an unprecedented array of local, State, regional, and national officials, professional organizations, and public interest groups from across the country and the political spectrum have joined in the defense of the Clean Water Act. The unparalleled collection of interested parties includes the attorneys general of 33 States plus the District of Columbia; four former Administrators of the Environmental Protection Agency—Russell Train, Douglas Costle, William Reilly, and Carol Browner; nine current and former members of the U.S. Senate and U.S. House of Representatives who were directly involved in the passage of the 1972 Act and its reaffirmation in 1977; the Association of State Wetlands Managers, the Association of State Floodplain Managers, the Association of State and Interstate Water Pollution Control Administrators, and the International Association of Fish and Wildlife Agencies; numerous hunting, fishing, wildlife and outdoor recreation organizations and businesses, including Ducks Unlimited, the National Wildlife Federation, Trout Unlimited, the American Sportsfishing Association, Bass Pro Shops, the Orvis Company, and the Wildlife Management Institute, among others; and a number of local, regional, and national environmental groups. All of these interests filed briefs expressing strong support of the Clean Water Act's core safeguard: the requirement to obtain a permit before discharging pollutants into waters of the United States.

With such strong support for the Clean Water Act, which is grounded in the language, history, and purpose of the law itself, I hope that the Supreme Court will follow its own precedent and reaffirm Federal protections for streams, headwaters, tributaries, and wetlands that have long been covered by the Act.

Whatever the outcome of these critical cases, Congress must reaffirm the historical scope of the Clean Water Act. The best way to do this is through passage of the Clean Water Authority Restoration Act, S. 912. This bill simply confirms that the Act has always covered all of these waters, consistent with Congress's clear intent, by codifying the regulatory definition of "waters of the United States" that has been in use since 1973.

The bill addresses protections for certain so-called isolated streams and wetlands in the wake of the Supreme Court's 2001 decision in *Solid Waste Agency of Northern Cook County v. Army Corps of Engineers* and will help to ward off any future legal challenges to the scope of the act.

Our Nation's streams, ponds, isolated wetlands, and other bodies of water are too important to not take action to protect them. We owe future generations nothing less than healthy waters.

WDEV: SOUNDS LIKE HOME

Mr. LEAHY. Mr. President, 2006 marks the 75th anniversary of a true Vermont treasure. Locally owned and operated, WDEV of Waterbury, VT, first came to the airwaves on July 16, 1931. Its continuing and expanded presence in Central Vermont and the Champlain Valley ever since then is a rare and stellar example these days of the invaluable resources that independent, community-based media can offer.

WDEV station owner and President Ken Squier took the reins of WDEV from his parents, Guila and Lloyd, who first operated the station at the same time my own parents were operating a small Waterbury newspaper nearby, and his parents and mine were friends. If things had gone differently Ken and I might have had a media conglomerate in the making. Growing up in the station's studios, Ken's life was steeped in the culture and the craft of community radio. He understood WDEV's role in community life, and when he assumed operation of the station, his approach to community-based programming became the foundation of the station's lineup. Today the residents of Waterbury and its surrounding communities turn the dial to WDEV to find everything from a trading post to buy and sell their goods and treasures, to such off-beat program offerings as "Music to Go to the Dump By." WDEV is the place to go for everything from local news to high school sports to school closings. It has become a vital source of news, information and entertainment to its devoted audience. WDEV is an authentic piece of the Vermont that we cherish.

Under Ken's guidance and initiative, WDEV has broadened its scope, becoming the anchor for the Radio Vermont Group, which now operates stations devoted to classical and country music, as well as news, sports and community events. It has taken to the web, where WDEV now streams two of its most popular morning news programs, "The Morning News Service" and "The Mark Johnson Show."

Ken has shepherded WDEV through the years with his acute sensitivity to the local perspective. I have always enjoyed stopping in to the station for a quick chat, or greeting Ken and the station's longtime personalities at local events, from parades to political rallies. I look forward to chatting with

Eric Michaels, Radio Vermont's general manager and vice-president, every month during his daily morning show. The connection that WDEV and the voices it carries have to the community is as distinctive and unique as Vermont is to our country.

Vermont Life recently published a well-crafted piece, "Community Radio Speaks," featuring the history and highlights of WDEV's 75 years on the air.

I join my fellow Vermonters in congratulating Ken, Eric, and all the people who, in 75 successful years, have made WDEV a station with a true touch for its Vermont audience.

I ask unanimous consent the article be printed in the RECORD.

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

[From Vermont Life, Spring 2006]

COMMUNITY RADIO SPEAKS

(By Marialisa Calta)

"Rural radio is important to people," intones Eric Michaels in his mellifluous radio-announcer's voice. He is taking a break from his duties as on-the-road producer of WDEV's "Music to Go to the Dump By," broadcasting, on this particular Saturday in September, from the Tunbridge World's Fair. "We feel that if we are out in the community, working hard, people will know us and respect us. We take our work very seriously." A cow in a nearby 4-H exhibit moos loudly, and Michaels, fiddling with his equipment, sends a song over the airwaves, a country-western tune called "I Don't Look Good Naked Anymore."

There, in a nutshell, is the contradiction—and the strength—of WDEV, which celebrates 75 years of broadcasting from Stowe Street in Waterbury this July. Smart local commentary is mixed with ridiculous tunes. Conservative local pundit Laurie Morrow's show, "True North," broadcasting an hour or two before nationally known liberal icon Amy Goodman's "Democracy Now." Patsy Kline, the Texas Tuba Band, stock car racing from Barre's Thunder Road and Harwood Union High School boy's basketball share airspace with Miles Davis, Red Sox baseball, state legislative reports and Mozart.

It's the place on the dial (550 AM, 96.1 FM and 96.5 FM) where a Vermonter can tune in for the Dow Jones average of the milk prices. Where the Associated Press delivers news from the world, and Bethany Dunbar, an editor at *The Barton Chronicle*, delivers the news from the Northeast Kingdom.

A listener whose normal fare comes from "dedicated" channels—all-sports, all-talk, all-country-music, all-jazz—and who accidentally tuned in to WDEV might find the station bewildering, if not downright schizophrenic. But, as Middlebury College professor and author Bill McKibben points out, the hodgepodge of views, opinion, musical styles, reports (sports, business, agriculture, politics, news) pretty much reflects the hodgepodge of views, opinion, musical tastes and interests that make up the average Vermont community.

McKibben, who included WDEV in a story about the virtues of a life lived on a small scale that he wrote for *Harper's Magazine* two years ago, said that when you listen to the station "you hear . . . things that other people are interested in. Which is pretty much the definition of community."

You also hear—and this may be WDEV's genius—the actual voices of the community. It is nearly impossible for anyone who has

lived in WDEV's broadcast area (which extends south to Route 4 and north nearly to the Canadian border) to listen to the station for even a few hours without hearing the voice of someone the listener knows. It might be Dan DiLena reading his menu from the Red Kettle in Northfield or Ben Koenig of the Country Bookshop in Plainfield singing about his store in a hokey Caribbean accent. It might be Ed from Morrisville, phoning in to "The Trading Post" at 6:30 a.m. to sell an old-fashioned grinding wheel and a prickly pear cactus. It might be a birthday wish going out to someone the listener works with. Or a caller to any one of the talk shows: "The Mark Johnson Show," Morrow's "True North" or progressive activist Anthony Pollina's "Equal Time." If you listen to WDEV long enough you will get a sense of what your neighbors are doing and thinking. Which is a pretty good way to not only define community but to keep it alive and well.

At the heart of this rich local stew is the station owner and president, Kenley Dean Squier, who, at 70, has made a national name for himself (and was part of two Emmy-award winning broadcast teams) as a television broadcaster covering stock car racing and other sports for CBS, NBC, ABC, ESPN, Fox, Turner Broadcasting and the Speed Channel, among others. Squier is a walking conundrum, a serious fan of jazz and classical music with a deep background in the auto racing world of NASCAR. He is a man equally at home interviewing, say, Governor Jim Douglas about fuel shortages or health care or hosting "Music to Go to the Dump By," and reading advertising copy (including, full disclosure, an ad for this magazine, a sponsor). He employs an enormous—by corporately held radio standards—staff of more than 30 yet he is famously cheap; Bryan Pfeiffer, who cohosts "For the Birds," (a show about birding), loves to joke about the single light bulb that Squier allows, the bulb that all the broadcasters purportedly have to share, unscrewing it from one broadcast booth and taking it to another.

It is not unusual for Squier, in a single broadcast, to support the death penalty, criticize the Bush administration and fulminate about the rise of corporate monopolies. His station may broadcast conservative Ann Coulter and independent Congressman Bernie Sanders in the same morning. "It's as if Rush Limbaugh and Al Franken shared a brain," wrote McKibben.

"His watchword is 'relevant,'" says Mark Johnson, who has been hosting a two-hour weekday call-in show on the station since 1998. "It's all about what's meaningful to the community."

And you can describe "meaningful" in different ways. The All Men's Moscow Marching Transistor Radio Band, for example, depends on WDEV to provide music for its parade up the main street of the village of Moscow every July 4th. Farmers depend on weatherman Roger Hill's forecasts for haying. Kids tune in on snowy mornings to hear about school closings. Representative Sanders recalls that once, when he was on the air, a station newscaster interrupted him to inform listeners about an accident on Main Street in Waterbury.

Squier was born to radio; for Christmas 1935, his parents Guila and Lloyd Squier (then the program director) sent out a holiday card depicting the infant Ken in front of a set of building blocks spelling out the call letters WDEV. The station itself was only four years old, having been started in 1931 by the visionary Harry Whitehill, owner and operator of the Waterbury Record and the *Stowe Journal*. Whitehill was a man of many trades; he sold stationary, pens and ink, party gods and wrapping paper from his

newspaper headquarters at 9 Stowe Street in Waterbury. He was also Vermont's Collector of Customs, an active post during Prohibition and a job that brought him frequently to St. Albans. In 1929, Whitehill heard Vermont's first commercial radio station, WDQM, there, and, reasoning that "more people can hear than can read," he returned to his newspaper to proclaim: "We need a radio station." "Radio was big city . . . worldly stuff," writes Squier, who chronicled the birth of the station in an unpublished history of WDEV. On July 16, 1931, the dulcet tones of Miss Kate Lyons of Waterbury Center singing "The Rose in the Garden" were sent over the airwaves, marking the station's official launch. The antenna was a copper wire strung from the newspaper office to a nearby funeral parlor.

It was a glorious venture, an opportunity, as U.S. Senator Warren R. Austin put it, "to sell a cow or an idea, quickly to a great number of people." The engineer for that first broadcast was 28-year-old Lloyd Squier, the son of the Whitehills' housekeeper. The young Squier (now known as "The Old Squier" and frequently heard on the station via old recordings) soon moved up to program director responsible for an entire hour of airtime a day. Fred Somers & Sons Hardware (still on Main Street in Montpelier) was an early sponsor.

Within a year, the station was broadcasting local sports, legislative hearings and other events of note. By 1936, the WDEV offices were a "mini-media Mecca" according to Ken Squier, complete with Western Union, New England Telephone and Telegraph Co., the radio station and the newspapers all under the same roof. "Because of radio, people can live among the most beautiful hills on earth, our own Vermont hills, and yet in an instant feel the pulse of world affairs by simply turning a switch," said then-Lieutenant Governor George Aiken in dedicating a new tower and transmitter that year.

Nowadays, what makes WDEV stand out is not that it brings us world news, but that—unlike the huge networks of radio stations fed formatted shows from a remote central location—it brings us the local happenings. The staff, on any given day, might be broadcasting from a State House hearing, the opening of the Farm Show or a county fair, a race at Thunder Road (which Ken Squier co-owns), a high school hockey game, a ribbon-cutting at a local lumber store or from a phone booth in downtown Montpelier, as Michaels did during the flood of 1992. (Michael's phoned-in report—replete with operator's request for additional coins—aired on the morning of the flood when the rising waters prevented him from getting through the city). Events like the flood, in fact, underscore the station's importance; Squier enlisted every employee—from the news staff to the sales reps—as reporters that day. The payoff came when then-Governor Howard Dean, asked at a press conference how he was keeping abreast of flood news, answered that he had been listening to WDEV.

Another of the station's strengths is the number of unforgettable radio personalities who have taken on larger-than-life characteristics in listeners' minds: Buster the Wonder Dog (Squier's own border collie); the station's country band, the Radio Rangers; Farmer Dave; the Old Squier; Ma Ferguson; Glen Plaid; Seymour Clearly and Spike the Cat. Past and current broadcasters—the late "Cousin Harold" Grout (who hosted "The Trading Post" for at least 30 years), the late Rusty Parker (who suffered a fatal heart attack in 1982 while broadcasting the morning news) and many more—seem like old friends to regular listeners.

In addition to sports of local interest—70 local high school basketball and hockey

games, Norwich University hockey, local motor sports events, Red Sox games and Mountaineers baseball—WDEV has pioneered "sporting events" that have become community institutions: the Winter Croquet Tournament, Opening Day at the ABCD Deer Camp, Opening Day at Perch Camp (an ice-fishing extravaganza), the State Agency of Transportation Snow Plow Championships and the Joe's Pond Ice Out competition, to name a few.

There is no doubt in this era of corporately owned radio stations that a locally owned station like WDEV and its Radio Vermont affiliates (WLVB-FM in Morrisville, a country station, and WCVT-FM, a classical music station in Stowe) are anomalies.

An analogy can be made, in fact, between the physical landscape and the aural landscape of Vermont. Think of corporate-owned stations—what Mark Johnson calls "electronic jukeboxes"—as sprawl. Public radio is analogous to state parks and land in conservation trusts. WDEV is analogous to the working landscape. Like tractors and manure pits, it's not always pretty. But it's real. And it's distinctive.

"It's a station that understands the community and understands what the real issues are," says Congressman Sanders. He has held hearings on the recent trends in communication law that enable large media conglomerates to own large numbers of stations. "Local ownership of media is increasingly important and increasingly rare," he said in a telephone interview. "When it goes, something valuable is lost."

Loyal listeners would say that "something" is a piece of Vermont.

HONORING GREGORY MCCARTHY'S SERVICE TO THE DISTRICT

Ms. LANDRIEU. Mr. President, when I began serving on the Senate Appropriations Subcommittee on the District of Columbia in January of 2001, my knowledge of the city's relationship with Congress was limited to someone who had lived here for only a few years. I quickly learned, however, not only the workings of the committee, but also the unique relationship between the District of Columbia and the Congress. One of the first people who helped me learn of this relationship and how to best serve the District was the energetic, dedicated chief advocate for DC Mayor Anthony Williams, Mr. Gregory McCarthy.

Behind all of the big ideas, the hours of debate and the finely cut deals, there is the staff. The staff must work the long hours to merge the big ideas and the little details into policy and legislation that achieves the goals set forth by their boss. Gregory McCarthy was an exemplary staffer who did all of this and more. Gregory has worked tirelessly on behalf of the Nation's Capital to create policy that benefited the city, met the needs of the elected officials of the District of Columbia, and satisfied the oversight function of the Congress. While working in the Mayor's Office, he helped build the credibility of the city, from the Halls of Congress, to the many visitors to the capital city, to the bond rating agencies. And all the while, Gregory served as the best source for a history lesson on the District, the current sta-

tus of a program, and the gauge of the Mayor on any issue that any member of the DC Appropriations Subcommittee could ask for.

Gregory McCarthy exemplifies the public service that fuels a government which serves the people. It is this type of public service that benefits students in the District of Columbia especially. Through Gregory's hard work, he navigated the strong and varying positions of Members of Congress and local officials in order to create the first federally sponsored, private school voucher program. While I have been a tough critic of the program, I have always said that Gregory and the city represented the District's constituents well by seeking more school options, and through their tireless discussion and debate came a program that supports traditional public schools and public charter schools, as well as private school scholarships. Gregory's efforts to improve education for District residents have not been limited to elementary and secondary alternatives. Similarly, he has worked to authorize and fund college grants for more than 8,000 DC residents so that those who wish to pursue a degree of higher education may see their dreams become a reality.

Gregory McCarthy shepherded these and numerous other programs through a frequently arduous District of Columbia appropriations process. The residents of the District have benefited greatly from his years of public service. When the year 2006 draws to an end, a new mayor will be elected and a new staff of dedicated public servants will work to improve this great city. As this new crew weaves their way through charted and uncharted territories, they will build on the positive relationships that Mayor Williams, Gregory McCarthy, and other members of the Mayor's staff have worked so hard to create. As Mr. McCarthy leaves the District of Columbia government for his next challenge, I offer him my congratulations and best wishes. From my own experience in working with him, I know that Gregory will succeed in whatever he pursues next.

ADDITIONAL STATEMENTS

NEW YORK YMCAS

• Mrs. CLINTON. Mr. President, I would like to take this opportunity to recognize the excellent work New York YMCAs are doing to build healthier communities. They are taking important steps to address health problems, such as obesity, smoking, and physical inactivity, by participating in the Pioneering Healthier Communities Project, Gulick Project, YMCA Healthy Kids Day, and Steps to a HealthierUS partnership. These projects are part of the initiative, YMCA Activate America, whose goal is to promote healthy living among millions of Americans.

The Pioneering Healthier Communities Project—a partnership with the Centers for Disease Control and Prevention—brings leaders together to promote cultural and environmental changes in neighborhoods supportive of healthy lifestyles. Each year YMCAs are selected to convene teams of representatives from the government and public health and private sectors to improve healthy living. This year, the YMCAs of Rye and Greater Rochester were selected and convened teams, resulting in creative plans to help youngsters. For example, the Rye YMCA implemented the Fitkids Program to increase healthy menu choices and promote physical activity and healthy eating in four school systems. The YMCA of Greater Rochester introduced the Coordinated Approach to Child Health, CATCH, Program, which promotes physical activity and healthy food choices and prevents tobacco use in children, as well as the Family Cooks Program, which teaches children using a hands-on approach to nutritious cooking.

In addition, YMCAs in greater New York and greater Rochester are participating in the Gulick Project—an initiative that is dramatically improving the way they work with individuals and families to support healthy living. Through the Gulick Project, YMCAs in New York and in other States are enhancing their programs, facilities, and staff to effectively meet the needs of those who want to be active and healthy but continuously stop and start the process. Cutting-edge work at four YMCA branches in Prospect Park, Cross Island, Long Island city and West Side, as well as at other Gulick YMCAs in the Nation, is leading to the development of best practices.

Moreover, YMCAs in New York are actively involved in YMCA Healthy Kids Day, a grassroots event that encourages children and families to adopt and uphold behaviors that support healthy living through fun and engaging activities. Healthy Kids Day recognizes that there is local help for parents, from schools to public libraries and YMCAs. In 2006, more than a half million people will participate in Healthy Kids Day with events in more than 1,300 communities across the country.

New York YMCAs are also engaged in a variety of health initiatives through partnerships with the Steps to a HealthierUS, which offers grants to address health problems like obesity and asthma and risk factors like physical inactivity and poor nutrition. For instance, Broome County YMCA has partnered with the Steps program to develop Mission Meltaway, an 8-week program that educates participants on ways to control weight. This partnership has also established nutrition and physical activity policies for all YMCA afterschool programs. Similarly, the Chautauqua County YMCA has joined with the Steps program to create a wellness resource center and expand a

weight loss management program, among other things. Through the Steps program, the Rockland County YMCA is improving nutritious offerings at snack time in child care programs called “healthy snack Wednesdays.” The Watertown Family YMCA has teamed up with the Steps program to implement Kids NutriFit, a project that will increase physical activity in children ages 5 to 12 by engaging them in traditional play and teaching them about healthy snacking.

Many health problems are linked to habits common in American lifestyles, including overeating, underexercising, and poor diets. YMCAs in New York and their community partners are vigorously promoting healthy lifestyle choices and behaviors through innovative programs. I applaud their hard work and dedication to build healthy families and communities in New York and look forward to continuing to work with them.

As an advocate for strong and healthy children and families, I will continue to fight for increased funding for programs that promote access to healthy food and nutrition education in our schools and communities. Specifically, I have supported Farm-To-Cafeteria programs, which promote using locally grown produce in school cafeterias through community grants, and the USDA Team Nutrition program, which funds coordinated efforts between Federal, State and local entities to offer nutrition education to children. Through my own Farm-to-Fork initiative, I also have been working to get local New York State produce in schools, colleges, and universities. Healthy food options in school cafeterias teach kids about good nutrition and the importance of agriculture, as well as support local farms by keeping food dollars within the community.

Obesity, which has doubled in children and tripled in adolescents over the last two decades, is another serious health issue I am committed to addressing. Last year, I reintroduced the Improved Nutrition and Physical Activity Act, IMPACT Act, that awards grants to train primary care physicians and other health professionals in identifying, treating, and preventing obesity and eating disorders and allows States to use preventive health and health services block grants for activities and community education programs targeting obesity and eating disorders. This bill also promotes funding programs that encourage healthy eating and physical activity and collecting and analyzing data to determine the fitness levels and energy expenditures of children.

I have used nonlegislative avenues to address obesity and eating disorders as well. I wrote an article in the New York Daily News last summer highlighting long-term physical and emotional problems that can result from childhood obesity, such as cardiovascular disease, Type 2 diabetes, can-

cer, and depression, not to mention low self-esteem, academic problems, and discrimination. I have urged making childhood obesity a real priority for families, schools, government and businesses and outlined steps to do this, including educating parents and children about the importance of a healthy lifestyle, restoring physical education programs during and after school hours, and enlisting health care professionals to join the antiobesity campaign. Working with the Eating Disorders Coalition, I sponsored a congressional briefing called Schools, Students, Obesity and Eating Disorders to raise awareness of obesity, eating disorders, and physical activity in school-age youth.

I am dedicated to promoting safe and fit lifestyles in our children and to fighting for healthier and stronger communities. Together we can combat the health problems afflicting our youth today and create a better, more promising future. I commend the exemplary efforts of New York YMCAs as they contribute to this mission on many fronts.●

TRIBUTE TO JANET ALTMAN SPRAGENS

● Mrs. CLINTON. Mr. President, on February 19, 2006, our Nation lost a great lawyer, educator, advocate, and public servant. Janet Altman Spragens was a lifelong resident of Washington, DC, and a professor at American University's Washington College of Law for 33 years.

I met Janet when she was a young graduate student at Northwestern University and taught social studies at my alma mater, Maine South High School in Park Ridge, IL. She was a Wellesley graduate, and as I was making choices about where I would go to college, she urged me to consider Wellesley. I am grateful to Janet for helping me make that important decision in my life.

Janet went on to law school and developed an expertise in tax law. She used that expertise to benefit our Nation's underserved taxpayers by advocating for them in Congress and, in 1990, founding the Federal Tax Clinic. The clinic continues to operate today and the American Bar Association's Tax Section called it one of the earliest and most successful low-income taxpayer clinics in the country.

Janet Altman Spragens made a difference in the lives of many Americans who never will have the pleasure and privilege of knowing her. I join her family and friends in mourning her loss and ask that her obituary in the Washington Post be printed in the RECORD.

The material follows:

[From the Washington Post, Feb. 22, 2006]

JANET SPRAGENS, 62; LAW PROFESSOR SET UP TAX CLINIC TO AID POOR
(By Joe Holley)

Janet R. Spragens, 62, a tax professor at American University's Washington College of Law and the founder of the nation's first tax clinic for low-income taxpayers, died Feb. 19 of cancer at her home in the District.

Ms. Spragens joined the faculty of the Washington College of Law in fall 1973 and founded the Federal Tax Clinic in 1990. Its purpose is to provide third-year law students the opportunity to learn by doing instead of just reading legal theory and to provide assistance to people who frequently are not served well by the legal system.

"Janet came to realize that the tax system is a place where low- and moderate-income taxpayers don't have the resources to protect themselves," said Andy Pike, an associate dean at the law school.

The clinic's clients have included cabdrivers, single working mothers, travel agents, construction workers, retirees, high school teachers, household workers and others who find themselves caught up in the complexity of the nation's administrative and judicial systems. As Ms. Spragens told a House committee in 2001, many are non-English speakers who are frightened and confused. The clinic charges no fees for its services.

Since the clinic was founded, participation in it has been "standing-room only," said its supervising attorney, Nancy Abramowitz, referring both to students and clients. The program's success has spawned others at law schools across the nation.

Born in Washington into a family of lawyers, Ms. Spragens considered becoming a teacher before deciding to pursue a career as a lawyer who taught. She received a bachelor's degree from Wellesley College in 1964 and a master's degree in education from Northwestern University in 1965. She received a law degree from George Washington University Law School in 1968.

As a student teacher during her year at Northwestern, she taught future Sen. Hillary Rodham Clinton (D-N.Y.), then a high school senior. In her memoir, "Living History," Clinton credits Ms. Spragens with urging her to broaden her horizons by leaving the Midwest and attending college in the East. Like Ms. Spragens, Clinton chose Wellesley.

During her third year of law school, Ms. Spragens served as a clerk to U.S. District Judge Oliver Gasch. She was an attorney with the appellate section of the Justice Department's tax division before joining the faculty of the Washington College of Law in 1973. At the time, she was the only female member of the full-time faculty.

Federal funding for the tax clinic, thanks to Ms. Spragens' efforts, came about almost accidentally. Testifying in 1997 before the National Commission on Restructuring the Internal Revenue Service, she was asked what could be done to alleviate tax problems confronting the working poor.

"She said, somewhat offhandedly, just provide funds to create more clinics for the provision of services to this needy population across the country," Abramowitz noted. "The rest is history."

Ms. Spragens also was concerned about unethical tax preparers who prey on low-income taxpayers and about the complexities of the earned income tax credit, which is designed to help the working poor. "They are just overwhelmed by the complexity," she told *The Washington Post* in 2001.

Ms. Spragens served as executive director of the American Tax Policy Institute from 1996 to 2001, was a member of the council for the American Bar Association section on taxation since 1999 and had chaired the section's low-income taxpayer and teaching taxation committees. She was director of the Israel program at the Washington College of Law and was visiting professor of law at the University of Haifa Faculty of Law in 2000.

For her work on behalf of low-income taxpayers, she received the 2006 ABA Section on Taxation Pro Bono Award.

Her marriage to Jeffrey Spragens ended in divorce.

Survivors include two daughters, Robin Spragens Trepanier of Washington and Lee Spragens of Los Angeles; her mother, Sophie B. Altman of Washington; two sisters, Susan Altman of Washington and Nancy Altman of Bethesda; and a brother, Robert Altman of Potomac.●

IN HONOR OF ED McNAMARA

● Mr. LEVIN. Mr. President, last week, Michigan lost a distinguished public servant and a visionary leader, and I lost a good friend. Ed McNamara passed away at the age of 79 after a lifetime of service to our State, including 16 years as Wayne County executive and 17 years as mayor of Livonia. He fought relentlessly to make Michigan a better place, and he succeeded in ways small and large. And as he made a difference in the lives of average people, he did so with a sparkle in his eye and humor on his lips.

Ed was an old pol in the best sense of the word. He loved his constituents, he loved serving them, and he made a difference in their lives. Ed brought health care to the poor, saved a countywide bus system, and revitalized the county's parks. He paved the roads, helped save the Rouge River, and made big investments in the people and infrastructure of Southeastern Michigan.

When Ed took office as county executive, Wayne County, which includes the city of Detroit, was facing a \$135 million deficit. Ed quickly eliminated that red ink and revived the county's bond rating as a first step toward the greater revitalization he envisioned. Ed McNamara never stopped believing in Wayne County, and we will be reaping the rewards of that leadership for years to come. Just this month, Detroit hosted the Super Bowl at Ford Field, which Ed helped to build. Last year, Detroit hosted Major League Baseball's All-Star Game at Comerica Park, which Ed helped to build. And visitors to each of these events flew into the Detroit Metro Airport terminal named in his honor, which Ed helped to build.

Ed's legacy will also live on in the many people he has inspired and mentored, including the Governor of Michigan. Like them, I have learned so much from him in the years that I have known him. It has been a joy to know a man of such energy, talent, kindness, and warmth.

Ed's abundant good nature spread hope and opportunity for the multitude that he touched. His life demonstrated what a difference one person can make. He will be greatly missed by the people he loved and led. Our thoughts and prayers are with his wife Lucille and his children and grandchildren.●

TRIBUTE TO CENTER FOR PROVISIONAL ACCELERATED LEARNING

● Mrs. BOXER. Mr. President, I rise today to recognize the Center for Provisional Accelerated Learning, PAL, in San Bernardino, CA. For the past 20

years, the Provisional Accelerated Learning Center has been an outstanding community center for service and support.

The PAL Center was the vision of Dr. Mildred Dalton Henry, a retired professor emeritus from California State University at San Bernardino. In August 1983, Dr. Henry, community resident Alonza Thompson, and other members of the community worked together to establish a community-based learning center.

Today, these PAL Center founders can look back at 20 successful years of community outreach and mentorship that has changed the lives of many. Many students have written about the gratitude and fond memories they hold for the PAL Center and the positive effect it had on their lives.

At the PAL Center, individuals from throughout the community can receive quality educational services and individual life assistance and support. The PAL Center values cultural diversity and strives to assist individuals from all walks of life. In many communities throughout our Nation, troubling situations have forced many individuals to go without the assistance that could change their lives. In San Bernardino, these same individuals can count on the PAL Center to help them plan for and take action to face life's challenges and plan for successful futures.

I applaud the service and dedication of the community heroes at the Center for Provisional Accelerated Learning in San Bernardino. Their efforts have made a lasting impression on their community, and set a standard for our nation. Please join me in honoring them on their 20th anniversary.●

RECOGNIZING THE WILLIAMS INSTITUTE

● Mrs. BOXER. Mr. President, I am very pleased to take a few moments to recognize the work of The Williams Institute—formerly the Williams Project—on Sexual Orientation Law and Public Policy at UCLA Law School, as it gathers for its Fifth Annual Update.

Founded 5 years ago with the generous support of Charles R. Williams, the Williams Institute produces substantive scholarship on matters pertaining to sexual orientation law and public policy. The first and only institution of its kind in the United States, the institute produces scholarship on sexual orientation issues through the collaborative efforts of scholars, judges, advocates, and students. Those working for the Williams Institute have published an array of documents ranging from amicus briefs that have proved useful in key court cases to books that have helped legal scholars comprehend the ramifications of a constantly evolving body of law.

Educating members of the legal community in America through continuing legal education, lectures, symposia, classes, and speakers is a critical part

of the Williams Institute's mission. This focus on disseminating information, coupled with the intellectual and material resources of UCLA, has made the Williams Institute into a national center for the interdisciplinary exploration of sexual orientation law and policy matters by scholars, judges, practitioners, advocates, and students.

The Williams Institute actively strives to produce well-informed young lawyers. To this end, student involvement in the organization is of paramount importance. Students partake in research with faculty scholars and contribute to the wide breadth of scholarship produced by the Williams Institute.

I invite my colleagues to join me in commending the work of the Williams Institute. In a nation where equal treatment under the law is a central tenet of citizenship, the Williams Institute plays a critical role in ensuring that America lives by its creed.●

IN CELEBRATION OF THE CENTENNIAL ANNIVERSARY OF SAN FRANCISCO'S JAPANTOWN

● Mrs. BOXER. Mr. President, I take this opportunity to recognize the centennial anniversary of San Francisco's historic Japantown. Today San Francisco's Japantown is one of only three remaining Japantowns in California. The other two are in Los Angeles and San Jose. For the past 100 years, Japantown has been an integral part of San Francisco's rich and diverse cultural history. At 100 years old, it is the first and oldest Japantown in the continental United States.

The first Japanese immigrants arrived in San Francisco in the 1860s. Originally settling in the South Park and Chinatown areas, the Japanese community relocated to the Western Addition after the great earthquake and fire of 1906 destroyed much of San Francisco. When Japantown relocated to the Western Addition in 1906, the Japanese community had the opportunity to grow. More Japanese businesses, shops, churches, schools, restaurants, and hotels moved to the area and supported community development. Before long, the area became known as Nihonmachi, or Japantown. At the height of its growth in 1940, more than 5,000 Japanese lived in Japantown, and there were more than 200 Japanese-owned businesses.

We are not proud of what happened to the Japanese-American community during World War II in the early 1940s. In 1942, President Franklin D. Roosevelt signed Executive Order 9066, which forced "all persons of Japanese ancestry, including aliens and non-alien" into internment camps until the end of World War II. The internment was fueled by racism and war hysteria and will forever tarnish our country's history. As time has proved, there was no excuse for our Government's decision to intern American citizens. Since those dark days, our Na-

tion has made great strides toward tolerance and inclusion.

In 1983, as part of Fred Korematsu's successful petition to the Federal District Court in San Francisco to overturn his conviction for violating evacuation orders, the court also ruled that the internment of American citizens of Japanese descent during World War II was legally unsupportable. In 1989, Congress passed legislation formally apologizing for the internment of Japanese-American citizens during World War II and authorized a reparations fund for internment survivors. Though we still have further to go to assure equality for all, most Americans now realize that diversity is one of our country's greatest strengths.

When the Japanese community returned to San Francisco after World War II, it was difficult to rebuild the extensive community that existed before the war. However, despite the many barriers, the Japanese community did rebuild Japantown. And although San Francisco's Japantown is smaller today than it was in the past, it still plays a large and important role in our community. Not only does it serve as a reminder of our past, it provides us with an opportunity to celebrate the history, challenges, triumphs, and contributions of the Japanese-American community in San Francisco.

For 100 years, San Francisco's Japantown has served as a cultural resource for the San Francisco Bay area and California. I thank the San Francisco Japantown community for its many efforts to educate the community about Japanese culture and traditions. I congratulate them on their centennial anniversary and wish them another 100 years of success.●

IN MEMORIAM TO DAVE TATSUNO

● Mrs. BOXER. Mr. President, I take this opportunity to honor the life of Dave Tatsuno, whose courageous documentation of life in a Japanese-American internment camp contributed immensely to our knowledge of this dark time in U.S. history. Mr. Tatsuno passed away on January 26, 2006. He was 92.

Mr. Tatsuno, born in 1913 to a family who had come to the United States in the late 19th century, was raised in San Francisco, in my home State of California. Mr. Tatsuno changed his first name from Masaharu to Dave when he successfully ran for student body president of his junior high school; Masaharu was too long to fit on his campaign posters. In 1936, Mr. Tatsuno graduated from UC Berkeley with a degree in business and went to work at Nichi Bei Bussan, a department store in San Francisco that his father founded.

After Japan attacked Pearl Harbor in 1941, President Franklin D. Roosevelt signed Executive Order 9066, which forced "all persons of Japanese ancestry, including aliens and non-alien" into internment camps until the end of World War II. Mr. Tatsuno and his family were forced to move to the Topaz Relocation Center, an internment camp in Topaz, AZ. Over the next 3 years, Mr. Tatsuno secretly filmed life in the camp with an 8-millimeter Bell & Howell camera that Walter Honderick, his supervisor at the internment camp's co-op store, helped smuggle in. Because the camera was forbidden, Mr. Tatsuno kept it hidden in a shoe box, taking it out only when guards were not looking. These images of daily life in Topaz—of church services, of people gardening, of birthday celebrations—have left viewers with a stark image of what life was like during those hard years.

After the Tatsuno family was released from the internment camp, Mr. Tatsuno's footage of life in Topaz was turned into a 48-minute silent film, "Topaz." In 1996, the Library of Congress placed "Topaz" on its National Film Registry, which was established in 1989 by Congress to preserve culturally, historically, or aesthetically significant films. Mr. Tatsuno's film is one of only two home movies on the registry's 425-film list; the other film is Abraham Zapruder's footage of the John F. Kennedy assassination. The original footage for "Topaz" is now a part of the permanent collection at the Japanese American National Museum in Los Angeles.

After the war, Mr. Tatsuno helped his father reopen Nichi Bei Bussan and took over the business when his father retired. Through this work, Mr. Tatsuno became a prominent and respected businessman and civic leader in San Francisco and San Jose, where he eventually made his home. He also remained engaged and interested in film. His compassion and thoughtfulness inspired many others and he will be deeply missed.

Mr. Tatsuno is survived by three daughters, Arlene Damron, Valerie Sermon, and Melanie Cochran; two sons, Rod Tatsuno and Sheridan Tatsuno; his sister, Chiye Watanabe; four grandchildren; and two great-grandchildren. I extend my deepest sympathies to his family.

Dave Tatsuno played down the importance of his role in chronicling the history of the Japanese-American internment camps, always giving credit to Walter Honderick. But Dave Tatsuno will long be remembered for his courage and perseverance in difficult times. His film will have a lasting effect on many generations to come.●

RECOGNIZING WESTSIDE CENTER FOR INDEPENDENT LIVING

● Mrs. BOXER. Mr. President, I am very pleased to take a few moments to recognize the tremendous accomplishments of the Westside Center for Independent Living, WCIL, based in Santa Monica and Los Angeles, as this unique organization celebrates its 30th year of service.

WCIL has devoted innumerable hours and incredible effort toward giving senior citizens and members of our community with disabilities the gift of independence. The WCIL was founded in 1976 during the height of the "independent living movement." Originating in Berkeley in 1970, the independent living movement has strived to provide disabled persons with the opportunity to manage their own lives. Today, centers such as the WCIL have become a vital staple of urban life across the Nation.

Through an array of innovative methods, the center allows seniors and disabled persons to become more fully integrated into our community. One such technique is the peer training system, whereby veterans of the independence training program share their tested knowledge with people who are new to the program. Such pairing instills a sense of confidence in new participants, as it lets them know that they are not alone and that others like them have succeeded in leading a more independent life.

WCIL's Advocacy Action Group works with the disabled community and elected officials to modernize existing disability legislation. The group collects the ideas and complaints of disabled people and transforms them into substantive legislation. Through true grassroots campaigning and issue advocacy, the group ensures that elected officials stay abreast of current accessibility issues in their community.

Recognizing the necessity for information regarding accessibility throughout Los Angeles, the WCIL, in partnership with UCLA, has established Living Independently in Los Angeles, LILA. LILA provides a host of useful information regarding the accessibility of public and private places, community organizations working for the betterment of those with disabilities, and advocacy groups. Thanks to LILA, numerous disabled persons are better equipped to navigate Los Angeles.

The center provides invaluable educational services, including public awareness about the Americans with Disabilities Act. Countless businesses, community organizations, and local community members credit WCIL for helping them to ensure that buildings and offices are accessible for Americans with disabilities.

I am pleased to join the thousands of beneficiaries of this important organization in commending the Westside Center for Independent Living. The Center's work has bettered the lives of countless disabled and senior citizens and has enabled them to participate more fully in our community. The center's efforts have clearly shown that "a disability need not be disabling."●

TRIBUTE TO DAVID L. CROW

● Mrs. BOXER. Mr. President, I rise to pay tribute to the distinguished public service of David L. Crow. After 15 years

at the helm of the largest air-pollution control district in the Nation, he will soon retire as the air pollution control officer and executive director of the San Joaquin Valley Air Pollution Control District, SJAPCD. During his tenure, the district grew from a fledgling union of regional air boards into one of the Nation's most active air-pollution control districts.

After completing his undergraduate and graduate studies at California State University, Fullerton, David built a solid resume in public service before he assumed the leadership of the SJAPCD in 1991. He served as the acting city manager for Foster City, CA, budget director and director of policy development for Fresno County, as well as deputy county administrative officer for Fresno County before lending his considerable talents to improving air quality in the Central Valley.

David accepted the challenge to address and solve the air-quality issues in a region that perennially rank among the worst nationwide in summertime smog and wintertime particulate pollution. Under his stewardship, the Valley air basin has made great strides in reducing ozone exceedances, as it has seen a 50-percent reduction in the emissions from statutory sources. The SJAPCD has implemented programs such as the "Check Before You Burn" winter wood-burning restriction program; a system to reduce smoke emissions from agricultural burning, and creating cost-effective rules to encourage conservation management practices for farms.

During his tenure as the head of the San Joaquin Valley Air Pollution Control District, David has earned a reputation as a skilled consensus-builder who forged partnerships between interests which seldom agreed. Under his leadership, the air-pollution district has distributed over \$100 million to implement a myriad of projects to reduce serious air pollution in the region. David Crow's efforts, and those of the talented staff that he helped build, are helping to improve the air quality in California's Central Valley, one of the fastest growing regions in the Nation.

Throughout his career, David Crow has proven to be a highly effective administrator who was committed to protecting the public's health. As he gets set to spend more time with his wife Vicky and sons, Ryan and Matthew, I wish him continued success and good luck in all his future endeavors.●

CALIFORNIA HIGHWAY PATROL OFFICER EARL HARWOOD SCOTT

● Mrs. BOXER. Mr. President, today I rise to honor the memory of a dedicated public servant, Officer Earl Harwood Scott of the California Highway Patrol. Officer Earl Harwood Scott spent nearly 5 years with the California Highway Patrol, providing the citizens of California with safety and service. On the morning of February 17, 2006, while on motor patrol near the

City of Salida, Officer Scott was mercifully murdered in the line of duty during a traffic stop.

The California Highway Patrol was in Officer Scott's bloodlines. Officer Scott's father, Sergeant William Scott, as well as two uncles, are proud retired California Highway Patrol veterans. Officer Scott was to celebrate his 5-year anniversary with the California Highway Patrol on February 19. Officer Scott dutifully served the citizens and communities of Stanislaus and San Joaquin counties with great dedication and integrity. Officer Scott's commitment to help others, combined with his passion for law enforcement, enabled him to become a model California Highway Patrol officer. Officer Scott's colleagues shall always remember his gregarious nature and commitment to his job.

Officer Scott is survived by his father, William Scott, and his mother, Judith. When he was not on duty, Officer Scott enjoyed spending time with his neighbors, especially the children who would often play darts and watch sporting events in his garage. Officer Earl Harwood Scott served the State of California with honor and distinction and fulfilled his oath as an officer of the law. His contributions and dedication to law enforcement are greatly appreciated and will serve as a shining example of his legacy.

We shall always be grateful for Officer Scott's heroic service and the sacrifices he made while serving the community and protecting the people he loved.●

HONORING THE LIFE OF ANDREA BRONFMAN

● Mr. LAUTENBERG. Mr. President, I rise today to pay tribute to Andrea Bronfman, a respected philanthropist and a dear friend. Andrea passed away on January 23, 2006, at the age of 60.

Born in Great Britain in 1945, Andrea quickly demonstrated remarkable compassion for those in need and an ardent desire to improve the world around her. She was married to Charles Bronfman in 1982, and together they raised five children and six grandchildren. While their wonderful family was certainly one of Andrea's proudest achievements, she will also be fondly remembered for her generous nature, her passion for life, and her multitude of charitable endeavors.

Andrea's philanthropy benefited citizens of all countries and faiths, but she is best known for her activism within the Jewish community and her devotion to Israel, Jewish life, and the Jewish people. In addition to serving on the boards of several well-respected Jewish organizations, she and Charles cofounded Birthright Israel, a program that offers young adults a chance to travel to Israel and experience the roots of their ancestry firsthand. As a result of these good works and her undying devotion to Jewish life, Andrea

was named an honorary citizen of Jerusalem in 2002 and was given the key to the city by then-Mayor Ehud Olmert.

Throughout her life, Andrea proved herself to be a true pillar of decency and generosity both within the Jewish community and outside of it. Not content just to fund projects, Andrea was actively involved in the community and was constantly devising new undertakings that would benefit society and help more people. Most recently she served as founder and deputy chairman of The Gift of New York, a non-profit initiative that provided free admission to concerts, theatrical productions, and sporting events to the families of those who died at the World Trade Center in 2001. Andrea recognized that grief is not an emotion that subsides after a few months. Long after the rubble of 9/11 had been cleared, she ensured that the bereaved families knew that their loss and heartache had not been forgotten.

Our hearts go out to Andrea's family and friends as they deal with the inevitable pain and sadness that come from an unexpected death. To mitigate that pain somewhat, we can remember and be grateful that Andrea lived a life filled with love, kindness, and compassion. Her dedication to humanitarian causes and deep devotion to her faith served as an inspiration to everyone who knew her and benefited from her achievements and generosity. While her determination and spirit will be missed, her legacy will live on through the millions of people her work has touched.

I ask my colleagues to join me in paying tribute to Mrs. Andrea Bronfman and the legacy she left to philanthropy and caring about people whether she knew them or not.●

REPORT RELATIVE TO THE CONTINUATION OF THE NATIONAL EMERGENCY BLOCKING PROPERTY OF PERSONS UNDERMINING DEMOCRATIC PROCESSES OR INSTITUTIONS IN ZIMBABWE—PM 41

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs.

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent to the *Federal Register* for publication the enclosed notice stating that the national emergency blocking the property of persons under-

mining democratic processes or institutions in Zimbabwe is to continue in effect beyond March 6, 2006. The most recent notice continuing this emergency was published in the *Federal Register* on March 4, 2005 (70 FR 10859).

The crisis constituted by the actions and policies of certain members of the Government of Zimbabwe and other persons to undermine Zimbabwe's democratic processes or institutions has not been resolved. These actions and policies pose a continuing unusual and extraordinary threat to the foreign policy of the United States. For these reasons, I have determined that it is necessary to continue this national emergency and to maintain in force the sanctions to respond to this threat.

GEORGE W. BUSH.

THE WHITE HOUSE, February 27, 2006.

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-5774. A communication from the Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Weighted Average Interest Rate Update" (Notice 2006-19) received on February 16, 2006; to the Committee on Finance.

EC-5775. A communication from the Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Appeals Settlement Guidelines: Notional Principal Contracts" (UIL: 9300.20-00) received on February 16, 2006; to the Committee on Finance.

EC-5776. A communication from the Regulations Coordinator, Office of the Secretary, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "HIPAA Administrative Simplification: Enforcement" (RIN0991-AB29) received on February 16, 2006; to the Committee on Finance.

EC-5777. A communication from the Under Secretary of Defense for Personnel and Readiness, transmitting, authorization of 4 officers to wear the insignia of the grade of brigadier general in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

EC-5778. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled "Report to Congress on Head Start Monitoring for Fiscal Year 2004"; to the Committee on Health, Education, Labor, and Pensions.

EC-5779. A communication from the Ombudsman for Part E, Energy Employees Compensation Program, Department of Labor, transmitting, pursuant to law, the Ombudsman's 2005 First Annual Report; to the Committee on Health, Education, Labor, and Pensions.

EC-5780. A communication from the Chairman and President (Acting), Export Import Bank of the United States, transmitting, pursuant to law, a report relative to transactions involving U.S. exports to India; to the Committee on Banking, Housing, and Urban Affairs.

EC-5781. A communication from the Chairman of the Board of Governors, Federal Reserve System, transmitting, pursuant to law,

the Board's semiannual report entitled "Monetary Policy Report"; to the Committee on Banking, Housing, and Urban Affairs.

EC-5782. A communication from the Acting Director, Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Texas Regulatory Program" (Docket No. TX-055-FOR) received on February 16, 2006; to the Committee on Energy and Natural Resources.

EC-5783. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report relative to the United States Merchant Marine Academy's Board of Visitors; to the Committee on Commerce, Science, and Transportation.

EC-5784. A communication from the Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Notice Providing Examples of Non-Reportable Transactions and a Reporting Safe Harbor for Certain Reportable Transactions, Involving Notional Principal Contracts" (Notice 2006-16) received on February 16, 2006; to the Committee on Finance.

EC-5785. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to U.S. military personnel and U.S. civilian contractors involved in the anti-narcotics campaign in Colombia; to the Committee on Foreign Relations.

EC-5786. A communication from the Assistant Administrator, Office of Administration and Resources Management, Environmental Protection Agency, transmitting, pursuant to law, the Agency's 2005 Competitive Sourcing Report; to the Committee on Environment and Public Works.

EC-5787. 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; Georgia Update to Materials Incorporated by Reference" (FRL No. 8022-4) received on February 22, 2006; to the Committee on Environment and Public Works.

EC-5788. 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; Indiana; Dearborn County Sulfur Dioxide Emission Limits" (FRL No. 8036-3) received on February 22, 2006; to the Committee on Environment and Public Works.

EC-5789. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans and Designation of Areas for Air Quality Planning Purposes; Arizona" (FRL No. 8022-5) received on February 22, 2006; to the Committee on Environment and Public Works.

EC-5790. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; State of Iowa" (FRL No. 8037-9) received on February 22, 2006; to the Committee on Environment and Public Works.

EC-5791. 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; Wisconsin; Wisconsin Construction Permit Permanency SIP Revision" (FRL No. 8037-6) received on February 22, 2006; to the Committee on Environment and Public Works.

EC-5792. 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 "Indian General Assistance Program 2006 Grants Administration Guidance" (FRL No. 8024-7) received on February 22, 2006; to the Committee on Environment and Public Works.

EC-5793. 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 "New Hampshire: Final Authorization of State Hazardous Waste Management Program Revisions" (FRL No. 8038-3) received on February 22, 2006; to the Committee on Environment and Public Works.

EC-5794. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "State Implementation Plan Revision and Alternate Permit Program; Territory of Guam" (FRL No. 8030-3) received on February 22, 2006; to the Committee on Environment and Public Works.

EC-5795. 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 Disapproval and Promulgation of Air Quality Implementation Plans; Colorado; Affirmative Defense Provisions for Startup and Shutdown; Common Provisions Regulation and Regulation No. 1" (FRL No. 8029-7) received on February 22, 2006; to the Committee on Environment and Public Works.

EC-5796. 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 State Implementation Plans; Texas; Revision to the Rate of Progress Plan for the Beaumont/Port Arthur Ozone Nonattainment Area" (FRL No. 8034-7) received on February 22, 2006; to the Committee on Environment and Public Works.

EC-5797. 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 "Regulation of Fuels and Fuel Additives: Removal of Reformulated Gasoline Oxygen Content Requirement for California Gasoline and Revision of Commingling Prohibition to Address Non-Oxygenated Reformulated Gasoline in California" (FRL No. 8035-2) received on February 22, 2006; to the Committee on Environment and Public Works.

EC-5798. 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 "Regulation of Fuels and Fuel Additives: Removal of Reformulated Gasoline Oxygen Content Requirement and Revision of Commingling Prohibition to Address Non-Oxygenated Reformulated Gasoline" (FRL No. 8035-1) received on February 22, 2006; to the Committee on Environment and Public Works.

EC-5799. 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 "TSCA Inventory Update Reporting Partially Exempted Chemicals List; Addition of Certain Vegetable-based Oils, Soybean Meal, and Xylitol" ((RIN2070-AC61) (FRL No. 7760-7)) received on February 22, 2006; to the Committee on Environment and Public Works.

EC-5800. 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 "Notice of Availability of Final Aquatic Life Ambient Water Quality Criteria for Nonylphenol" (FRL No. 8035-8) received on February 22, 2006; to the Committee on Environment and Public Works.

EC-5801. 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 "Notice of Availability of Final Recommended Aquatic Life Ambient Water Quality Criteria for Diazinon" (FRL No. 8035-9) received on February 22, 2006; to the Committee on Environment and Public Works.

EC-5802. 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 "Pesticide Management and Disposal; Standards for Pesticide Containers and Containment; Notification to the Secretary of Agriculture" ((RIN2070-AB95) (FRL No. 7749-1)) received on February 22, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC-5803. A communication from the Administrator, Food Safety and Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Ante-Mortem Inspection of Horses" (RIN0583-AD21) received on February 27, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC-5804. A communication from the Administrator, Food Safety and Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Changes in Fees for Meat, Poultry, and Egg Products Inspection Services—Fiscal Years 2006-2008" (RIN0583-AD12) received on February 27, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC-5805. A communication from the Chairman, Farm Credit System Insurance Corporation, transmitting, pursuant to law, the report of a rule entitled "Golden Parachute and Indemnification Payments" (RIN3055-AA08) received on February 27, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC-5806. A communication from the Chairman, Federal Election Commission, transmitting, pursuant to law, the Commission's annual report regarding the implementation of the Government in the Sunshine Act for calendar year 2005; to the Committee on Rules and Administration.

EC-5807. A communication from the Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, the Department's Buy American Report for Fiscal Year 2004; to the Committee on the Judiciary.

EC-5808. A communication from the Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, the Fiscal Year 2004 Annual Report to Congress for the Office of Justice Programs' Bureau of Justice Assistance; to the Committee on the Judiciary.

EC-5809. A communication from the Assistant Attorney General for Administration, Justice Management Division, Department of Justice, transmitting, pursuant to law, the report of a rule entitled "Exemption of Privacy Act System of Records for the Bureau of Prisons: Inmate Electronic Message Record System (JUSTICE/BOP-013)" (AAG/A Order No. 004-2006) received on February 27, 2006; to the Committee on the Judiciary.

EC-5810. A communication from the Director, Regulations and Rulings Division, Alcohol and Tobacco Tax and Trade Bureau, transmitting, pursuant to law, the report of a rule entitled "Establishment of the Covelo Viticultural Area" ((RIN1513-AA90) (T.D. TTB-42)) received on February 27, 2006; to the Committee on the Judiciary.

EC-5811. A communication from the Director, Regulations and Rulings Division, Alcohol and Tobacco Tax and Trade Bureau, transmitting, pursuant to law, the report of a rule entitled "Establishment of the Rattlesnake Hills Viticultural Area" ((RIN1513-AA77) (T.D. TTB-43)) received on February 27, 2006; to the Committee on the Judiciary.

EC-5812. A communication from the Acting Assistant to the Secretary, Office of Regulation Policy and Management, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled "Filipino Veterans' Benefits Improvements" (RIN2900-AK65) received on February 27, 2006; to the Committee on Veterans' Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. ENZI, from the Committee on Health, Education, Labor, and Pensions:

Report to accompany S. 1614, a bill to extend the authorization of programs under the Higher Education Act of 1965, and for other purposes (Rept. No. 109-218).

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. MENENDEZ (for himself, Mrs. CLINTON, Mr. LAUTENBERG, Mr. NELSON of Florida, and Mrs. BOXER):

S. 2334. A bill to ensure the security of United States ports, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. BAYH:

S. 2335. A bill to clarify the role of the Director of National Intelligence, amend the Defense Production Act of 1950 to clarify the notification and investigation requirements, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. SALAZAR:

S. 2336. A bill to establish the South Park National Heritage Area in the State of Colorado, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. LIEBERMAN (for himself, Ms. SNOWE, Mr. DEWINE, Mr. KERRY, Mr. AKAKA, and Mr. DURBIN):

S. 2337. A bill to increase access to postsecondary education, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. MURRAY (for herself, Ms. CANTWELL, and Mr. WYDEN):

S. 2338. A bill to extend 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; to the Committee on Environment and Public Works.

By Mr. COBURN:

S. 2339. A bill to reauthorize the HIV Health Care Services Program under title 26 of the Public Health Service Act; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SPECTER (for himself, Mr. COLEMAN, and Mr. ISAKSON):

S. 2340. A bill to amend title XVIII of the Social Security Act to preserve access to community cancer care by Medicare beneficiaries; to the Committee on Finance.

By Mr. DORGAN:

S. 2341. A bill to prohibit the merger, acquisition, or takeover of Peninsular and Oriental Steam Navigation Company by Dubai Ports World; to the Committee on Banking, Housing, and Urban Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Ms. COLLINS (for herself, Mr. REED, and Mr. LAUTENBERG):

S. Res. 384. A resolution designating March 2, 2006, as "Read Across America Day"; considered and agreed to.

By Mr. ENSIGN:

S. Res. 385. A resolution expressing the gratitude and appreciation to the men and women of the Armed Forces who serve as military recruiters, commending their selfless service in recruiting young men and women to serve in the United States military, particularly in support of the global war on terrorism; to the Committee on Armed Services.

By Mr. KERRY:

S. Con. Res. 82. A concurrent resolution to establish a procedure for the appointment of an independent Congressional Ethics Office to investigate ethics violations in the Senate and the House of Representatives; to the Committee on Homeland Security and Governmental Affairs.

ADDITIONAL COSPONSORS

S. 337

At the request of Mr. GRAHAM, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 337, a bill to amend title 10, United States Code, to revise the age and service requirements for eligibility to receive retired pay for non-regular service, to expand certain authorities to provide health care benefits for Reserves and their families, and for other purposes.

S. 345

At the request of Mr. DURBIN, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 345, a bill to amend title XVIII of the Social Security Act to deliver a meaningful benefit and lower prescription drug prices under the medicare program.

S. 408

At the request of Mr. DEWINE, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 408, a bill to provide for programs and activities with respect to the prevention of underage drinking.

S. 471

At the request of Mr. SPECTER, the name of the Senator from New Jersey

(Mr. MENENDEZ) was added as a cosponsor of S. 471, a bill to amend the Public Health Service Act to provide for human embryonic stem cell research.

S. 709

At the request of Mr. DEWINE, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 709, a bill to amend the Public Health Service Act to establish a grant program to provide supportive services in permanent supportive housing for chronically homeless individuals, and for other purposes.

S. 1052

At the request of Mr. NELSON of Florida, his name was added as a cosponsor of S. 1052, a bill to improve transportation security, and for other purposes.

S. 1112

At the request of Mr. GRASSLEY, the name of the Senator from Nebraska (Mr. NELSON) 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. 1528

At the request of Mr. MCCONNELL, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 1528, a bill to amend the Internal Revenue Code of 1986 to provide for the tax treatment of horses, and for other purposes.

S. 1791

At the request of Mr. SMITH, the names of the Senator from Virginia (Mr. ALLEN) and the Senator from South Carolina (Mr. GRAHAM) were added as cosponsors of S. 1791, a bill to amend the Internal Revenue Code of 1986 to allow a deduction for qualified timber gains.

S. 1881

At the request of Mrs. FEINSTEIN, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 1881, a bill to require the Secretary of the Treasury to mint coins in commemoration of the Old Mint at San Francisco otherwise known as the "Granite Lady", and for other purposes.

S. 2123

At the request of Mr. ALLARD, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 2123, a bill to modernize the manufactured housing loan insurance program under title I of the National Housing Act.

S. 2178

At the request of Mr. SCHUMER, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 2178, a bill to make the stealing and selling of telephone records a criminal offense.

S. 2185

At the request of Mr. HAGEL, the name of the Senator from Maryland (Mr. SARBANES) was added as a cosponsor of S. 2185, a bill to amend part B of

the Individuals with Disabilities Education Act to provide full Federal funding of such part.

S. 2197

At the request of Mr. DOMENICI, the names of the Senator from Iowa (Mr. HARKIN) and the Senator from Arkansas (Mrs. LINCOLN) were added as cosponsors of S. 2197, a bill to improve the global competitiveness of the United States in science and energy technology, to strengthen basic research programs at the Department of Energy, and to provide support for mathematics and science education at all levels through the resources available through the Department of Energy, including at the National Laboratories.

S. 2198

At the request of Mr. DOMENICI, the names of the Senator from Iowa (Mr. HARKIN) and the Senator from Arkansas (Mrs. LINCOLN) were added as cosponsors of S. 2198, a bill to ensure the United States successfully competes in the 21st century global economy.

S. 2199

At the request of Mr. DOMENICI, the names of the Senator from Iowa (Mr. HARKIN) and the Senator from Arkansas (Mrs. LINCOLN) were added as cosponsors of S. 2199, a bill to amend the Internal Revenue Code of 1986 to provide tax incentives to promote research and development, innovation, and continuing education.

S. 2200

At the request of Mr. LUGAR, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 2200, a bill to establish a United States-Poland parliamentary youth exchange program, and for other purposes.

S. 2201

At the request of Mr. OBAMA, the names of the Senator from South Dakota (Mr. JOHNSON), the Senator from Rhode Island (Mr. REED) and the Senator from Connecticut (Mr. DODD) were added as cosponsors 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. 2231

At the request of Mr. BYRD, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 2231, a bill to direct the Secretary of Labor to prescribe additional coal mine safety standards, to require additional penalties for habitual violators, and for other purposes.

S. 2259

At the request of Mr. OBAMA, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 2259, a bill to establish an Office of Public Integrity in the Congress and a Congressional Ethics Enforcement Commission.

S. 2284

At the request of Ms. MIKULSKI, the name of the Senator from Colorado

(Mr. SALAZAR) 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. 2291

At the request of Mr. KENNEDY, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 2291, a bill to provide for the establishment of a biodefense injury compensation program and to provide indemnification for producers of countermeasures.

S. 2302

At the request of Mrs. CLINTON, her name was added as a cosponsor of S. 2302, a bill to establish the Federal Emergency Management Agency as an independent agency, and for other purposes.

S. 2305

At the request of Mr. AKAKA, the names of the Senator from Illinois (Mr. DURBIN) and the Senator from Massachusetts (Mr. KENNEDY) were added as cosponsors of S. 2305, a bill to amend title XIX of the Social Security Act to repeal the amendments made by the Deficit Reduction Act of 2005 requiring documentation evidencing citizenship or nationality as a condition for receipt of medical assistance under the Medicaid program.

S. 2307

At the request of Mr. HARKIN, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 2307, a bill to enhance fair and open competition in the production and sale of agricultural commodities.

S. 2320

At the request of Ms. SNOWE, the names of the Senator from Pennsylvania (Mr. SANTORUM) and the Senator from New Hampshire (Mr. SUNUNU) were added as cosponsors of S. 2320, a bill 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.

S. 2321

At the request of Mr. SANTORUM, the names of the Senator from Oregon (Mr. WYDEN) and the Senator from New Mexico (Mr. BINGAMAN) 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. 2333

At the request of Mr. SCHUMER, the names of the Senator from Florida (Mr. NELSON), the Senator from Hawaii (Mr. AKAKA) and the Senator from South Dakota (Mr. JOHNSON) were added as cosponsors of S. 2333, a bill to require an investigation under the Defense Production Act of 1950 of the acquisition by Dubai Ports World of the Peninsular and Oriental Steam Navigation Company, and for other purposes.

S. RES. 236

At the request of Mr. COLEMAN, the name of the Senator from Maine (Ms.

SNOWE) was added as a cosponsor of S. Res. 236, a resolution recognizing the need to pursue research into the causes, a treatment, and an eventual cure for idiopathic pulmonary fibrosis, supporting the goals and ideals of National Idiopathic Pulmonary Fibrosis Awareness Week, and for other purposes.

S. RES. 373

At the request of Mr. BIDEN, the name of the Senator from Ohio (Mr. DEWINE) was added as a cosponsor of S. Res. 373, a resolution expressing the sense of the Senate that the Senate should continue to support the National Domestic Violence Hotline, a critical national resource that saves lives each day, and commemorate its 10th anniversary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. MENENDEZ (for himself, Mrs. CLINTON, Mr. LAUTENBERG, Mr. NELSON of Florida, and Mrs. BOXER):

S. 2334. A bill to ensure the security of United States ports, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

Mr. MENENDEZ. Mr. President, I am proud that I have introduced today along with Senators CLINTON, LAUTENBERG, NELSON, and BOXER legislation that would guarantee that foreign governments cannot control the operations of the ports of the United States. I thank Senator CLINTON for her leadership on this issue as we fight together, along with Senator SCHUMER and others, to keep the Port of New York/New Jersey safe.

I think we all know why public attention has been focused on this deal over the past 2 weeks. Our ports are the gateway to this country. They are the gateway for much that we eat, that we drink, that we wear, drive, and use on a daily basis. But just as they bring in goods we enjoy, the ports are also our Achilles' heel, the vulnerability that could be exploited in an attempt to bring us down if terrorists transport a nuclear, biological, or chemical weapon to our ports. That is why our legislation sets a new standard for the future control of our ports.

Our legislation would protect our national security by keeping our ports from falling into the hands of foreign governments. Our legislation bans foreign government-owned companies from operating in our ports and requires the President to report to Congress on how to manage national security risks arising from any existing port contracts. Our legislation would also end the secrecy associated with the Dubai deal by making the executive branch notify Congress as well as State and local officials of future deals. The legislation also includes a new public comment period.

Never again should the American public find out about a secret deal through the newspapers after the fact.

Never again should Congress learn about the sale of a key U.S. infrastructure asset to a foreign state-owned company only after the deal is done. And never again can we compromise national security by turning our port operations over to another country, whether friend or foe.

Our message with this legislation today is clear: Never again.

I think all Americans instinctively know we cannot simply turn over our critical national security infrastructure such as terminal operations at our ports to a foreign government. Foreign governments act very differently than even foreign companies. Foreign governments act in their own national interests and in their own national security interests. Privately held foreign companies are controlled by stockholders and answer to the needs of the market, not the needs of a government. One must only study the way in which Venezuelan President Hugo Chavez has used his state-owned oil company to pursue the interests of the Government of Venezuela to understand that state-owned companies often behave very differently than publicly traded ones.

That is why our legislation bans foreign governments from owning, leasing, or operating any facilities in our ports. We believe that just as we would not turn over the operations of our airport facilities to a foreign government, why should we turn the operations of our ports, which are the biggest hole in our national security blanket, over to a foreign government.

The opponents of this thought process, of this bill, like to argue this is the reality of global trade. But the people making this argument are the same ones who constantly remind us that the world has changed since September 11 and that we must adapt our security response accordingly. Whatever happened before September 11, the world has changed since then and we cannot rely on our old methods of looking at the world in a traditional way.

One of the things the September 11 Commission told us was to think outside of the box. A simple envelope became a weapon of great injury when it was filled with anthrax; an airplane used to travel commercially or for pleasure was turned into a weapon of mass destruction. Think outside the box. And if we cannot think outside the box in the context of understanding how the ports in the United States, in the hands of a foreign government in an operational capacity, can have a security consequence, we are in trouble in this post-September 11 world. This is an area in which security must take priority over commercial transactions.

Make no mistake about it; the legislation is urgently needed, and I am writing the President today expressing my concern that this new 45-day review leaves the President with no authority to act to stop Dubai Ports World from taking control of United States port operations. I am not sure that is clear with this 45-day review. This transaction was set to close on March 2, and

we want to stop the clock now and make sure that 45-day investigative review period is precedent to the fulfillment of that agreement.

We also believe it is time to end the secrecy surrounding these deals. This secrecy apparently allowed the executive branch to ignore our own laws. These laws require a 45-day investigation of deals involving government-owned companies which could affect national security. Clearly a deal to turn over part of our port operations to a foreign government-owned company would impact national security. We know the Coast Guard warned the administration that there were intelligence gaps that made it impossible to determine the threats raised by the deal. Yet it is only now, after enormous external pressure, that this 45-day review period may be carried out. But starting an investigation that should have already been carried out under the law is not enough, and that is why, from my position on the Banking Committee, during hearings later this week, I plan to seek to discover why the law wasn't followed. I am looking forward to working with both the chairman and ranking member to come up with comprehensive solutions to these problems that emanated under the Committee on Foreign Investment in the United States.

As I said before, I am also concerned about the secrecy in this process. Many New Jersey residents have written or called me asking why the process in approving the deal was so secretive and why Congress was kept in the dark. It is clear to me, to the people of New Jersey, using their common sense, and to the American public that we must have transparency and openness as we address these national security issues.

Without our legislation, the committee that reviews this process doesn't even have to tell Congress about the deal until after it has made a decision. And even after they make a decision, they have no obligation to inform the American public. In the particular case of the Dubai Ports deal, the committee sent out no information and the press only learned about it when Dubai Ports World decided to put out its own press release. That is why our legislation would require the notification of Congress, State, and local authorities where appropriate, as well as a public comment period to allow the public impacted by any future deals to share their concerns with the Federal Government.

These are basic reforms which I think most Americans would agree seem necessary, almost obvious when it comes to protecting our ports. The fight to secure our ports cannot and will not end with this legislation.

Let me be clear: Our ports are not secure. I have been arguing on this for quite a long time as a former Member of the House of Representatives representing the Port of Elizabeth and Newark, the third largest port, the Port of New York/New Jersey and other

ports on the eastern seaboard. For all the money the Nation has poured into improving our security, several critical links in the chain have been ignored, and this week the spotlight has shone brightly on one aspect of the problem: our ports, the port of entry for thousands of containers every day, holding everything from clothing to electronics. But these containers could also contain much more dangerous cargo such as a nuclear, chemical, or biological weapon.

The bottom line is we don't know what is in the vast majority of containers entering this country because despite repeated warnings from security experts from both within and without our Government, only 1 out of every 20 containers that passes through our ports is screened, and 95 percent receive no screening whatsoever other than a cursory glance at a cargo manifest.

It is crucial that we also develop a national transportation plan that includes a comprehensive strategy for protecting our ports. A weapon of mass destruction detonated in a shipping container at the Port of New York/New Jersey or any other seaport could cause tens of thousands of casualties and economic losses approaching a trillion dollars. According to the U.S. Coast Guard, \$5.4 billion will be needed over the next 10 years for port security. Yet since the 9/11 attacks, Congress has provided less than \$800 million.

This is not a new problem, and it should not be surprising that the administration has let this problem fester. They have continuously focused on the security of only one aspect of our critical infrastructure to the detriment of the rest. That is something we can no longer continue to accept.

In New Jersey we face the reality of failures in our national security every day when we look across the river at Ground Zero and mourn the loss of over 700 fellow New Jerseyans who died on September 11, 2001. The problem of port security is not in some distant future or some distant issue but an everyday reality, as we look at our own port which brings in hundreds of thousands of containers from around the world every day: 145 million tons last year from over 5,000 ships. This is a port that generates over 200,000 jobs and \$25 billion of economic activity. It is a great economic engine. It is also a great risk.

In today's reality, a foreign government, if it were to be operating the facilities at one of those ports and simply wanted to do something as benign maybe as shutting it down at a critical moment, such as when we are sending supplies to our troops in the field—we use our commercial ports increasingly to send military equipment and supplies to back our troops in the field—imagine if it were shut down at a critical moment when we needed those supplies to be generated across the sea.

That is why we have to face these realities together. We must stand to-

gether across party lines and across States to fight for the safety and security of our families. Our ports are on the front lines in our fight against terrorism, and with this legislation, we say we will never again allow a deal which would compromise the national security of our ports, the safety of New Jersey, or the security of the United States.

I urge my fellow Senators on both sides of the aisle to join with us in this legislation.

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

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

S. 2334

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Port Security Act of 2006".

SEC. 2. PROHIBITION ON LEASES OF REAL PROPERTY AND FACILITIES AT UNITED STATES PORTS BY FOREIGN GOVERNMENT-OWNED ENTITIES.

(a) IN GENERAL.—Section 271(d) of the Defense Production Act of 1950 (50 U.S.C. App. 2170(d)) is amended—

(1) by striking "Subject to subsection (d)" and inserting the following:

"(1) IN GENERAL.—Subject to subsection (e)"; and

(2) by adding at the end the following new paragraph:

"(2) PROHIBITION ON LEASES OF REAL PROPERTY AND FACILITIES AT UNITED STATES PORTS BY FOREIGN GOVERNMENT-OWNED ENTITIES.—The President shall prohibit any merger, acquisition, or takeover described in subsection (a)(1) that will result in any entity that is owned or controlled by a foreign government leasing, operating, managing, or owning real property or facilities at a United States port."

(b) REPORT REQUIRED.—

(1) IN GENERAL.—Not later than 30 days after the date of the enactment of this Act, the President shall submit to Congress a report on the leasing, operating, managing, or owning real property or facilities at United States ports by entities that are owned or controlled by foreign governments.

(2) CONTENT.—The report required under paragraph (1) shall include—

(A) a list of all entities that are owned or controlled by foreign governments that are leasing, operating, managing, or owning real property or facilities at United States ports;

(B) an assessment of the national security threat posed by such activities; and

(C) recommendations for any legislation in response to such threat.

SEC. 3. INCREASED TRANSPARENCY OF MANDATORY INVESTIGATIONS.

Section 271(b) of the Defense Production Act of 1950 (50 U.S.C. App. 2170(b)) is amended—

(1) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively;

(2) by striking "The President" and inserting the following:

"(1) IN GENERAL.—The President";

(3) by adding at the end the following new paragraphs:

"(2) NOTIFICATION TO CONGRESS.—Not later than one day after commencing an investigation under paragraph (1), the President shall provide notice of the investigation and relevant information regarding the proposed

merger, acquisition, or takeover, including relevant ownership records to—

“(A) the Majority Leader and Minority Leader of the Senate;

“(B) the Speaker and Minority Leader of the House of Representatives;

“(C) the Chairmen and Ranking Members of the Committee on Finance, the Committee on Homeland Security and Government Affairs, the Committee on Banking, Housing, and Urban Affairs, the Committee on Armed Services, and the Select Committee on Intelligence of the Senate;

“(D) the Chairmen and Ranking Members of the Committee on Ways and Means, the Committee on Homeland Security, the Committee on Financial Services, the Committee on Armed Services, and the Permanent Select Committee on Intelligence of the House of Representatives; and

“(E) the Members of Congress representing the States and districts affected by the proposed transaction.

“(3) NOTIFICATION TO PUBLIC OFFICIALS OF INVESTIGATIONS OF PROPOSED TRANSACTIONS AFFECTING UNITED STATES PORTS.—In the case of an investigation under paragraph (1) of a proposed merger, acquisition, or takeover that will result in any entity that is owned or controlled by a foreign government leasing, operating, managing, or owning real property or facilities at a United States port, the President shall, not later than one day after commencing an investigation under paragraph (1), notify the Governors and heads of relevant government agencies of the States in which such ports are located and provide to such Governors and relevant agency heads information regarding the proposed merger, acquisition, or takeover, including relevant ownership records.

“(4) PUBLIC COMMENTS.—

“(A) SOLICITATION OF PUBLIC COMMENTS.—Not later than 7 days after commencing an investigation under paragraph (1), the President shall publish in the Federal Register a description of the proposed merger, acquisition, or takeover, including a solicitation for public comments on such proposed merger, acquisition, or takeover.

“(B) SUMMARY OF PUBLIC COMMENTS.—Not later than 10 days prior to the completion of an investigation under paragraph (1), the President shall publish in the Federal Register a summary of the public comments received pursuant to subparagraph (A).”

SEC. 4. TECHNICAL CORRECTION.

Section 271(e) of the Defense Production Act of 1950 (50 U.S.C. App. 2170(e)) is amended by striking “subsection (c)” and inserting “subsection (d)”.

SEC. 5. EFFECTIVE DATE.

The amendments made by this Act shall apply to any merger, acquisition, or takeover considered on or after October 1, 2005 under section 271 of the Defense Production Act of 1950 (50 U.S.C. App. 2170).

Mr. CORNYN. Mr. President, I am glad to hear our new colleague from New Jersey talking about our national security, and certainly this is one subject which always concerns us. It is the primary role of our National Government to provide for the security of the American people. I hope that in the debate, though, about the control of our ports, we don't operate on the basis of looking for political advantage but, rather, we take a calm and deliberate review of the facts.

I heard this morning, in the Armed Services Committee, from the Director of National Intelligence, who said that after a review of this transaction, it was his opinion, as the lead Govern-

ment official for the intelligence community in our Nation, that any risk in this transaction was low. Certainly, that was useful information to have, and I anticipate that we will continue to hear more as the Homeland Security and Governmental Affairs Subcommittee continues to look into this transaction, and I trust we will do our due diligence during this 45-day review period.

But I hope we don't make this a political football. I hope we don't paint this with such a broad brush that we consider any Arab nation our enemy when, in fact, this Nation has been an ally in the global war on terror. I hope we will make our judgments based on behavior and not where someone comes from or their ethnicity or other origins because, of course, fanning the flames of prejudice based upon those sorts of considerations would be inappropriate entirely.

By Mr. LIEBERMAN (for himself, Ms. SNOWE, Mr. DEWINE, Mr. KERRY, Mr. AKAKA, and Mr. DURBIN):

S. 2337. A bill to increase access to postsecondary education, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. LIEBERMAN. Mr. President, I rise today to introduce, along with Senators SNOWE, AKAKA, KERRY, DURBIN, and DEWINE, the College Pathway Act of 2006. The intent of this bill is to provide a means of addressing the critical issue of college access and postsecondary academic success. College access for all will continue to be a struggle until the predictors of successful college performance are assimilated into high school curricula. The degree to which high school students are successfully prepared for college continues to be at the forefront of educational concerns. Reports abound repeating the same message: our high school students, particularly students from low-income and minority populations, are not being adequately prepared for the challenges of postsecondary education. The College Pathway Act seeks to foster alliances among the interested and integral stakeholders in the educational arena to create consistency in content and assessment standards between P-12 and higher education. We do this by encouraging the establishment of P-16 Commissions. We must rise to the challenge and forge a pathway to enhance both college access and academic success.

Postsecondary education is an important aspiration for most students and the future strength of our economy and workforce will largely depend on the postsecondary educational attainments of students across the country regardless of ethnicity or economic status. High school preparation is a major part of the problem. Published reports on the status of this topic stress the lack of preparedness of high school graduates for postsecondary education. Most will need remedial help in col-

lege. More than 70 percent of high school graduates enter two and four year colleges, but at least 28 percent immediately take remedial English or math courses. At some point during their college years, 53 percent of students will take one remedial English or math class if not more. For low-income and minority students, the percentage is higher. States require a certain number of English and math courses to be completed prior to graduation, however, the certainty of course content reflecting the knowledge and skills important for college success is not ensured.

Students find themselves taking high school courses lacking in rigor and challenging content, particularly in the areas of math and science. If asked, 39 percent of students who have gone on to a postsecondary institution will admit they were not adequately prepared for college and there were gaps in their overall preparation. College instructors estimate that 42 percent of their students are not adequately prepared. The quality and intensity of the secondary school curriculum are the most significant predictors of college success; and are more significant than race, socioeconomic status, secondary school grade point average, or ACT and SAT scores. These findings are particularly significant for minority groups enrolling in college. Students who engage in challenging secondary coursework will attend and persist in pursuing higher education at a greater rate than those who follow programs of study that are not rigorous in content. All states have English and mathematics standards and assessments at the high school level, yet assessment standards and tests often do not reflect the demands put on students in postsecondary education and in the workplace. High school curricula must be aligned with college entry requirements. The American Diploma Project states that the challenge ahead is to create a system of assessments and graduation requirements that considered together signify readiness for college and work. We, as Federal policymakers, have an essential role to play in making this a reality and creating college access for all.

In part, the misalignment between postsecondary institutions and high school stems from current governance systems in place for P-12 educational systems and higher education. Both systems are generally governed, financed and operated differently. This gap must be bridged between the two systems. Creating a pipeline of shared information between the two entities and the business community will promote an exchange of necessary and useful information. Working to align standards from the early grades through grade 12 recognizes that skill acquisition and content assimilation build one upon the other and acknowledges that high-school graduation and college success is a culmination of preparation originating in the beginning years of school. Aligning curricula

across school levels creates a more seamless education and ensures that students are prepared for each subsequent grade with particular attention to math, science, and engineering. Aligning P-12 and postsecondary education would reduce the number of students who arrive at college needing remedial coursework.

The need to develop high-quality data systems is also critical to improving high school student outcomes. Accountability for high school graduation numbers and drop-out rates is critical to addressing education reform in our high schools. Currently reports have indicated that the quality of high school graduation and drop-out data is often not reliable and does not reflect the actual numbers.

Tracking student growth over time using longitudinal student-unit databases will provide the most accurate information for policy decisions and assessments. Furthermore, information provided about student achievement over time can be linked to teachers, programs and schools serving those students. The National Governor's Association (NGA) recently convened a Task Force on State High School Graduation Data—which included representatives from the American Federation of Teachers, the Business Roundtable, the Council of Chief State School Officers, the Education Commission of the States, the Educational Testing Service, the Education Trust, the National Association of State Boards of Education, the National Conference of State Legislatures, the National Education Association, Standard and Poor's and the State Higher Education Executive Officers—to make recommendations about how States can develop a high-quality, comparable high school graduation measure, as well as complementary indicators of student progress and outcomes and data systems capable of collecting, analyzing, and reporting the data States need. The task force members concurred as a group on their mission and devised a compact to implement efforts to guide States in developing high quality data-systems ideally using a longitudinal student unit record data system. This compact was signed by 51 governors in all States and Puerto Rico. The ultimate goal is better outcomes for students. Better information can lead to better policies and program implementation. Our bill therefore includes incentives for States to develop or enhance such data systems.

The College Pathway Act supplies a remedy to the critical issue of the disconnect existing between high school outcomes and college expectations. Through the formation of partnerships between P-12 and higher education systems in the States, academic success in postsecondary education becomes the priority agenda item for reform. We anticipate that P-16 Commissions will bring about an increase in the percentage of academically prepared students, particularly low-income and minority

students, and a decrease in the percentage of college students requiring remedial coursework, particularly with respect to math, science, and engineering.

The College Pathway Act of 2006 awards grants to States to establish P-16 Commissions in order to align P-12 outcomes with postsecondary institutions' expectations. The Commissions under the leadership of the governor or governor's designee, will convene stakeholders of the statewide P-12 education and higher education community, and may include parent groups, State legislative representatives, and particularly members of the business community. The commissions' goal to create a mission addressing college preparation will be the first and critical step of this process.

Many States across our country have already seen the wisdom of a P-16 commission and have been working on goals and implementation. The results, although preliminary for many States, are vastly encouraging. Our bill will provide support both to States with existing P-16 bodies, or States seeking to establish such commissions. It will give priority to the States also seeking to establish or enhance data systems.

The College Pathway Act of 2006 can offer States an opportunity to craft a vision that will reach all students over time so that their educational pathway of access to and success in college will be ensured.

I urge my colleagues to act favorably on this measure. I ask unanimous consent that the text of this bill be printed in the RECORD.

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

S. 2337

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "College Pathway Act of 2006".

SEC. 2. FINDINGS.

Congress finds the following:

(1) Postsecondary education is an important aspiration for most students and the future strength of the United States economy and workforce will largely depend on the postsecondary educational attainments of all people of the United States, regardless of sex, race, or ethnic background.

(2) Parents and students recognize the value of postsecondary education. Ninety-seven percent of secondary school students expect to attend college, and more than 75 percent of secondary school graduates enroll in some postsecondary education within 2 years of secondary school graduation.

(3) Notwithstanding those expectations, only 32 percent of students graduate from secondary school adequately prepared to enter a 4-year institution of higher education. Students living in poverty and students of color are roughly half as likely to be college-ready.

(4) Despite the reality that most students will enter college after secondary school, secondary school graduation requirements are not aligned with the expectations of postsecondary education.

(5) Rather than beginning college-level work upon entering postsecondary edu-

cation, many students (nearly 1 in 3) enroll in developmental coursework, and more than half will take at least 1 class of developmental coursework before leaving postsecondary education. Students who need to take a class of developmental coursework in college have less than a 40 percent chance of completing their course of study, and students who take 3 or more classes of developmental coursework face reducing their prospects of completing their course of study to less than 1 in 5.

(6) The quality and intensity of the secondary school curriculum—

(A) are the most significant predictors of college success; and

(B) are more significant than race, socioeconomic status, secondary school grade point average, or ACT and SAT scores.

(7) States around the Nation have developed secondary school academic standards, but there is often no relationship between those standards and institutional expectations for college-level study. Students, families, and school personnel need information to address the gap that exists between satisfying various kindergarten through grade 12 standards and meeting the standards that indicate success in higher education. The lack of clear information affects all students, but the effect is particularly grave for students living in poverty who are more reliant on schools and public sources of information to gauge their preparedness for college-level work.

(8) Numerous reports have cited the need to improve mathematics and science achievement in prekindergarten through grade 12.

(9) Current data systems are not designed to measure the efficacy of State actions intended to prepare students to enter and succeed in postsecondary education. State-level data systems usually contain only data related to kindergarten through grade 12, and often are not compatible with postsecondary education data systems.

SEC. 3. PURPOSES.

The purposes of this Act are the following:

(1) To broaden the focus of Federal, State, and local higher education programs to promote academic success in postsecondary education, particularly with respect to mathematics, science, and engineering.

(2) To increase the percentage of low-income and minority students who are academically prepared to enter and successfully complete postsecondary-level general education coursework.

(3) To decrease the percentage of students requiring developmental coursework through grants that enable States to coordinate the public prekindergarten through grade 12 education system and the postsecondary education system—

(A) to ensure that covered institutions articulate and publicize the prerequisite skills and knowledge expected of incoming postsecondary students attending covered institutions, in order to provide students and other interested parties with accurate information pertaining to the students' necessary preparations for postsecondary education;

(B) to establish and implement middle school and secondary school course enrollment guidelines—

(i) to ensure that public secondary school students, in all major racial and ethnic groups, and income levels, complete academic courses linked with academic success at the postsecondary level; and

(ii) to increase the percentage of students in each major racial group, ethnic group, and income level who graduate from secondary school and enter postsecondary education with the academic preparation necessary to successfully complete postsecondary-level

general education coursework, particularly with respect to mathematics, science, and engineering;

(C) to implement programs and policies that increase secondary school graduation rates; and

(D) to collect and analyze disaggregated longitudinal student data throughout P-16 education in order to—

(i) understand and improve students' progress throughout the P-16 education system;

(ii) understand problems and needs throughout the P-16 education system; and

(iii) align prekindergarten through grade 12 academic standards and higher education standards so that more students are prepared to successfully complete postsecondary-level general education coursework.

SEC. 4. DEFINITIONS.

In this Act:

(1) **IN GENERAL.**—The terms “local educational agency”, “parent”, “secondary school”, and “State” have the meanings given the terms in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(2) **ACADEMIC ASSESSMENTS.**—The term “academic assessments” means the academic assessments implemented by a State educational agency pursuant to section 1111(b)(3) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(3)).

(3) **ACADEMIC STANDARDS.**—The term “academic standards” means the challenging academic content standards and challenging student academic achievement standards adopted by a State pursuant to section 1111(b)(1) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(1)).

(4) **COVERED INSTITUTION.**—The term “covered institution” means an institution of higher education that participates in a program under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.).

(5) **DEVELOPMENTAL COURSEWORK.**—The term “developmental coursework” means coursework that a student is required to complete in order to attain prerequisite knowledge or skills necessary for entrance into a postsecondary degree or certification program.

(6) **INSTITUTION OF HIGHER EDUCATION.**—The term “institution of higher education” has the meaning given the term in section 102 of the Higher Education Act of 1965 (20 U.S.C. 1002).

(7) **P-16 EDUCATION.**—The term “P-16 education” means the educational system from prekindergarten through the conferring of a baccalaureate degree.

(8) **P-16 EDUCATOR.**—The term “P-16 educator” means an individual teaching in P-16 education.

(9) **SECRETARY.**—The term “Secretary” means the Secretary of Education.

(10) **STUDENT.**—The term “student” means any student enrolled in a public school.

SEC. 5. P-16 EDUCATION STEWARDSHIP SYSTEM GRANTS.

(a) **PROGRAM AUTHORIZED.**—From amounts appropriated under section 10 for a fiscal year, and subject to subsection (b), the Secretary shall award grants, on a competitive basis, to States to enable the States—

(1) to establish—

(A) P-16 education stewardship commissions in accordance with section 7; or

(B) P-16 education stewardship systems consisting of—

(i) a P-16 education stewardship commission in accordance with section 7; and

(ii) a P-16 education data system in accordance with section 8; and

(2) to carry out the activities and programs described in the State application and plan submitted under section 6.

(b) **AWARD BASIS.**—In determining the approval and amount of a grant under subsection (a), the Secretary shall give priority to an application from a State that desires the grant to establish a P-16 education stewardship system described in subsection (a)(1)(B).

(c) PERIOD OF GRANTS.—

(1) **STATES ESTABLISHING P-16 EDUCATION STEWARDSHIP SYSTEMS.**—Each grant made under this section to a State to establish a P-16 education stewardship system described in subsection (a)(1)(B) shall be awarded for a period of 5 years.

(2) **STATES ESTABLISHING P-16 EDUCATION STEWARDSHIP COMMISSIONS.**—Each grant made under this section to a State to establish a P-16 education stewardship commission described in subsection (a)(1)(A) shall be awarded for a period of 3 years.

SEC. 6. STATE APPLICATION AND PLAN.

(a) **IN GENERAL.**—A State desiring a grant under section 5 shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require.

(b) **CONTENTS.**—Each application submitted under this section shall include, at a minimum, the following:

(1) A demonstration that the State, not later than 5 months after receiving grant funds under this Act, will establish a P-16 education stewardship commission described in section 7.

(2) For a State applying for a grant under section 5(a)(1)(B), a demonstration that the State, not later than 2 years after receiving grant funds under this Act, will implement, expand, or improve a P-16 education data system described in section 8.

(3) A demonstration that the State will work with the State P-16 education stewardship commission and others as necessary to examine the relationship among the content of postsecondary education admission and placement exams, the prerequisite skills and knowledge required to successfully take postsecondary-level general education coursework, the prekindergarten through grade 12 courses and academic factors associated with academic success at the postsecondary level, particularly with respect to mathematics, science, and engineering, and existing academic standards and academic assessments.

(4) A description of how the State will, using the information from the State P-16 education stewardship commission, increase the percentage of students taking courses that have the highest correlation of academic success at the postsecondary level, for each of the following groups of students:

(A) Economically disadvantaged students.

(B) Students from each major racial and ethnic group.

(C) Students with disabilities.

(D) Students with limited English proficiency.

(5) A description of how the State will distribute the information in the P-16 education stewardship commission's report under section 7(c)(4) to the public in the State, including public secondary schools, local educational agencies, school counselors, P-16 educators, institutions of higher education, students, and parents.

(6) An assurance that the State will continue to pursue effective P-16 education alignment strategies after the end of the grant period.

SEC. 7. P-16 EDUCATION STEWARDSHIP COMMISSION.

(a) **P-16 EDUCATION STEWARDSHIP COMMISSION.—**

(1) **IN GENERAL.**—Each State receiving a grant under section 5 shall establish a P-16 education stewardship commission that has

the policymaking ability to meet the requirements of this section.

(2) **EXISTING COMMISSION.**—The State may designate an existing coordinating body or commission as the State P-16 education stewardship commission for purposes of this Act, if the body or commission meets, or is amended to meet, the basic requirements of this section.

(b) MEMBERSHIP.—

(1) **COMPOSITION.**—Each P-16 education stewardship commission shall be composed of the Governor of the State, or the designee of the Governor, and the stakeholders of the statewide education community, as determined by the Governor or the designee of the Governor, such as—

(A) the chief State official responsible for administering prekindergarten through grade 12 education in the State;

(B) the chief State official of the entity primarily responsible for the supervision of institutions of higher education in the State;

(C) bipartisan representation from the State legislative committee with jurisdiction over prekindergarten through grade 12 education and higher education;

(D) representatives of 2- and 4-year institutions of higher education in the State;

(E) representatives of the business community; and

(F) at the discretion of the Governor, or the designee of the Governor, representatives from prekindergarten through grade 12 and higher education governing boards and other organizations.

(2) **CHAIRPERSON; MEETINGS.**—The Governor of the State, or the designee of the Governor, shall serve as chairperson of the P-16 education stewardship commission and shall convene regular meetings of the commission.

(c) DUTIES OF THE COMMISSION.—

(1) MEETINGS OF COVERED INSTITUTIONS.—

(A) **IN GENERAL.**—Each State P-16 education stewardship commission shall convene regular meetings of the covered institutions in the State for the purpose of assessing and reaching consensus regarding—

(i) the prerequisite skills and knowledge expected of incoming freshmen to successfully engage in and complete postsecondary-level general education coursework without the prior need to enroll in developmental coursework, particularly with respect to mathematics, science, and engineering; and

(ii) patterns of coursework and other academic factors that demonstrate the highest correlation with success in completing postsecondary-level general education coursework and degree or certification programs.

(B) **FINDINGS OF COVERED INSTITUTIONS.**—The covered institutions shall communicate to the P-16 education stewardship commission the findings of the covered institutions, which—

(i) shall include the consensus on the prerequisite skills and knowledge, patterns of coursework, and other academic factors described in subparagraph (A);

(ii) shall address, at minimum, the subjects of reading, mathematics, science, grammar, and writing, and may cover additional academic content areas;

(iii) shall be descriptive of content and purpose, and shall not be limited to a simple listing of secondary course names; and

(iv) may be different for 2- and 4-year institutions of higher education.

(2) **COMMISSION RECOMMENDATIONS.**—Not later than 18 months after a State receives a grant under section 5, and annually thereafter for each year in the grant period, the State P-16 education stewardship commission shall—

(A) develop recommendations regarding the prerequisite skills and knowledge, patterns of coursework, and other academic factors described in paragraph (1)(A); and

(B) develop recommendations and enact policies to increase the success rate of students in the students' transition from secondary school to postsecondary education.

(3) COMMISSION FINDINGS.—Not later than 3 years after a State receives a grant under section 5(a)(1)(B), the State P-16 education stewardship commission shall—

(A) compile and interpret the findings from the P-16 education data system; and

(B) include the compilation and interpretation of the findings in the report described in paragraph (4)(A).

(4) REPORTS.—

(A) IN GENERAL.—Not later than 18 months after a State receives a grant under section 5, and annually thereafter for each year in the grant period, the State P-16 education stewardship commission shall prepare and submit to the Secretary a clear and concise report that shall include the recommendations described in subparagraphs (A) and (B) of paragraph (2).

(B) DISTRIBUTION TO THE PUBLIC.—Not later than 60 days after the submission of a report under subparagraph (A), each State P-16 education stewardship commission shall publish and widely distribute the information in the report to the public in the State, including—

(i) all public secondary schools and local educational agencies;

(ii) school counselors;

(iii) P-16 educators;

(iv) institutions of higher education; and

(v) students and parents, especially students entering grade 9 in the next academic year and the parents of such students, to assist the students and the parents in making informed and strategic course enrollment decisions.

SEC. 8. P-16 EDUCATION DATA SYSTEM.

(a) ESTABLISHMENT.—Not later than 2 years after a State receives a grant under section 5(a)(1)(B), the State shall establish a State-level longitudinal data system that provides each student, upon enrollment in a public school or in a covered institution in the State, with a unique identifier that is retained throughout the student's enrollment in P-16 education in the State.

(b) FUNCTIONS OF DATA SYSTEM.—The State shall, through the implementation of the data system described in subsection (a), carry out the following:

(1) Identify factors that correlate to students' ability to successfully engage in and complete postsecondary-level general education coursework without the need for prior developmental coursework.

(2) Implement procedures to track developmental coursework enrollment rates.

(3) Implement procedures to assist with identifying correlations between course-taking patterns in public secondary education and increased academic performance in higher education.

(4) Implement procedures to assist with identifying the points at which students exit the P-16 education system, including the assimilation of valid and reliable secondary school dropout data.

(5) Incorporate data to track postsecondary degree and certification completion rates and student persistence patterns.

(6) Ensure that the data system is compliant with the Family Educational Rights and Privacy Act of 1974 (20 U.S.C. 1232g).

(7) Disaggregate the data described in paragraphs (1) through (5) by race, ethnicity, income level, sex, secondary school attended, and type of institution of higher education attended.

(c) EXISTING DATA SYSTEMS.—A State may employ, coordinate, or revise an existing

data system for purposes of this section if such data system produces valid and reliable information that satisfies the requirements of subsection (b).

SEC. 9. REPORTS; TECHNICAL ASSISTANCE.

(a) STATE REPORTS.—

(1) ANNUAL REPORT.—Each State that receives a grant under section 5 shall submit an annual report to the Secretary for each year of the grant period that shall include a description of the activities undertaken under the grant to improve academic readiness for postsecondary-level general education coursework and course completion.

(2) DISSEMINATION.—Each State shall prepare, publish, and widely disseminate the report described in paragraph (1) to the public in the State, including secondary schools, local educational agencies, school counselors, P-16 educators, institutions of higher education, students, and parents.

(b) SECRETARY REPORTS.—

(1) ANNUAL REPORT.—The Secretary shall submit an annual report to Congress that includes—

(A) findings from the State reports submitted under subsection (a)(1);

(B) a description of the actions taken by the Department of Education to assist States with creating P-16 education stewardship commissions and P-16 education data systems;

(C) a description of the actions and incentives planned by the States' P-16 education stewardship commissions—

(i) to help States align academic standards, courses, and academic assessments with postsecondary academic expectations, courses, and assessments;

(ii) to help States increase the percentage of minority and low-income students prepared to enter and succeed at the postsecondary level; and

(iii) to reduce postsecondary developmental coursework enrollment rates of minority and low-income students;

(D) a description of the actions and incentives planned to help States reduce postsecondary developmental coursework enrollment rates;

(E) an assessment of the effectiveness of P-16 education stewardship commissions in improving college readiness and eliminating the need for developmental coursework; and

(F) recommendations regarding how to make the P-16 education stewardship commissions more effective, and whether the establishment of such commissions should be encouraged throughout the United States.

(2) AVAILABILITY.—The Secretary shall make the annual report described in paragraph (1) available to the public and to each State and institution of higher education.

(c) TECHNICAL ASSISTANCE.—The Secretary shall provide, upon request, technical assistance to States and institutions of higher education seeking technical assistance under this Act.

SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this Act \$55,000,000 for fiscal year 2007 and such sums as may be necessary for each of fiscal years 2008 through 2011.

Ms. SNOWE. Mr. President, I rise today to talk about a bill that will improve college access by creating a framework to ensure that high school graduates amass the skills and knowledge they need to succeed in college—the College Pathway Act. My colleague, Senator LIEBERMAN, and I have been working hand-in-hand to identify the degree to which high school students are unsuccessfully prepared for college and develop practical solutions

to this issue. The bill we introduce today is the product of our combined efforts.

Today, 97 percent of secondary school students expect to attend college, however, high school students are not prepared academically for the rigors of college coursework. Although States around the country have developed high school standards, there is often a disconnect that exists between high school standards and college expectations. Today, 53 percent of postsecondary students require remedial English or mathematics. Graduation rates for those requiring remedial classes are less than 40 percent. And that is why Senator LIEBERMAN and I are working together in response to the concerns that too many students start college without the proper tools.

Part of the problem is that colleges and high schools generally have separate statewide governing boards for their pre-kindergarten through 12th grade and higher education systems. The College Pathway Act awards grants enabling States the opportunity of a voluntary establishment of pre-kindergarten through the 16th grade commissions in States, consisting of representatives of the pre-kindergarten through 12th grade and higher education communities, the governor's office, appropriate State legislators and members of the business community. These partnerships within the commission would promote academic success in postsecondary education, increase the percentage of academically prepared low-income and minority students, and decrease the percentage of college students requiring remedial coursework, particularly with respect to math, science and engineering.

This commission offers a framework for aligning lower, middle and high school curriculum and assessment standards with post-secondary expectations. Students who are properly prepared before entering college are far more likely to succeed in college. Indeed, many States across the Nation are looking to the pre-kindergarten through 12th grade concept to improve alignment. Federal funding for establishment of pre-kindergarten through 12th grade commissions would allow States to implement or expand their current programs. In addition, many States are attempting to improve data collection systems in order to better evaluate those programs that lead to success. Our bill would also offer support to those States which voluntarily seek to enhance and improve the effectiveness of their data systems. We believe that by promoting coordination of grades pre-kindergarten through 12th grade, States will better align education systems helping to ensure that all students are prepared to successfully engage in and complete postsecondary level coursework.

Our Nation must make a solid commitment to ensuring that every individual has the opportunity to pursue a higher education. We should pursue

policies that will prepare students to begin their college career. I believe that education is the great equalizer in our society that gives every citizen of our Nation the same opportunity to succeed in the global economy of the 21st century. That's why I will continue to target access to higher education for America's students. The College Pathway Act will help to further this goal.

Mr. AKAKA. Mr. President, I would like to voice my strong support as an original cosponsor of The College Pathway Act, introduced by my colleagues from Connecticut and Maine, Senators LIEBERMAN and SNOWE. I greatly appreciate their foresight in creating legislation that will help Hawaii and other states bring greater links between education at all levels, as well as with business and industry.

I know the field of education well, having served as a teacher, vice principal, principal, and school administrator in Hawaii before holding public office. I taught at the elementary, middle, and secondary levels, and continue to hold great interest in developments in these areas, as well as in early childhood and higher education. From these experiences, I have advocated that education should be an interconnected pathway, from pre-kindergarten through postsecondary levels and beyond, into the workforce.

We need all stakeholders in education and the labor force to work together, seamlessly. The LIEBERMAN-SNOWE bill will help to further this very aim in Hawaii and other States with existing entities, and to assist other States in meeting similar, meaningful goals through the creation of similar entities. By encouraging States to establish P-16, or as in Hawaii's case, P-20 commissions, to align lower, middle, and high school curricular and assessment standards with what is expected in higher education, we will better assure college readiness and reach a fundamental goal: greater rates of college completion.

To describe the Hawaii P-20 initiative in more detail, the initiative brings together public and private educators at all levels, working in collaboration with representatives of state government, the business community, labor, and educational support agencies to focus on improving learner achievement. Its vision statement says, all Hawaii residents will be educated, caring, self-sufficient, and able to contribute to their families, to the economy, and to the common good, and will be encouraged to continue learning throughout their lives.

The initiative, which recently unveiled its strategic plan, is a joint commitment of the Hawaii Department of Education, the Good Beginnings Alliance, and the University of Hawaii, working with a statewide P-20 Council to develop a seamless system of educational delivery. I encourage anyone with interest in this effort to view the details of the plan at

www.p20hawaii.org. A main goal of the initiative is to prepare my State's learners to succeed in a society fast becoming more global, technological and complex. Ultimately, it seeks to improve the quality of life for all of Hawaii.

I am pleased to support this effort and work toward providing this and similar programs in other states with the resources to achieve their aims. The Lieberman-Snowe bill does this, and I look forward to working with my colleagues toward its enactment.

By Mr. SPECTER (for himself, Mr. COLEMAN, and Mr. ISAKSON):
S. 2340. A bill to amend title XVIII of the Social Security Act to preserve access to community cancer care by Medicare beneficiaries; to the Committee on Finance.

Mr. SPECTER. Mr. President, I have sought recognition today to introduce the Community Cancer Care Preservation Act, which will ensure Medicare beneficiaries' access to community-based cancer treatment and provide Medicare reimbursement assistance for oncologists providing vital cancer care services.

Cancer takes a great toll on our friends, families, and our Nation. In the United States, cancer causes one out of every four deaths and was responsible for 570,000 deaths last year. In 2005, over 2 million new cases of cancer were diagnosed, the most prevalent of which were breast, prostate, lung, and colorectal.

While these statistics are daunting, the rate of cancer deaths in the United States has decreased since 1993. This decrease is the result of earlier detection and diagnosis, more effective and targeted cancer therapies, and greater accessibility to quality care provided by oncologists. These vital services have allowed millions of individuals to lead healthy and productive lives after successfully battling cancer.

In 2004, 42.7 million individuals were enrolled in Medicare; of those beneficiaries over 29 percent have had cancer during their lives, 12.5 million beneficiaries. With such a large percentage of our seniors facing this horrible disease, the need for access to community cancer care is critical.

Community cancer clinics treat 84 percent of Americans with cancer. Community cancer centers are free-standing outpatient facilities that provide comprehensive cancer care in the physician's office setting located in patients' communities. These clinics are especially critical in rural areas where access to larger cancer clinics is not available. They provide patients with earlier diagnosis, more effective cancer therapies, and innovative supportive care that reduces fatigue, nausea/vomiting, and pain. The accessibility of treatment in the hands of skilled community oncologists has decreased the cancer mortality rate.

On December 8, 2003, the Medicare Prescription Drug Improvement and

Modernization Act was signed into law by President Bush. This legislation contained numerous provisions that were beneficial to America's seniors and medical facilities; however, it also provided a reduction to Medicare's reimbursement for oncology treatment. The provisions sought to bring a balance to the reimbursement for the cost of cancer drugs and services. Previous to the implementation of the law, CMS reimbursed the cost of cancer treatment drugs at a very high level. This level provided sufficient funding to supplement the costs of care, storage of the prescription drugs, and the costs of cancer care services, which were not being provided adequate funding. The law enacted reimbursement reductions for the cost of prescription drugs while increasing the funding provided for cancer care services; however, that increase did not sufficiently offset oncologists' losses from the reduction in cancer drug reimbursement.

The Congressional Budget Office estimated that Medicare reimbursements to oncologists would be reduced by \$4.2 billion from 2004-2013. PricewaterhouseCoopers estimates that reductions will reach \$15.7 billion over that time. This increased reduction will have a debilitating effect on oncologists' ability to provide cancer treatment to Medicare beneficiaries, especially those in the community setting.

For 2006, the Centers for Medicare and Medicaid Services (CMS) estimates that the beneficiary reimbursement for services provided by community cancer care will be cut by 6.6 percent, a \$200 to \$300 million reduction. However, this reimbursement reduction may be larger than estimated. CMS did not factor in the delay in drug manufacturer price increases for cancer therapies and the bad debt of beneficiaries who may not pay their Medicare 20 percent co-insurance payment. When accounting for these reductions, the overall cut to cancer care will likely exceed \$300 million.

The Medicare Prescription Drug and Modernization Act mandated a transitional increase of 32 percent in service fees in 2004, falling to 3 percent in 2005, and 0 percent in 2006. This was done to provide time for CMS to pay for essential unpaid medical services, such as pharmacy facilities and treatment planning. In 2005, CMS created a cancer care demonstration project as a quality enhancement initiative to examine the effects of oncology drugs on patients. This demonstration project also provided \$300 million in critical funding because CMS had not increased the reimbursement for essential unpaid medical services. On June 29, 2005, I sent a letter with 38 other Senators to President Bush requesting an extension to the demonstration project through 2006. CMS, however, announced a new oncology demonstration project for 2006 that examines the quality of cancer care in relation to treatment guidelines, but at \$180-\$210 million less than the previous funding level.

Accordingly, I am introducing legislation to provide community oncologists with the tools to withstand the CMS reforms brought forth under the Medicare Prescription Drug and Modernization Act. The bill's \$1.7 billion price tag, over the next 5 years, is a relatively small cost in the face of the vast reductions in CMS's reimbursement to oncologists. Let me briefly summarize the provisions of this legislation.

1. **Sales Price Updates:** Currently, CMS updates the prices for cancer treatment drugs quarterly. This delay in price updating forces community cancer clinics to often pay increased prices for prescription drugs for up to six months without increased reimbursement. This legislation requires the sales price for oncology drug reimbursement be updated as changes occur in the price to provide a more accurate reimbursement to oncologists for the cost of drugs. This will provide a reimbursement to oncologists that is fair and reflective of market costs.

2. **Removal of the Prompt Pay Discount:** The prompt pay discount is a discount from the wholesaler to the physician for prompt payment on prescription drugs. This is a benefit for physicians that operate an efficient and organized practice and allows them to gain extra revenue as an incentive for conducting business in that manner. The current average sales price for prescription drugs from CMS takes into account the prompt pay discount provided by wholesalers. The inclusion of these funds, which are not guaranteed unless the practice operates in a very efficient way, decreases the amount of reimbursement from CMS. My legislation would remove the discount from the CMS average sales price requiring CMS to reimburse oncologists at the price they pay for drugs without the inclusion of discounts.

3. **Quality Care Demonstration Project Extension:** The quality care demonstration project provided information to CMS that was gathered by oncologists about the effects of oncology drugs on patients. This project was altered and funds were reduced provided to conduct the informational interviews to oncologists. The bill would extend the 2005 quality cancer care demonstration project through 2006. The project collects information from cancer patients on the effects of cancer treatment including fatigue, nausea/vomiting, and the treatment of these symptoms.

4. **Increase in Payments for Oncological Drug Storage:** The CMS reimbursement for oncology prescription drugs does not provide adequate funding for storage and care needs. The prescription drugs for cancer care often require special provisions including refrigeration and handling as some drugs that are highly toxic. These special provisions result in an increased cost, which is why my legislation provides a two percent increase in payments to

account for the storage and care of oncology drugs.

5. **Reports Regarding Cancer Care:** The legislation would also require a report from the Secretary of Health and Human Services on a plan to increase the number of cancer patients in clinical trials and a Congressional Budget Office Report on the effects of the Medicare Prescription Drug Improvement and Modernization Act of 2003 on cancer care. These reports will assist Congress and the Administration in its future decisions impacting cancer care.

As Chairman of the Labor, Health and Human Services, and Education (LHHS) Appropriations Subcommittee, I have sought to increase funding for the National Institutes of Health (NIH) and the National Cancer Institute (NCI). Since becoming Chairman of the LHHS Subcommittee, the funding for NIH has increased from \$11.3 billion in fiscal year 1996 to \$29.4 billion in 2006, an increase of 147 percent, while funding for the NCI increased from \$2.3 billion in fiscal year 1996 to \$4.9 billion in 2006, an increase of 113 percent.

On February 16, 2005, I was diagnosed with stage IVB Hodgkin's lymphoma and had my first chemotherapy treatment two days later. I had a total of 12 treatments, my last on July 22, 2005, and tests following that final treatment concluded that I am cancer free. As a recipient of cancer treatment for Hodgkin's lymphoma cancer, I have an acute understanding of the problems that confront patients as well as physicians that administer their care.

This legislation provides Medicare reimbursement assistance for community oncologists and ensures Medicare beneficiaries' access to community-based cancer treatment. I encourage my colleagues to work with Senators COLEMAN, ISAKSON and me to move this legislation forward promptly.

By Mr. DORGAN:

S. 2341. A bill to prohibit the merger, acquisition, or takeover of Peninsular and Oriental Steam Navigation Company by Dubai Ports World; to the Committee on Banking, Housing, and Urban Affairs.

Mr. DORGAN. Mr. President, the Commerce Committee is having a hearing this afternoon—and I have been at a portion of that hearing—dealing with the question of Dubai Ports World, which is a company largely owned by the United Arab Emirates. This is a company that has been given the green light by this administration to manage six of America's largest seaports.

This has caused a substantial amount of controversy and discussion. In the last couple of days some of that controversy has been resolved, at least in the minds of some, because the company owned by the United Arab Emirates has asked the administration for a 45-day review of the circumstances of this deal, and they will not take control of the management of the American ports for these 45 days.

It is rather unusual for a company to be asking that the United States Gov-

ernment do a 45-day review of the circumstances of whether a United Arab Emirates company should be managing America's ports. Speaking for myself, I don't need 45 days to understand this. I don't need 45 minutes to understand it. I know a bad idea when I see one.

The President has made up his mind. President Bush has said he will veto any legislation that is offered here in the Congress that would upset this deal which would allow the company owned by the United Arab Emirates to manage America's ports. If the President feels he should veto a piece of legislation, that is his right. He has not vetoed any bill since he became President of the United States, but if his proposition is he wants to veto a piece of legislation and turn over America's seaports, six of America's large seaports, to management by the United Arab Emirates, so be it. But I think the President would be making a very serious mistake.

Our country is under a terrorist threat. We get regular briefings on that in the Senate, and the American people know that from watching the news. We understand the terrorist threats take the form of threat to air travel because the terrorists, as we know, last used commercial jet airplanes to fly into the World Trade Center towers in New York City. We understand the threats at our airports. That is why when you go to the airport and try to board a plane they have you take off your belt, take off your shoes, and run you through a metal detector. There is great concern about the threat of terrorism and security at our airports.

There is also great concern about security at our seaports.

I have spoken, I am guessing, about a dozen times on the floor of this Senate about the security at our seaports since the time of the 9/11 attacks.

I recall shortly after 9/11 when a fellow from a Middle East country decided to ship himself in a container on a container ship. He got inside a container, and he got loaded on a container ship. Here was this man with a container. He had a cot to sleep on, he had a GPS device, a radio, a supply of water, and he was shipping himself, I believe, to Canada, and there was concern that he was a terrorist and he was going to enter the country by shipping himself in a container on a container ship.

I have spoken here, I suppose, almost a dozen times talking about the danger of having anywhere from 5.7 to 5.9 million containers coming into this country every year, millions of containers on a container ship coming into this country every year, and somewhere around 4 percent of them and perhaps as much as 5 percent are inspected; the rest are not.

I went to a port facility once. We don't have ports in North Dakota. But I went to a port facility to visit and see what the security was. They were showing me a container they had taken off a ship. The container they opened

happened to be frozen broccoli from Poland, bags and bags and bags of frozen broccoli. I said, How do you know what is in the middle of this container? I see there are bags of frozen broccoli. How do you know that is all that is here in the container? Well, we don't know. That is why we are inspecting this particular container. How many containers do you inspect? We know the answer to that. Out of every 100, 96 are not inspected.

That is a threat to our country's seaports.

What about a terrorist organization deciding they want to try to steal a nuclear weapon someplace? After all, there are tens of thousands of them—somewhere, we believe, between 20,000 and 30,000 nuclear weapons that exist in this world. Steal a nuclear weapon and put it in a container, on a container ship and run it up to a dock, appear at one of America's major cities. What about the prospect of that happening? Then we would not see 3,000 deaths. No, we would see 100,000 deaths or more.

Seaport security is a very serious issue.

Now, in the midst of all of these issues of national security, we hear that something called CFIUS—the Committee on Foreign Investments in the United States, composed of some 12 Federal agencies coming together as a committee, evaluating foreign investment in the United States—decided it is all right if this company called Dubai Ports World, a company owned by the United Arab Emirates, is allowed to manage six of America's largest ports, including ports in New York, New Jersey, Miami, Louisiana, and Maryland.

That is not all right with me.

I just came from a committee hearing where we had some people say, Well, you are going to offend somebody here. The United Arab Emirates is a country that has been very helpful to us in the fight on terrorism. The last thing we want to do is offend them.

What about offending common sense? Should we be offending common sense here in the Senate? I don't think so. Common sense would say to us when threatened by terrorist threats, security in this country ought to be security provided by the United States. We can't provide for our own security in our management of U.S. ports?

The United Arab Emirates is probably a perfectly wonderful country. It is not a democracy, I will tell you. And two of the hijackers on 9/11/2001 were UAE citizens. And the United Arab Emirates was only one of three countries that recognized the Taliban Government which played host to Osama bin Laden in Afghanistan.

Let me read something from the 9/11 Commission report. On page 137:

Early in 1999, the CIA received a recording that Osama bin Laden was spending much of his time at one of several camps in the Afghanistan desert south of Kandahar. At the beginning of February, bin Laden was reportedly located at the vicinity of Sheik Ali

Camp, a desert hunting camp being used by visitors from a Gulf State. Public sources have stated that those terrorists were from the United Arab Emirates.

I will not read all of this.

According to the reports, the military was doing targeting work to hit the camp where Osama bin Laden was thought to be, to hit it with cruise missiles. But no strike was launched. And Mr. bin Laden apparently soon moved on and the immediate strike plans became moot.

According to the CIA and defense officials, the reason the strike was not launched against bin Laden was that policymakers were concerned about the danger that a strike would kill a prince from the United Arab Emirates who was visiting with bin Laden.

The 9-11 Commission report also talks about an official airplane for the United Arab Emirates at a landing strip there. They believed the UAE officials were visiting with Mr. bin Laden. So apparently, any opportunity for this country to target Mr. bin Laden before 9/11 was in part fouled by the relationship between at least some in the Royal Family of the United Arab Emirates and Mr. bin Laden.

One of our Cabinet officers said, Well, this issue is not just about national security, but also about trade and about commerce.

Look, trade and commerce do not ever trump national security. If there are national security issues, then they have to be dealt with and have to be recognized.

We are told, Well, everyone signed off on this; there is not a problem here. But now we find out today that not everybody did sign off on this. Yesterday we found out that the Coast Guard expressed reservations about the deal in a secret report, which had already been made public. The report said:

There are many intelligence gaps concerning the potential for DPW or PNO assets to support terrorist operations. That precludes an overall threat assessment of the potential DPW and PNO ports merger.

So don't tell me that the Coast Guard signed off on this. They raised questions about it, as they should have.

I have a GAO report that I showed a few moments ago in the Commerce Committee. This is the title of the July 2005 GAO report: "The DOD Cannot Ensure its Oversight of Contractors Under Foreign Influence is Sufficient."

If the Department of Defense cannot ensure proper oversight of foreign contractors, the Department of Homeland Security can? I don't think so. The Department of Homeland Security, after all, responded to Hurricane Katrina. Look at the mess they made with that. Now they are saying, even though the Department of Defense cannot ensure oversight of foreign contractors, Homeland Security is going to be able to do that with respect to the security of our ports? I don't think so.

So national security is an issue. And saying so is not a slap in the face at

any country. It is just recognizing the obvious.

Something else that has not been talked about should be talked about. We have moved at a full gallop toward globalization. We are in a global economy, we are told. Well, the fact that we are in a global economy should not persuade us not to think. One of the questions ought to be raised by all is—aside from the national security interests, which are significant interests—one of the other questions is, why would our country not have the capability to provide its own port management, its own port security?

There are certain things we do that we know we must do. Again, go to the airport and see what they tell you about your shoes and belt and see a little 6-year-old boy spread-eagle against the wall being "wanded" and ask yourself: Why is that happening? Because we have decided there is a security threat at airports. Terrorists use a commercial airliner as a guided missile to destroy buildings in our country and to murder Americans. So we have issues of national security to respond to a threat with airport screening.

What about our seaports? Does anyone think there is any less danger with somewhere around 5.7 to 5.9 million containers coming into our country, with 96 percent of them not having been screened? Does anyone think there is less danger to America to have just one of those containers be pulled up slowly at an American pier or port or dock that has a weapon of mass destruction?

We are spending billions and billions of dollars building an antiballistic missile defense system that does not work, regrettably. We have spent billions of dollars and are spending billions more trying to hit a bullet with a bullet because we are concerned that a rogue nation or a terrorist will get hold of a ballistic missile, put on its tip a nuclear weapon, and send it to us somewhere around 15,000 miles per hour. By far, the more significant threat is for a ship to pull up at one of our docks at about 5 miles per hour, loaded with containers, most of which have never been inspected, containing in one circumstance a weapon of mass destruction. That is by far a more significant threat to our country.

I have spoken, I suppose, a dozen times over the years since 2001 about port security. Not because we have any ports in North Dakota, because we do not. But it is obvious to me that if you are going to begin to provide security for this country, we do not just do it by metal detectors at airports; we do it at seaports and rail security, as well. And with respect to seaports, it seems completely illogical to me from a national security standpoint that we would decide to turn over to foreign countries the management of our ports, our seaports.

People have said today: Are you kidding? This is done all the time, for God's sake. Get a life. This is going on

everywhere. You do not understand the global economy. We have had other countries managing our seaports.

This has become an issue that most American people recognize is a problem. But a number of Members in the Congress do not recognize it as a problem. Some do. But I heard opening statements at a committee hearing suggesting this debate is about racial profiling, it is about offending a good neighbor. Well, that is all nonsense. This is about demanding at least some level of common sense be used in establishing public policy.

The President says: We did the right thing. I have already made up my mind, he says, and we approved it. And I will veto anything that would overturn that approval.

Then he says, when asked by the company that is owned by the United Arab Emirates to review it for 45 more days, the President says: Yes, we will review it for 45 more days. But, again, he put out a statement today saying: I've already made up my mind.

At a committee hearing this afternoon, others on the committee said: Well, some of you have already made up your mind. Shame on you.

As I said, it would not take me 45 days to figure it out. It does not take 45 minutes to figure it out. We ought to, as a country, be able to find ways to manage our seaports. And we ought to, as a country, take responsibility for our own national security. After all, it is not every country in the world where you pin a little pin on the map that says: Here's target one, here's the bull's eye of the target for terrorists. They want to attack this country. This is where they want to attack. We understand that.

All of us feel fortunate we have not been attacked again since 2001. But we all know, as well, that there is much yet to do. Seaport security is one of those areas in which we have to do much better.

My colleague who sat behind me some years, Senator Fritz Hollings from South Carolina, would come to the Senate and speak at great length about this. He would offer funding for more seaport security. It was routinely turned down. All of us offered this and were routinely turned down. We did not have the money. And we are inspecting 4 to 5 percent.

Someday, God forbid, if something happens at a seaport, we will all stand and scratch our heads and say: Why didn't we try to find a way to do this better, more inspections? Why didn't we understand that is more vulnerable even than airport security? Why didn't we figure that out?

This is an opportunity. I understand this will be controversial. I understand the President is going to be upset if the Congress takes action.

I will offer legislation today that is very simple. It does not tiptoe around 45 days and all these things. It just says this should not happen.

If that offends someone, I am sorry. But I do not want to offend common

sense. And it seems to me, in this country there is a deep reservoir of common sense at the local cafe or down at the hardware store to say it would make the most sense, given the fact we are targeted by terrorists, it would make the most sense for our country to take responsibility for itself. This is not about globalism. It is not about the global economy. It is not about offending someone. It is about deciding as a country to assume responsibility for your security.

Let me make one other point. Yes, we need friends. Yes, we need the United Arab Emirates to be our friend and other countries as well to cooperate with us. But wouldn't it have been nice, for example, if we had more cooperation when Dr. Kahn in Pakistan was arranging to have nuclear materials and nuclear plans and nuclear parts sent around to North Korea and to Iran and to other countries? Our children will pay for that, unfortunately. And most of that material went through the United Arab Emirates' ports.

Wouldn't it have been nice if we had more friends? We need more friends. But, it seems to me, we ought not buy friendship by deciding that we will put a company controlled by the United Arab Emirates in the position of managing America's ports. Once again, this is merely common sense.

The GAO report of last summer ought to be instructive to us. If the Department of Defense cannot ensure its oversight of contractors under foreign influence, how on Earth can Homeland Security ensure oversight of a contractor that is owned by a foreign government in the Middle East? How on Earth can we expect that to happen?

I come to the Senate to talk a lot about trade. In this age of globalism people say: You are just a xenophobic isolationist stooge who does not get it. The world has changed. It is a global world. Everyone does everything everywhere.

It seems to me it is not inappropriate even in a global economy to pursue our own interests from time to time, and that is especially true when it deals with the subject of terrorism. Does the global economy mean that you outsource or offshore everything? Is there anything you cannot do without?

Some 15 years ago, I used to question Carla Hills, the trade ambassador, at various hearings. Managed trade was anathema to her, and it has been to virtually every administration. Yet virtually every country we do trade with has managed trade. They have managed trade with a set of objectives. I used to continually ask Carla Hill: Is there anything the loss of which would give you problems?

For example, if, in a completely open system of trade we lost our entire steel industry—it was gone, no steel mill and no steel produced domestically—would that give you a problem? The answer was, no, whatever happens, happens. That is nonsense. There are cer-

tain things that a country must hang on to to remain a strong economic power, a world economic power.

Maybe this, also, in addition to the national security issues—which I think are very important—maybe it is also an opportunity to wake up and answer the question: What is appropriate in a global economy? Is everything on the table? Everything for sale? Everything up for trading and grabs? Is offshoring just fine, notwithstanding what it means to the American economy?

Perhaps, if we use this opportunity to ask those questions, we will have done this country a favor.

In the meantime, I will introduce the simplest piece of legislation introduced on this subject. It simply says: "Just say no."

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 384—DESIGNATING MARCH 2, 2006, AS "READ ACROSS AMERICA DAY"

Ms. COLLINS (for herself, Mr. REED, and Mr. LAUTENBERG) submitted the following resolution; which was considered and agreed to:

S. RES. 384

Whereas reading is a basic requirement for quality education and professional success, and is a source of pleasure throughout life;

Whereas the people of the United States must be able to read if the United States is to remain competitive in the global economy;

Whereas Congress, through the No Child Left Behind Act of 2001 (Public Law 107-110) and the Reading First, Early Reading First, and Improving Literacy Through School Libraries programs, has placed great emphasis on reading intervention and providing additional resources for reading assistance; and

Whereas more than 40 national associations concerned about reading and education have joined with the National Education Association to use March 2, the anniversary of the birth of Theodor Geisel, also known as Dr. Seuss, to celebrate reading: Now, therefore, be it

Resolved, That the Senate—

(1) designates March 2, 2006, as "Read Across America Day";

(2) honors Theodor Geisel, also known as Dr. Seuss, for his success in encouraging children to discover the joy of reading;

(3) encourages parents to read with their children for at least 30 minutes on Read Across America Day in honor of Dr. Seuss and in celebration of reading; and

(4) encourages the people of the United States to observe the day with appropriate ceremonies and activities.

SENATE RESOLUTION 385—EXPRESSING THE GRATITUDE AND APPRECIATION TO THE MEN AND WOMEN OF THE ARMED FORCES WHO SERVE AS MILITARY RECRUITERS, COMMENDING THEIR SELFLESS SERVICE IN RECRUITING YOUNG MEN AND WOMAN TO SERVE IN THE UNITED STATES MILITARY, PARTICULARLY IN SUPPORT OF THE GLOBAL WAR ON TERRORISM

Mr. ENSIGN submitted the following resolution; which was referred to the Committee on Armed Services:

S. RES. 385

Whereas the Armed Forces are an all volunteer force, which makes recruiting the necessary number of volunteers for each individual service a challenging task;

Whereas the military recruiters have enabled the individual branches of the Armed Forces to meet the demands of the modern battlefield through the enlistment of quality soldiers, sailors, airmen, and Marines;

Whereas military recruiters work long strenuous hours, in rural and urban areas of the country, and away from the traditional military support systems;

Whereas military recruiters, like many of their deployed colleagues, have forfeited and sacrificed time with their families and placed their mission above all else;

Whereas military recruiters support the global war on terrorism by filling our Nation's military ranks with qualified personnel needed to combat and eradicate terrorists through military power;

Whereas, in the past fiscal year, military recruiters provided the Nation with more than 200,000 new active duty, reserve, officer, and enlisted accessions;

Whereas military recruiters have provided young men and women across the Nation the opportunity to further their education through the use of congressionally mandated incentives such as the Montgomery GI Bill, and various college loan repayment programs, thereby allowing returning veterans greater opportunity to achieve their full potential as successful members of society;

Whereas military recruiters are the face and voice of the Armed Forces in communities in every State across the Nation, as well as Puerto Rico, Europe, Korea, and Guam;

Whereas military recruiters develop close working relationships with families, schools, business professionals, and numerous civic organizations;

Whereas military recruiters are an essential element of the Department of Defense and play a key role in the security of our Nation: Now, therefore, be it

Resolved, That the Senate—

(1) commends the men and women of our Armed Forces who serve as military recruiters for their service to our country and their dedicated, professional, and noteworthy performance of duty during difficult times of sustained combat and the global war on terrorism; and

(2) reaffirms its commitment to supporting all aspects of the recruiting services of the Armed Forces, by providing sufficient legislative support and incentives in order that recruiters may continue to meet and exceed the personnel requirements of the Armed Forces.

SENATE CONCURRENT RESOLUTION 82—TO ESTABLISH A PROCEDURE FOR THE APPOINTMENT OF INDEPENDENT CONGRESSIONAL ETHICS OFFICE TO INVESTIGATE ETHICS VIOLATIONS IN THE SENATE AND THE HOUSE OF REPRESENTATIVES

Mr. KERRY submitted the following concurrent resolution; which was referred to the Committee on Homeland Security and Governmental Affairs:

S. CON. RES. 82

Resolved by the Senate (the House of Representatives concurring),

SECTION 1. CONGRESSIONAL ETHICS OFFICER.

(a) **ESTABLISHMENT.**—There is established in the legislative branch an independent authority to be known as the Congressional Ethics Office to be headed by a Congressional Ethics Officer.

(b) **MEMBERSHIP.**—

(1) **IN GENERAL.**—The Congressional Ethics Officer shall be appointed in accordance with paragraph (2).

(2) **APPOINTMENT.**—The majority leader of the Senate, the minority leader of the Senate, the Speaker of the House of Representatives, the minority leader of the House of Representatives, the chairman and ranking member of the Committee on Standards of Official Conduct of the House of Representatives, and the chairman and the ranking member of the Select Committee on Ethics of the Senate shall nominate the Congressional Ethics Officer at the beginning of a Congress. The Congressional Ethics Officer shall be confirmed by both the Senate and the House of Representatives.

(c) **TERMS.**—

(1) **IN GENERAL.**—The Congressional Ethics Officer shall serve a term of 2 years and may be reappointed for 2 additional terms.

(2) **DEATH OR RESIGNATION.**—In the case of the death or resignation of the Congressional Ethics Officer a successor shall be appointed in the same manner to serve the remaining term of that Congressional Ethics Officer.

(d) **REMOVAL.**—The Congressional Ethics Officer may be removed only by resolution of the Senate or the House of Representatives.

(e) **DUTIES.**—It shall be the duty of the Congressional Ethics Officer to—

(1) receive requests for review of an allegation described in section 2(b);

(2) make such informal preliminary inquiries in response to such a request as the Congressional Ethics Officer deems to be appropriate;

(3) if, as a result of those inquiries, the Congressional Ethics Officer determines that a full investigation is not warranted, submit a report pursuant to section 2(f); and

(4) if, as a result of those inquiries, the Congressional Ethics Officer determines that there is probable cause, the Congressional Ethics Officer—

(A) may determine a full investigation is warranted and conduct such investigation; and

(B) shall provide a full report of the investigation which shall be available for public inspection to either the Select Committee on Ethics of the Senate or the Committee on Standards of Official Conduct of the House of Representatives.

(f) **COMPENSATION OF CONGRESSIONAL ETHICS OFFICER.**—

(1) **IN GENERAL.**—The Congressional Ethics Officer shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which he or she is en-

gaged in the performance of the duties of the Congressional Ethics Officer.

(2) **TRAVEL EXPENSES.**—The Congressional Ethics Officer and members of the Congressional Ethics Officer staff shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Congressional Ethics Officer.

(g) **STAFF.**—

(1) **IN GENERAL.**—The Congressional Ethics Officer may, without regard to the civil service laws and regulations, appoint, and terminate an executive director and such other additional personnel as are necessary to enable the Congressional Ethics Officer to perform his or her duties. The staff of the Congressional Ethics Office shall be nonpartisan.

(2) **STAFF COMPENSATION.**—The Congressional Ethics Officer may fix the compensation of the executive director and other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for the executive director and other personnel may not exceed the rate payable for level V of the Executive Schedule under section 5316 of that title.

(3) **DETAILEES.**—Any Federal Government employee may be detailed to the Congressional Ethics Officer without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

(4) **TEMPORARY SERVICES.**—The Congressional Ethics Officer may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals that do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of that title.

(5) **STAFFING.**—Except at a time when additional personnel are needed to assist the Congressional Ethics Officer in his or her review of a particular request for review under section 2, the total number of staff personnel employed by or detailed to the Congressional Ethics Officer under this subsection shall not exceed 50.

(h) **INAPPLICABILITY OF THE FEDERAL ADVISORY COMMITTEE ACT.**—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Commission.

SEC. 2. REVIEW OF ALLEGATIONS OF MISCONDUCT AND VIOLATIONS OF ETHICS LAWS.

(a) **DEFINITIONS.**—As used in this section, the term “officer or employee of Congress” means—

(1) an elected officer of the Senate or the House of Representatives who is not a member of the Senate or the House of Representatives;

(2) an employee of the Senate or the House of Representatives, any committee or subcommittee of the Senate or the House of Representatives, or any member of the Senate or the House of Representatives;

(3) an employee of the Vice President if such employee's compensation is disbursed by the Secretary of the Senate; and

(4) an employee of a joint committee of Congress.

(b) **REQUEST FOR REVIEW.**—Any person, including a person who is not an officer or employee of Congress, may present to the Congressional Ethics Officer a request to review and investigate an allegation of—

(1) improper conduct that may reflect upon the Senate or the House of Representatives;

(2) a significant violation of law;

(3) a violation of the Senate Code of Official Conduct (rules XXXIV, XXXV, XXXVII, XXXVIII, XXXIX, XL, XLI, and XLII of the Standing Rules of the Senate) or the ethics rules of the House of Representatives; or

(4) a significant violation of a rule or regulation of the Senate or the House of Representatives, relating to the conduct of a person in the performance of his or her duties as a member, officer, or employee of the Senate or the House of Representatives.

(c) SWORN STATEMENT.—

(1) IN GENERAL.—A request for review under subsection (b) shall be accompanied by a sworn statement, made under penalty of perjury under the laws of the United States, of facts within the personal knowledge of the person making the statement alleging improper conduct or a violation described in subsection (b).

(2) FALSE STATEMENT.—If the Congressional Ethics Officer determines that any part of a sworn statement presented under paragraph (1) may have been a false statement made knowingly and willfully, the Congressional Ethics Officer may refer the matter to the Attorney General for prosecution.

(d) PROTECTION FROM FRIVOLOUS CHARGES.—

(1) IN GENERAL.—Any person who—

(A) knowingly files with the Congressional Ethics Office a false complaint of misconduct on the part of any legislator or any other person shall be subject to a \$10,000 fine or the cost of the preliminary review, whichever is greater, and up to 1 year in prison; or

(B) encourages another person to file a false complaint of misconduct on the part of any legislator or other person shall be subject to a \$10,000 fine or the cost of the preliminary review, whichever is greater, and up to 1 year in prison.

(2) SUBSEQUENT COMPLAINTS.—Any person subject to either of the penalties in paragraph (1) may not file a complaint with the Congressional Ethics Office again.

(3) BAN ON FILINGS PRIOR TO ELECTION.—The Congressional Ethics Office may not accept charges filed in the—

(A) 30 days prior to a primary election for which the Member in question is a candidate; and

(B) 60 days prior to a general election for which the Member in question is a candidate.

(e) SUBPOENA.—The Congressional Ethics officer may bring a civil action to enforce a subpoena only when directed to do so by the adoption of a resolution by the Senate or the House of Representatives, as appropriate.

(f) REFERRAL OF REPORTS TO THE SELECT COMMITTEE ON ETHICS OF THE SENATE, THE COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT OF THE HOUSE OF REPRESENTATIVES OR THE DEPARTMENT OF JUSTICE.—

(1) IN GENERAL.—If, after making preliminary inquiries, the Congressional Ethics Officer finds probable cause that a violation of the ethics rules has occurred, the Congressional Ethics Officer shall submit to the members of the Senate, members of the House of Representatives, and the Department of Justice a report that—

(A) states findings of fact made as a result of the inquiries;

(B) states any conclusions that may be drawn with respect to whether there is substantial credible evidence that improper conduct or a violation of law may have occurred; and

(C) states its reasons for concluding that further investigation is not warranted.

(2) NO ACTION.—After submission of a report under paragraph (1), no action may be taken in the Senate or the House of Representatives to impose a sanction on a person who was the subject of the Congressional Ethics Officer's inquiries on the basis of any

conduct that was alleged in the request for review and sworn statement.

SEC. 3. ADDITIONAL RESPONSIBILITIES.

The Congressional Ethics Officer shall—

(1) periodically report to Congress any changes to the ethics law and regulations governing Congress that the Congressional Ethics Officer determines would improve the investigation and enforcement of such laws and regulations; and

(2) provide an annual report to Congress on the number of ethics complaints and a description of the ethics investigations undertaken during the prior year.

Mr. KERRY. Mr. President, today I am submitting a concurrent resolution establishing an independent Congressional Inspector General to investigate ethics violations in the Senate and the House of Representatives.

Every Member of Congress must be held to the highest ethical standards. Those who violate the public trust must be held accountable for their actions. Unfortunately, our current system does not measure up. Too often, Congress has been unable or unwilling to effectively investigate or appropriately punish those Members who commit serious ethical violations.

In December 2005, an NBC/Wall Street Journal poll showed that just five percent of Americans believe all Members of Congress are honest and trustworthy. The same poll showed that most Americans believe that most Members of Congress are dishonest and are not trustworthy.

This is simply unacceptable. We have to restore the faith of the American people in the Congress. Thus, I am submitting a resolution to establish an independent Congressional Inspector General with the authority to investigate and punish violations of the ethics rules by Members of Congress, Congressional staff and the Capitol Police.

The Congressional Inspector General will make a preliminary investigation into all ethical misconduct allegations to determine whether there is probable cause that a full investigation is warranted. The Congressional Inspector General has expansive authority to investigate ethics allegations, including improper conduct that may reflect upon the Senate or House of Representatives, significant violations of law, violations of the Senate Code of Official Conduct or the ethics rules of the House of Representatives, and violations of Congressional rules or regulations relating to the conduct of Members in their performance of official duties. If a full investigation is warranted, a public report will be developed for the House and Senate Ethics Committees or the Justice Department describing any credible evidence of improper conduct or a violation of law.

To insure that this new ethics process is not abused, anyone who knowingly files a false ethics complaint will be subject to a \$10,000 fine or the costs incurred by the investigation, whichever is greater. They could also be subject to up to one year in prison and will be banned from making further complaints.

The Congressional Inspector General will not be able to accept new charges filed 30 days prior to a primary election for which the Member of Congress in question is a candidate or 60 days prior to a general election for which the Member of Congress is a candidate.

The Congressional Inspector General will also provide periodic reports to Congress on how to update our ethics laws and how to improve the investigation and enforcement of current ethics laws. Finally, it would release an annual report of violations by Members of Congress and Congressional staff.

I also strongly support other legislation to develop independent oversight of the Congressional ethics process including the Congressional Ethics Enforcement Commission Act of 2006 that was introduced by Senator OBAMA earlier this year. I look forward to working with my colleagues to develop ethics reform legislation in the upcoming months.

We need to change the way business is done in Washington. We must convince the American people that our government responds to the needs of our people, not to special interests. This resolution will help restore the faith of the American people in their government. Together we can work to change our government for the better.

NOTICES OF HEARINGS/MEETINGS

COMMITTEE ON INDIAN AFFAIRS

Mr. MCCAIN. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Wednesday, March 1, 2006, at 9:30 a.m., in room 106 of the Dirksen Senate Office Building to conduct a joint oversight hearing with the House Committee on Resources on the Settlement of Cobell v. Norton.

Those wishing additional information may contact the Indian Affairs Committee at 224-2251.

AUTHORITIES FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. BUNNING. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on February 28, 2006, at 9:30 a.m., to receive testimony on current and future worldwide threats to the national security of the United States.

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

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. BUNNING. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on February 28, 2006, at 10:30 a.m., to conduct a hearing on the evaluation of the administration's FY 07 Budget for the Federal Transit Administration.

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

COMMITTEE ON COMMERCE, SCIENCE, AND
TRANSPORTATION

Mr. BUNNING. Mr. President. I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on February 28, 2006, at 10 a.m. on USF Contributions.

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

COMMITTEE ON COMMERCE, SCIENCE, AND
TRANSPORTATION

Mr. BUNNING. Mr. President. I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on February 28, 2006, at 2:45 p.m., on Security of Terminal Operations at U.S. Ports.

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

COMMITTEE ON ENERGY AND NATURAL
RESOURCES

Mr. BUNNING. Mr. President. I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Tuesday, February 28 at 10 a.m.

The purpose of this hearing is to review the proposed FY 2007 Forest Service Budget.

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

COMMITTEE ON HEALTH, EDUCATION, LABOR,
AND PENSIONS

Mr. BUNNING. Mr. President. I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions, Subcommittee on Education and Early Childhood Development, be authorized to hold a hearing during the session of the Senate on Tuesday, February 28, 2006, at 10 a.m. in SD-430.

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

COMMITTEE ON INDIAN AFFAIRS

Mr. SPECTER. Mr. President. I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Tuesday, February 28, 2006, at 9:30 a.m., in room 485 of the Russell Senate Office Building to conduct an oversight hearing on Off-Reservation Gaming: Land into Trust and the Two-Part Determination.

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

COMMITTEE ON THE JUDICIARY

Mr. BUNNING. Mr. President. I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on "War-time Executive Power and the NSA's Surveillance Authority II" on Tuesday, February 28, 2006, at 9:30 a.m., in the Dirksen Senate Office Building Room 226. The witness list is attached.

Witnesses

The Honorable R. James Woolsey, Vice President Global Strategic Security Division, Booz Allen Hamilton, McLean, VA; Harold Hongju Koh, Dean, Yale Law School, New Haven, CT; Ken Gormley, Associate Professor of Con-

stitutional Law, Duquesne University School of Law, Pittsburgh, PA; Douglas W. Kmiec, Professor, Pepperdine University School of Law, Malibu, CA; Bruce Fein, Fein & Fein, Washington, DC; Robert F. Turner, Associate Director, Center for National Security Law, University of Virginia, Charlottesville, VA; Robert Levy, Senior Fellow in Constitutional Studies, CATO Institute, Washington, DC.

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

COMMITTEE ON RULES AND ADMINISTRATION

Mr. BUNNING. Mr. President. I ask unanimous consent that the Committee on Rules and Administration be authorized to meet during the session of the Senate on Tuesday, February 28, 2006, at 9:30 a.m., to mark up an original bill to make the legislative process more transparent.

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

COMMITTEE ON VETERANS' AFFAIRS

Mr. BUNNING. Mr. President. I ask unanimous consent that the Committee on Veterans' Affairs be authorized to meet during the session of the Senate on Tuesday, February 28, 2006, to hear the legislative presentation of the Disabled American Veterans.

The hearing will take place in room 216 of the Hart Senate Office Building at 2 p.m.

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

SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT
MANAGEMENT, THE FEDERAL WORKFORCE,
AND THE DISTRICT OF COLUMBIA

Mr. BUNNING. Mr. President. I ask unanimous consent that the Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia be authorized to meet on Tuesday, February 28, 2006, at 10 a.m. for a hearing entitled, "Enhancing Educational and Economic Opportunity in the District of Columbia."

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

SUBCOMMITTEE ON WATER AND POWER

Mr. BUNNING. Mr. President. I ask unanimous consent that the Subcommittee on Water and Power be authorized to meet during the session of the Senate on Tuesday, February 28 at 2:30 p.m.

The purpose of the hearing is to receive testimony on the Bureau of Reclamation's Reuse and Recycling Program (title XVI of P.L. 102-575).

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

APPOINTMENT OF ESCORT
COMMITTEE

Mr. CHAMBLISS. Mr. President. I ask unanimous consent that the President of the Senate be authorized to appoint a committee on the part of the Senate to join with a like committee on the part of the House of Representatives to escort the Honorable Silvio Berlusconi, Prime Minister of the Re-

public of Italy, into the House Chamber for a joint meeting tomorrow.

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

NATIONAL SIBLING CONNECTION
DAY

Mr. CHAMBLISS. Mr. President. I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. Res. 381 and that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 381) designating March 1, 2006, as National Sibling Connection Day.

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

Mr. CHAMBLISS. Mr. President. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the resolution be printed in the RECORD.

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

The resolution (S. Res. 381) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 381

Whereas sibling relationships are among the longest lasting and most significant relationships in life;

Whereas brothers and sisters share history, memories, and traditions that bind them together as family;

Whereas it is estimated that over 65 percent of children in foster care have siblings, and are often separated when they are placed in the foster care system, adopted, or confronted with different kinship placements;

Whereas children in foster care have a greater risk of emotional disturbance, difficulties in school, and problems with relationships than their peers;

Whereas the separation of siblings as children causes additional grief and loss;

Whereas organizations and private volunteers advocate for the preservation of sibling relationships in foster care settings and provide siblings in foster care with the opportunity to reunite;

Whereas Camp to Belong, a nonprofit organization founded in 1995 by Lynn Price, heightens public awareness of the need to preserve sibling relationships in foster care settings and gives siblings in foster care the opportunity to reunite; and

Whereas Camp to Belong has reunited over 2,000 separated siblings across the United States, the United States Virgin Islands, and Canada: Now, therefore, be it

Resolved, That the Senate—

(1) designates March 1, 2006, as "Siblings Connection Day";

(2) encourages the people of the United States to celebrate sibling relationships on this day; and

(3) supports efforts to respect and preserve those sibling relationships that are at risk of being disrupted due to the placement of children into the foster care system.

READ ACROSS AMERICA DAY

Mr. CHAMBLISS. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 384, 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. 384) designating March 2, 2006, as "Read Across America Day."

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

Mr. CHAMBLISS. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

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

The resolution (S. Res. 384) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 384

Whereas reading is a basic requirement for quality education and professional success, and is a source of pleasure throughout life;

Whereas the people of the United States must be able to read if the United States is to remain competitive in the global economy;

Whereas Congress, through the No Child Left Behind Act of 2001 (Public Law 107-110) and the Reading First, Early Reading First, and Improving Literacy Through School Libraries programs, has placed great emphasis on reading intervention and providing additional resources for reading assistance; and

Whereas more than 40 national associations concerned about reading and education have joined with the National Education Association to use March 2, the anniversary of the birth of Theodor Geisel, also known as Dr. Seuss, to celebrate reading: Now, therefore, be it

Resolved, That the Senate—

(1) designates March 2, 2006, as "Read Across America Day";

(2) honors Theodor Geisel, also known as Dr. Seuss, for his success in encouraging children to discover the joy of reading;

(3) encourages parents to read with their children for at least 30 minutes on Read Across America Day in honor of Dr. Seuss and in celebration of reading; and

(4) encourages the people of the United States to observe the day with appropriate ceremonies and activities.

ORDERS FOR WEDNESDAY, MARCH 1, 2006

Mr. CHAMBLISS. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:30 a.m. on Wednesday, March 1. I further ask that following the prayer and the 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 then resume consideration of S. 2271, the PATRIOT Act amendments bill, and that the time be equally divided until the 10 a.m. vote on passage. I further ask that following the vote, the Senate stand in recess until 12 noon for a joint meeting of Congress.

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

PROGRAM

Mr. CHAMBLISS. Mr. President, today the Senate voted for cloture on the PATRIOT Act amendments bill. Tomorrow morning at 10 a.m., there will be a vote on passage of the bill. Following the vote, Senators will gather in the Senate Chamber at 10:30 and proceed as a body to the Hall of the House of Representatives for a joint meeting of Congress with Italian Prime Minister Berlusconi. Members should plan their schedules accordingly. Following that joint meeting, we will proceed to the PATRIOT Act conference report. It may be necessary to have a couple of procedural votes prior to the vote on invoking cloture on the PATRIOT Act conference report. I would expect those votes to begin sometime shortly after noon when the Senate reconvenes following the joint meeting.

ADJOURNMENT UNTIL 9:30 A.M.
TOMORROW

Mr. CHAMBLISS. 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 7:19 p.m., adjourned until Wednesday, March 1, 2006, at 9:30 a.m.