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## Senate

The Senate met at 9:30 a.m. and was called to order by the President pro tempore (Mr. STEVENS).

### PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal Lord, the source of blessings, bless our world. Bless our friends and give them abundant living. Bless our enemies and help us to transform them into friends. Bless those in harm's way fighting for freedom. Bless those in pain of body, mind or spirit. Bless those who mourn. Bless those in life's evening who feel left alone. Bless those in trouble and are fearful about tomorrow.

Bless our Senators. Use them for Your glory. Remove the worries that distract them and give them Your peace.

We pray in Your holy Name. Amen.

### PLEDGE OF ALLEGIANCE

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

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

### RESERVATION OF LEADER TIME

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

### MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will be a period for the transaction of morning business for up to 30 minutes, with 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.

### RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

### SCHEDULE

Mr. FRIST. Mr. President, this morning we will begin a 30-minute period for the transaction of morning business. Following morning business, we will resume consideration of the emergency supplemental appropriations bill. Pending is the final division of Senator COBURN's amendment, and there will be 60 minutes of debate on that division. Therefore, Senators can expect the first vote to occur at approximately 11 a.m. today.

Since cloture was invoked yesterday by a vote of 92 to 4, we are now operating under the provisions of rule XXII. A lot of amendments are still pending to the bill; however, many of those amendments are not germane and, therefore, will fall to a point of order.

With that said, there will be some amendments that will qualify for consideration, and we will have votes on those amendments throughout the day.

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

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

The legislative clerk proceeded to call the roll.

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

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

### ENERGY

Ms. MURKOWSKI. Mr. President, last week I spoke on the floor concerning the rising cost of gasoline and diesel fuel—in fact, all fuels. We have all been talking about the price of energy in this country for the past several weeks. Over the weekend, I was at a soccer game, and that was the con-

versation. Everyone had their horror stories about what they were paying to fill up their vehicles and discussion about how bad it is going to get.

My comments this morning are directed in a vein that unless this Nation gets serious about its energy and how we move forward with a truly balanced approach, it is going to get worse before it gets better.

There have been a lot of proposals and a lot of discussion. There is a sense that perhaps there is some easy fix out there that we in the Congress have overlooked. It is clear to those of us who have really been following this issue that there is no easy fix. We didn't get here in a week. We are not going to get out of this in a week. We are not going to get out of this through quick congressional action. We have to do more when it comes to furthering our conservation of our current supply. We have to speed the development of our alternative and renewable fuels. We have to produce more energy at home rather than buying from unstable and unreliable sources abroad.

Yesterday, the European nations voiced support for a U.N. Security Council resolution that could produce sanctions against Iran to slow their nuclear program. We may have a ways to go to convince Russia and China that sanctions are appropriate, but the hint that sanctions could endanger the roughly 2 million barrels of oil a day that Iran exports, it is this type of unrest that can spook or scare off the international oil markets, thus driving the price of oil higher.

Yesterday, following in the footsteps of Venezuelan Hugo Chavez, Bolivia nationalized its natural gas industry. Almost certainly this is not going to result in lower prices for natural gas in the future.

I made some comments this weekend that Congress can pass and repeal laws, but we don't have the ability to repeal the law of supply and demand. With demand for oil edging dangerously close

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



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to the maximum production levels, with the developing nations increasing their demand for energy supplies, with the unrest we see in Nigeria, the stand-off over Iran's nuclear programs, we simply have to conserve more and produce more. It is not an either/or situation.

I have heard some people suggest that the only way out of this is conservation, renewables or alternatives. It has to be everything. It has to be a full, comprehensive approach. It is not an either/or situation.

On the conservation side, the Republican leadership last week introduced legislation to give the President the authority to raise the CAFE standards for passenger vehicles. I am one of those who is willing to do more in this area. People want to know: What can we do now, what can we do today that is going to help offset the high prices? There are some very simple things we can do from the conservation side to conserve fuel and save money.

Individuals can make sure that their tires are properly inflated, that their cars are tuned, and reduce speed. All of these improve fuel efficiency.

We all need to do more to conserve all different types of energy, including our electricity, since much of it is made from oil. Look at your thermostat this summer. Don't crank up that air-conditioning as much as you might want.

In the intermediate run, over the next 5 to 10 years, we have to expand the use of our renewable energy, whether it is wind, geothermal, biomass, ocean, solar, and hydroelectric. We need to get to the next generation of nuclear powerplants, get these off the drawing boards, and fund research on everything from hydrogen cars to improved technology for clean coal and carbon sequestration to lock up greenhouse gas emissions.

But the other component we must focus on is increasing our domestic supplies of oil and natural gas because it truly will take everything, a truly balanced energy approach, to stop America from being "over a barrel" when it comes to high energy prices. And the foremost thing, the No. 1 thing we can do to prevent this country from being in the same situation 5, 7, 10 years out from now is to stop wasting our time and to open up a small portion of the Arctic Coastal Plain in our State of Alaska to oil and gas development.

We have about 10.4 billion barrels or more of oil sitting up in ANWR that can be developed in an environmentally friendly, sane, responsible manner. We do this utilizing the technology that has been developed over the past several decades, whether it is the 3-D seismic that helps us pinpoint where the deposits are or the directional drilling that allows us to go underneath the surface so there is no surface disturbance. We can do this without harm to the wildlife, without harming the porcupine caribou herd or

without displacing a polar bear or moving a muskoxen.

The legislation we have discussed opening up ANWR would limit the surface impact to 2,000 acres—2,000 acres out of 19.5 million acres—in the ANWR area. This is one-tenth of 1 percent of the area we are talking about for development.

Opening ANWR could produce up to 1 million barrels a day of additional oil for 30 years to meet this country's domestic demand and, thus, help drive down the prices. When we look at the laws of supply and demand, 1 million barrels of oil is nothing to sneeze at. When we look at the equivalent, 1 million barrels a day is the equivalent of the energy we would obtain from a 3.7-million acre wind farm. To put it in context, if we took the whole State of Connecticut and the whole State of Rhode Island, combine them and put a wind farm on all of that landmass, that is what it would take, generating wind for 1 year—and you have to have a steady wind supply—to equal 1 million barrels a day.

Mr. President, 1 million barrels a day would be equivalent to one-fifth of America's oil production by the year 2025. One million barrels a day for 30 years will be one of the largest finds in the world in the past 40 years and perhaps the largest field in North American history.

In this morning's "Investor's Business Daily," a comment is made in the editorial section. I will read it:

A million barrels a day could make a big dent in today's prices. More importantly, it would help defend the U.S. from oil blackmail by terrorist Arab regimes and leftist enemies like Venezuela's Hugo Chavez and now Bolivia's Evo Morales.

A million barrels a day makes a difference.

The revenue to be gained from ANWR, again, is nothing to sneeze at. The Congressional Research Service this week released a report that found that the Federal Treasury is likely to gain \$90 billion from the taxes on oil produced from ANWR when oil is at 60 bucks a barrel. And that number does not take into account any Federal money from the production of natural gas, which is also likely to be found in the area. It does not include any of the bonus bids or the royalties that the Government will get upfront before the oil is even found.

Mr. President, you know about this issue more than anybody in the Senate. That \$90 billion figure is based on the assumption that ANWR contains the medium estimate for oil production of 10.4 billion barrels—1 million barrels a day for 30 years.

At today's prices—and the price this morning is a little over \$74—at today's prices, and assuming the industry's expectation that ANWR may hold 16 billion barrels of recoverable oil, the Federal tax take may hit \$173 billion over the life of the field. Now that is not an insignificant chunk of change.

I know there are those who will say that ANWR cannot come online in time

to help our current price problem, but I suspect that as a country, when we finally commit to getting serious about our energy policies, we will send a signal to the commodities traders, and that will have an immediate impact on our prices. We took a significant step forward along those lines last year when we passed the Energy Policy Act. I compliment the chairman of the Energy Committee for his hard work, but we need to do more. Anyone who thinks that 5 or 10 years from now we are not going to see more hurricanes, we are not going to see more supply disruptions, or more production impediments is not being realistic.

For the past 19 years, this Nation has been waiting for Congress to act to increase our fuel supplies. If we don't do it now, motorists will have full justification, as they stand in the summer's heat waiting to pay \$3.50 or perhaps \$4 a gallon for gasoline, wondering: What in the world is wrong with us? Where is our common sense?

We have to look at the facts—not the emotional appeals—involving ANWR. We need to look at the improved technology that will protect the Arctic's environment while we produce the fuel to help lower the prices—maybe not today, maybe not tomorrow, but in the not too distant future. We need to start reducing domestic fuel supplies now.

Mr. President, I see that my colleague from Idaho is here, and I yield the floor.

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

Mr. CRAIG. Mr. President, I thank my colleague from Alaska for her dedication and the Chair's dedication to the development of ANWR. We can all look back at the time when this Congress actually passed it and it was vetoed by President Clinton. If that had not happened, today ANWR would be producing and would be feeding at least a million barrels a day of oil into the system, and the refineries at Anacortes, WA, would be operating at full capacity. My guess is that gas would not be \$3 at the pump, and we would be in a much stronger position worldwide today if we were allowed to produce.

It is a supply-and-demand issue. We all know that. We are going to create greater transparency in those markets so that the American people can rest assured that there is no gouging. We, the same, want to understand that. But I think that when that is understood, if that is what we find, then the world begins to really look at why \$3, why \$3.10, why \$4? Why is demand outstripping supply, and all of those types of things? It is so darned important.

#### FISCAL YEAR 2006 SUPPLEMENTAL APPROPRIATIONS

Mr. CRAIG. Mr. President, as most of my colleagues know, congressional recesses are not times during which Senators and Congressmen do nothing. In

fact, recess is a critical time for citizen legislators like ourselves. Recess is an opportunity for many of us to go home and live for a little while under the laws that we have passed. We talk with our neighbors. We visit local restaurants, grocery stores, and spend a lot of time with constituents all across our states. We hear what the people think about our work. I must say that while I was in Idaho over the Easter recess, the feedback I got on spending by this Congress was not good.

We have before us another emergency supplemental funding bill. The chairman of the Senate Budget Committee has called these emergency funding bills "shadow budgets." I agree with his view. We are simply funding outside of the regular budget process the known costs of our war on terror. That has to end. In the case of hurricane relief, I understand the need to provide emergency funding as quickly as possible, and I know we cannot always budget exactly for an emergency. However, I am increasingly frustrated with this Congress's refusal to make any adjustments to other spending priorities to account for the need to rebuild the gulf coast. We are now into our fourth emergency supplemental in less than a year for the rebuilding efforts along the gulf coast. It is time that we start paying for some of this spending.

Before I left for the recess, I voted in favor of the emergency supplemental appropriations bill that was before the Appropriations Committee. I cast a "yes" vote with some hesitation, in light of the concerns I have just mentioned. The bill I voted for would have provided \$96 billion in emergency spending, mainly for our efforts in the war on terror in Afghanistan and Iraq and the continued reconstruction of the badly damaged gulf coast region.

The President submitted a request to Congress for \$92.2 billion. Yet I was voting to add \$4 billion to the amount requested by the President. But I voted yes because I recognize that not all wisdom is found at the other end of Pennsylvania Avenue. Congress has a responsibility to scrutinize and improve upon the administration's request. And we certainly have the right and the responsibility to add or subtract from that request based on needs that we identify. I believe the bill I voted for in committee did just that.

Chairman COCHRAN and Senator BYRD held hearings on the administration's request. They identified shortcomings and they changed the bill to address those needs. So I supported \$96 billion as the level of funding needed to address urgent needs across this country related to our war on terror and our disaster recovery efforts.

Unfortunately, a series of amendments adopted by voice vote by the committee after I left have pushed the cost of the legislation now before us to over \$106 billion. That is \$14 billion above what the administration requested and \$10 billion above what Chairman COCHRAN and ranking member BYRD recommended to all of us.

Every Member of this institution has to draw the line and decide how much is too much. In my mind, and in the minds of many Idahoans, this level of funding is simply too high.

In fact, last week I joined with 34 of my Senate colleagues in sending a letter to President Bush saying we will vote to support his veto if the price tag of this bill does not come down. Enough is enough, and I am proud to stand with my colleagues and say so.

The people of Idaho are honest, hard-working Americans who will continue to staunchly support our military and compassionately lend a helping hand to our fellow citizens on the gulf coast. That message has been loud and clear to me over this and other congressional recesses. However, when Congress tries to take advantage of their patriotism and generosity, the people of Idaho deserve to know that their Senator will stand up and say no. I believe that this bill is irresponsible, and that is why I am standing up and saying no.

I want to be clear so that all of my colleagues and my constituents understand my position and why I am voicing my frustration with this bill. My frustration is not about supporting our military. I support our military and I am committed to providing them with the tools they need. My frustration is not about supporting recovery efforts in the gulf coast. I am committed to helping the people in that region rebuild and move on with their lives. My frustration is with the Senate spending billions upon billions of dollars in such an irresponsible manner. The people of Idaho have charged me with being a good steward of their taxpayer dollars, and they expect me to work hard and make sure those dollars are being spent wisely. This bill does not do that. We can meet the needs of our military, the gulf coast, and other national priorities in a fiscally responsible manner. We have to be willing to make tough decisions and tighten our belts. Together, we can get spending under control and regain the confidence of the American taxpayers.

Mr. President, I also wish to talk a little bit about the budget as it relates to where we are on the supplemental, along with this important issue of energy because, when I was home over the recess, as most of us were, the public was talking about a lot of issues. They were talking about energy, although it hadn't spiked the way it is spiking now. But they were also talking about deficits and responsible spending on the part of Government and making sure we do it right. And it is tremendously important that we do.

The supplemental is too big at this moment. The President has sent us a message, as he should have—and I support that message—that we have emergencies, and we ought to address emergencies. But we ought not put on emergency budgets those kinds of expenditures that could well be utilized and brought into the appropriate budget. I have said to our chairman—and I re-

spect his work, and I am on the Appropriations Committee—that we have to bring this supplemental down a bit and get our deficits under control. We have a war, we have Katrina, we have a national disaster beyond anything we have ever faced.

Americans understand belt-tightening. They also understand sharing. This is about belt-tightening; it is about sharing. It is not about funding every idea that comes along, as worthy as it might be, against making sure that we get Louisiana and we get Mississippi responsibly financed in a redeveloping, restructuring mode—not excessively—and that we make sure our men and women in Iraq are appropriately funded. Those are the critical issues.

My time is limited, but I have said to our chairman and I say it again: It is important we understand that the \$92 billion to \$96 billion range is where we have to get this supplemental, and I am going to work hard with the chairman to do it, to do it appropriately, to be selective in that which we fund but to be responsible in that which we send to the President in our work with the House to assure that we have the emergencies funded.

Supplemental emergency funding ought not be a shadow budget. Here we are now in our fourth emergency supplemental within a budget cycle. I don't think our budget system works very well if we can't do better than that and argue that everything is an emergency and, therefore, somehow it doesn't fit under the caps. That is not the way our public and our taxpayers who finance this big government of ours want us to operate. Somehow we have to get that under control.

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

#### ENERGY

Ms. STABENOW. Mr. President, today as I stand here, back in Michigan the gas prices have risen to \$3.10 a gallon. At \$3.10 a gallon, that is the highest price at the pump that folks are paying than ever before as they get up to go to work, take the kids to school, as our farmers are preparing the fields, and as our business people are on the road. Folks are feeling the squeeze—one more squeeze.

We already have in Michigan a situation where we are seeing job loss or wages being reduced, health care costs going up, pensions that may not be there for people; things that are squeezing people on all sides—the higher cost of college. Part of that is due to actions taken in the Congress and at the White House. To add insult to injury, we are seeing now over \$3 a gallon for gasoline, and I know in other States we have seen as much as \$4 for folks who are just trying to make it, just trying to get to work, just trying to take care of their families.

When they look at this picture, they see several things. They see the highest

possible profits ever recorded in the history of the country by our oil companies, particularly ExxonMobile, which recorded the highest profits ever. They see incredible salaries. They see the former CEO of ExxonMobile making about \$110,000 a day, when most Michiganians don't make \$110,000 a year. And now we were told about a \$400 million retirement package, and we hear when you count everything, it could be \$700 million. Unbelievable. People have had enough. People have had enough of a set of policies that are squeezing them on all sides.

Then, today, we read that the conference committee is dealing with a series of tax cuts and tax proposals and have decided to delay repealing accounting procedures known as "last and first out" that were included in the bill that we passed, including loopholes that we closed for oil companies that would equal about \$4.3 billion in tax breaks that we said didn't make sense and we need to close them. Instead, those tax breaks are going to keep rolling on. I know there are going to be hearings in the Finance Committee. But the reality is that when the priorities are set, when the values are reflected about what will be done, the oil companies' tax breaks continue. High prices continue. These outrageous CEO salaries continue. The people in Michigan have said: Enough is enough.

On top of that, we see foreign tax credit loopholes that may be continued so that we as taxpayers will subsidize the oil companies doing business in other countries. We see royalty relief that Senator WYDEN spoke about last week which comes to the tune of anywhere from \$20 billion to \$80 billion in tax breaks to the oil companies that they said they didn't even need anymore. Yet this royalty relief and the tax breaks continue. We see the Energy bill that was passed last August and had a lot of positive things in it, that I supported, but in that were \$2.6 billion in tax subsidies by American taxpayers for the oil companies, and that continues.

In total, we are looking at somewhere between \$28 billion and \$88 billion in taxpayer dollars being used to subsidize an industry with the highest profits and arguably the highest salaries, or certainly some of the highest salaries in the world. At the same time, folks are trying to make it every day.

I believe, and my colleagues on the Democratic side of the aisle believe, that we need to shut down those tax breaks to oil companies and put money directly back into the pockets of taxpayers. We also believe and, in fact, I was proud to lead an effort that resulted in a required investigation by the Federal Trade Commission. I was proud to author that in the Energy bill last August and they are finally doing it and they will have an investigation done and recommendations by May 21. They are doing a law enforcement investigation.

I call on the President and all of our colleagues to do everything possible to support the FTC to get the right conclusion. We know price gouging is going on. It is not rocket science. People see what is going on. We don't need to call for an investigation. We already have one going on. Let's make sure they have the tools and the resources and the support to do what is right for the American consumer.

Americans are subsidizing one of the wealthiest industries in the country and in the world, with the highest CEO salaries, at the same time they are trying to figure out how to get 2 or 3 gallons in the tank of their car so they can get to work. This is the wrong set of values. These are the wrong priorities for our country.

I say, along with many others, enough is enough. We know we have long-term issues to address, and we have worked together in the Energy bill on new support and tax incentives for renewable fuels. We are seeing in Michigan the outgrowth of that: five new ethanol plants by the end of the year, biodiesel plants, and we are seeing wonderful efforts going on with our American auto companies. I am very proud of what General Motors is doing with E-85 ethanol and Ford moving ahead with their hybrids and Daimler Chrysler with biodiesel B-20 and all of the efforts that are moving forward to get us off of foreign oil dependence. And I am hopeful that all of those policies together will result not only in more jobs in my State, because I believe Michigan will be the leader in this area, but more support for our farmers, better policies for our environment, and the opportunity to give big oil the competition they ought to be having, which is by using home-grown fuels.

I believe our goal ought to be to make sure the people of this country have the opportunity to buy their fuel from Middle America instead of the Middle East. I am committed to that, as many of my colleagues are, and I believe we need to get about the business of getting that done. In the process, we ought to close some tax loopholes with the oil companies. We ought to go back on this tax bill and get it right and worry more about putting money back in the pockets of the folks who are paying the bill at the gas pump. Folks have said enough is enough, and I agree with them.

Mr. President, I yield the floor.

Mr. DURBIN. Mr. President, how much time is remaining on the Democratic side in morning business?

The PRESIDENT pro tempore. There is 7 minutes remaining.

Mr. DURBIN. Mr. President, I thank my colleague from the State of Michigan because she has been a leader when it comes to the issue of helping consumers across America. Many people say it is morning in America, but not if you stop at a gas station. It feels like it is the dead of night, and it is getting pretty cold and windy outside.

What the Senator from Michigan has said is that instead of this meaningless \$100 which has been suggested on the other side of the aisle and which has become something of a joke, she suggested a significant amount: \$500. Clearly, that is not going to make up for all of the added expenses of gasoline for people across America, but Senator STABENOW has been a leader in suggesting that the oil companies should give up their subsidies and tax breaks, which they continue to beg for with record profits, and instead we should take that money and give it back to the consumers. It is a rebate that would go not to the Treasury that would be lost in the sauce but would go back directly to families and consumers across America. I thank the Senator from Michigan for her leadership.

A little later this morning, many of us are going to have a gathering with farm groups across America. It is often overlooked. I know the Senator from Michigan has mentioned it about her State, but our farmers are facing a tremendous hardship because of the increased cost of energy, not just diesel fuel but also the gasoline they need for the work of the farm, and added costs, as well, for items like fertilizers and pesticides. We estimate that over the last 5 years, Illinois farmers on an average are going to pay an additional \$24,000 because of these additional energy costs, the natural gas component of fertilizers, as well as the fuel to use in their tractors and in their vehicles. That \$24,000 right off the bottom line for farmers can be the breaking point for some, and many may not survive. That is why this debate is important and why it is timely and why we should not waste any time addressing it.

I am afraid we have reached the point where we have to acknowledge the obvious. The shortest attention span in America is right here in this Chamber because Senators have an attention span that lasts as long as the headlines last and as long as the phones are ringing and the e-mails are coming in. When that diminishes, we tend to move to the next issue, whatever that might be, even if we have not addressed or resolved the issue before us.

I think my friends and colleagues in the Senate will look at the energy issue and dismiss it at their peril. What we find is, as we ask Americans across the board what causes you the greatest concern—this is a poll which came out just a few days ago from NBC and the Wall Street Journal—how about leaking classified information by the Bush administration? Eighteen percent of Americans say it causes them concern. How about Iraq? Twenty-three percent. How about the issue of immigration? Twenty-six percent. How about Iran building a nuclear weapon? Thirty-three percent. How about gas prices reaching \$3 a gallon? Forty-five percent of Americans say that causes them concern.

We ignore this political and economic reality at our peril. It is not

enough for us to give speeches on the floor and do nothing, and this week we will do nothing when it comes to the energy issue. There are things we must do. First, we have to acknowledge that what we have done has not worked. It has failed. The energy plan that was endorsed by the Republican majority and signed by the President last August has failed. It has failed and obviously so.

During the heating season this last winter, we saw dramatic runups in the cost of home heating, whether it was fuel oil in the Northeast or natural gas in the Midwest. Then, of course, came the sticker shock at the gas pump every single day, now up to \$3-plus a gallon in my part of the world, in the Midwest and Illinois, and \$4 a gallon or more in California or other places. To think that we passed an energy bill 8 months ago and patted ourselves on the back about what a great job we did, now look at the reality. The reality is it failed. It failed.

We need a new direction. We need a significant change in direction. The energy policy of the Bush administration has failed America. The cost of energy is too high. We are importing too much. We are being pushed around by these little tinhorn dictators who happen to have oil reserves and now want to dictate foreign policy to the world. Why would the United States ever tolerate this situation?

What we need to do is to be very forceful. First, let's start at home. Let's acknowledge the fact that, even though there are clearly elements that gave rise to the increase in the cost of energy, there is profiteering taking place, and it is obvious. The big five had over \$110 billion in profits last year, \$1,000 for every household in America in oil company profits; \$1,000. When this administration talked about cutting your taxes, there has been another invasion of home budgets, and it isn't the tax man, it is the oil man. It is the oil man who is taking money out of every family's budget, almost \$100 a month for additional energy costs, so they can have recordbreaking profits, so their shareholders can applaud, and so Mr. Lee Raymond, the former CEO of ExxonMobil, as a parting gift for his wonderful work at ExxonMobil, can get \$400 million. As I said before, he didn't even have to buy a Powerball ticket—\$400 million. Sayonara, farewell, Mr. Raymond, thank you for your great service—\$400 million at the expense of the American economy and American consumers. The oil companies don't get it. They don't understand what they are doing to America.

The other day, George Will, who is on one of the talk shows, chided me for saying that what is happening with energy costs is going to put a chill on the American economy. I will stand by that statement. It is true we have not seen it immediately. We will. You just can't increase the input cost in business or farming as dramatically as these energy runups are doing without

hurting the bottom line, forcing farmers out of business, forcing businesses to lay off employees. Of course, those businesses depending on energy couldn't even dream of expanding at this point because they have to find a way to deal and cope with this reality.

What do we need to do? We need to punish the profiteers. We need to say to these oil companies: This is intolerable.

It is time for the President of the United States to call the oil company executives into the Oval Office, to sit down and in very quiet and reasoned tones tell them enough is enough. You cannot continue to profiteer at the expense of workers and businesses and farmers across America.

The PRESIDING OFFICER (Mr. VITTER). The time of the Senator has expired.

Mr. DURBIN. Mr. President, I yield the floor.

### CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is now closed.

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

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

The legislative clerk read as follows:

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

Pending:

McCain/Ensign amendment No. 3616, to strike a provision that provides \$74.5 million to States based on their production of certain types of crops, livestock, and/or dairy products, which was not included in the administration's emergency supplemental request.

McCain/Ensign amendment No. 3617, to strike a provision providing \$6 million to sugarcane growers in Hawaii, which was not included in the administration's emergency supplemental request.

McCain/Ensign amendment No. 3618, to strike \$15 million for a seafood promotion strategy that was not included in the administration's emergency supplemental request.

McCain/Ensign amendment No. 3619, to strike the limitation on the use of funds for the issuance or implementation of certain rulemaking decisions related to the interpretation of "actual control" of airlines.

Warner amendment No. 3620, to repeal the requirement for 12 operational aircraft carriers within the Navy.

Coburn amendment No. 3641 (divisions IV through XIX), of a perfecting nature.

Vitter amendment No. 3627, to designate the areas affected by Hurricane Katrina or Hurricane Rita as HUBZones and to waive the Small Business Competitive Demonstration Program Act of 1988 for the areas affected by Hurricane Katrina or Hurricane Rita.

Vitter/Landrieu modified amendment No. 3626, to increase the limits on community disaster loans.

Vitter modified amendment No. 3628, to base the allocation of hurricane disaster relief and recovery funds to States on need and physical damages.

Wyden amendment No. 3665, to prohibit the use of funds to provide royalty relief for the production of oil and natural gas.

Santorum modified amendment No. 3640, to increase by \$12,500,000 the amount appropriated for the Broadcasting Board of Governors, to increase by \$12,500,000 the amount appropriated for the Department of State for the Democracy Fund, to provide that such funds shall be made available for democracy programs and activities in Iran, and to provide an offset.

Salazar/Baucus amendment No. 3645, to provide funding for critical hazardous fuels and forest health projects to reduce the risk of catastrophic fires and mitigate the effects of widespread insect infestations.

Vitter amendment No. 3668, to provide for the treatment of a certain Corps of Engineers project.

Burr amendment No. 3713, to allocate funds to the Smithsonian Institution for research on avian influenza.

Coburn (for Obama/Coburn) amendment No. 3693, to reduce wasteful spending by limiting to the reasonable industry standard the spending for administrative overhead allowable under Federal contracts and subcontracts.

Coburn (for Obama/Coburn) amendment No. 3694, to improve accountability for competitive contracting in hurricane recovery by requiring the Director of the Office of Management and Budget to approve contracts awarded without competitive procedures.

Coburn (for Obama/Coburn) amendment No. 3695, to improve financial transparency in hurricane recovery by requiring the Director of the Office of Management and Budget to make information about Federal contracts publicly available.

Coburn (for Obama/Coburn) amendment No. 3697, to improve transparency and accountability by establishing a Chief Financial Officer to oversee hurricane relief and recovery efforts.

Menendez amendment No. 3675, to provide additional appropriations for research, development, acquisition, and operations by the Domestic Nuclear Detection Office for the purchase of container inspection equipment for developing countries, for the implementation of the Transportation Worker Identification Credential Program, and for the training of Customs and Border Protection officials on the use of new technologies.

Murray (for Harkin) amendment No. 3714, to increase by \$8,500,000 the amount appropriated for Economic Support Fund assistance, to provide that such funds shall be made available to the United States Institute of Peace for programs in Iraq and Afghanistan, and to provide an offset.

Conrad/Clinton amendment No. 3715, to offset the costs of defense spending in the supplemental appropriation.

Levin amendment No. 3710, to require reports on policy and political developments in Iraq.

Schumer/Reid amendment No. 3723, to appropriate funds to address price gouging and market manipulation and to provide for a report on oil industry mergers.

Schumer amendment No. 3724, to improve maritime container security.

Murray (for Kennedy) amendment No. 3716, to provide funds to promote democracy in Iraq.

Murray (for Kennedy) modified amendment No. 3688, to provide funding to compensate individuals harmed by pandemic influenza vaccine.

Cornyn amendment No. 3722, to provide for immigration injunction reform.

Cornyn amendment No. 3699, to establish a floor to ensure that States that contain areas that were adversely affected as a result of damage from the 2005 hurricane season receive at least 3.5 percent of funds set aside for the CDBG Program.

Cornyn amendment No. 3672, to require that the Secretary of Labor give priority for national emergency grants to States that assist individuals displaced by Hurricanes Katrina or Rita.

Murray (for Byrd) amendment No. 3708, to provide additional amounts for emergency management performance grants.

Domenici/Reid amendment No. 3769, to provide additional construction funding for levee improvements in the New Orleans metropolitan area, gulf coast restoration.

The PRESIDING OFFICER. Under the previous order, there will be 1 hour for debate with 30 minutes under the control of the Senator of Oklahoma and 15 minutes under the control of the Senator from California and 15 minutes under the control of the other Senator from California.

The Senator from Oklahoma is recognized.

Mr. COBURN. Mr. President, what is the pending business of the Senate?

The PRESIDING OFFICER. The pending business is H.R. 4939.

AMENDMENT NO. 3641, DIVISION XIX, WITHDRAWN

Mr. COBURN. I would resume where we were last night, if I could get recognized on amendment No. 3641, division XIX.

The PRESIDING OFFICER. The Senator has that right, to speak to that issue.

Mr. COBURN. I had planned on withdrawing that amendment, but I wish to make one last point. California received \$753 million in earmarks last year. This amendment was to eliminate almost \$11 million on levee reconstruction. Seventy times that amount went to California in earmarks. That is the problem.

I ask unanimous consent to withdraw this amendment.

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

AMENDMENT NO. 3817, WITHDRAWN

Mr. COBURN. Mr. President, I ask that the pending amendment be set aside and amendment No. 3817 be called up.

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

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Oklahoma [Mr. COBURN] proposes an amendment numbered 3817.

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

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

The amendment is as follows:

(Purpose: To strike a provision relating to the Office of Job Corps)

Strike section 7017 (relating to the Office of Job Corps).

Mr. COBURN. Mr. President, I intend on withdrawing this amendment. I wish to make a few points before I do so.

In the supplemental bill, the Job Corps receives a direction that the Department of Labor can't manage it, can't use the resources to manage it. There are documented errors and documented fraud within it. Mr. President, section 7017 of the Emergency Supplemental would mandate that Job Corps operate with less accountability. Specifically, the language would make Job Corps the only program out of 100s to be operated out of the Secretary's office with direct contracting authority.

The Office of the Secretary of Labor does not have the staff or resources to effectively manage and conduct oversight on the Job Corps. The language of Section 7017 forbids the Secretary from shifting oversight and management personnel from any other support office in the Department of Labor. Secretary Chao is forbidden to utilize the same oversight and management that every other program normally receives from other support offices within the Department.

Section 7017 ignores recommendations from the Government Accountability Office and the Inspector General that warn against the dangers of waste, fraud, and abuse that will go undetected in the Job Corps program when one office controls all aspects of a contract-drafting, soliciting, bidding, and managing. The incestuous relationship between the contractors who operate the Job Corp program and the program officers operating the program will have no independent oversight to guard against improper payments, improper use of resources, fraudulent performance reporting resulting in fraudulent salary bonuses, and non-compliant accounting and record keeping.

Secretary Chao is trying to clean up the Job Corps program so that it effectively serves low income teenagers and young adults with a residential job training program. The Job Corps program needs accountability. According to the Office of Job Corps, the program failed to have aggressive monitoring of performance data making evaluations of the program's effectiveness unreliable. The Job Corps contractors are reporting misinformation regarding the number of students that successfully graduate or receive GEDs. The contractors fail to report that almost 40 percent of the students who go through the program fail to obtain a GED or diploma. This results in fraudulent bonus increases to the contractor's pay. The program fails to report that the median stay of a student at a Job Corps location is 8 months, while it takes at least 12 months to successfully obtain a GED. The program also fails to accurately report how many students successfully receive job placement into the skilled jobs for which the Job Corps is supposed to equip the students. They fail to report that only 5 percent of the graduating students are placed in apprenticeships for skilled jobs. The contractors incorrectly consider job placement in unskilled jobs and the mili-

tary—(obtainable without a high school education)—as benchmarks for success. This results in fraudulent bonus increases to their pay.

Examples of mismanagement illustrated in past Inspector General Reports include doctoring of program performance resulting in bonus pay, unethical use of resources, lack of cost controls and resource management. These examples makes the point for Secretary Chao—that the Job Corps program is in desperate need for accountability and oversight.

The September 30, 2005 Inspector General report, San Diego Job CORPS Center: Student Attendance and Training Data Overstated, stated that the number of vocational completions was overstated by over 50 percent. Training records did not support that students had completed all the vocation's tasks with an appropriate level of proficiency.

In the March 30, 2005 Inspector General report, Kittrell Job Corps Center: Manipulation of Student Attendance and Training Records, the Inspector General found that Kittrell managers manipulated student attendance and training records to improve the center's reported performance. Reported performance of high school diploma attainment and job placements was also was not reliable. This unreliable data affected Job Corps financially because reimbursed operating expenses and incentive fees paid to contracted center operators are based on reported performance.

In the 2001 independent auditor's report on the schedule of Job Corps expenses for the Turner Job Corps Center, the Inspector General found inadequate controls over payroll processing, that included hiring two instructors without proper credentials and keeping inaccurate records of leave. There was also lack of accountability over inventories of consumable supplies, evidence that the center underreported medical and dental expense, and the purchase of property and equipment that Department of Labor did not approve prior to acquisition.

In the January 31, 2000 report entitled OIG Questions \$1.3 Million of Additional Costs Claimed by Contractor Report No. 18-00-003-03-370, the Inspector General found that the contractor Will H. Hall & Son, Inc. received an additional \$2,365,622 due to delays at their construction site. The Inspector General found that this contractor failed to substantiate its claim that various events under the Department of Labor's contract constituted compensable construction delays caused by the Department of Labor. Certain amounts claimed were either double counted as both direct and indirect costs, already covered under the original firm fixed-price contract, or based on estimates instead of actual costs incurred.

Section 7017 of the Emergency Supplemental will virtually guarantee that we will see many more examples of



waste, fraud and abuse within the Job Corp program. Furthermore, why is the Senate being asked to make a program change to a 40-year-old program within an Emergency Supplemental bill? Why hasn't the Department of Labor been consulted in making this unprecedented move away from accountability? Why hasn't the Appropriations Committee or the Committee on Health, Education, Labor, and Pensions held a single hearing about this radical change to the Job Corps program?

Due to time constraints and my desire to move Senate business forward, I ask unanimous consent to withdraw my amendment.

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

Mr. COBURN. Mr. President, I yield the floor.

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

The PRESIDING OFFICER. The clerk will call the roll.

The 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. Mr. President, what is the pending business before the Senate?

AMENDMENT NO. 3777, AS MODIFIED

The PRESIDING OFFICER. The pending business is amendment No. 3777, as modified.

Mr. MENENDEZ. I ask unanimous consent to add Senator BROWNBACK as a cosponsor to the amendment.

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

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

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

Mr. COCHRAN. Mr. President, I know of no Senators seeking recognition for discussing the amendment any further. The amendment has been described by the distinguished Senator from New Jersey. The Senate is well aware of its intent. These are funds that are being directed to the situation in Darfur in the Sudan. There is a U.N. mission there with responsibilities for helping to deal with the misery and challenges to life that exist there.

I ask the author of the amendment if that is the purpose of the amendment? It is money that would go for the purpose of supporting the work of the U.N. mission in Darfur?

Mr. MENENDEZ. I thank the distinguished chairman for his inquiry. The answer is yes, our effort is to ensure the ability of the U.N. work to continue and to ultimately have the

wherewithal when a peacekeeping force is called for to be able to have that move forward so we can hopefully end the genocide in Darfur.

Mr. COCHRAN. I thank the distinguished Senator for his explanation and his description of the language.

I know of no requests for yeas and nays on the amendment. I suggest we proceed to a voice vote.

Mr. LEAHY. Mr. President, on April 6, I spoke on the floor about the humanitarian catastrophe in Darfur where more than 200,000 people have perished from genocidal violence, hunger and disease. Today I rise to strongly support the amendment offered by Senator MENENDEZ to help meet the emergency need for additional funding for peacekeeping in Darfur.

President Bush, this Congress, and the international community have recognized the need for double the number of peacekeeping troops in Darfur to stabilize the crisis and begin to lay the groundwork for a resolution to this conflict. But the President has not requested the funds to support additional troops. Rhetoric is cheap, but when the issue is the survival of thousands of vulnerable people, words do not suffice. The \$60 million proposed by the Senator from New Jersey is the minimum needed.

In addition to Sudan, there are 12 other U.N. peacekeeping missions that face severe funding shortages in fiscal year 2006. The State Department will be \$383 million short in the next few months and will have no alternative but to defer those bills into next year, which creates a problem for our fiscal year 2007 appropriations process. The President's inadequate budget request, which is supported by the majority in Congress, ensures that we are perpetually behind in our U.N. peacekeeping payments.

This supplemental does not fund a U.N. mission to Darfur, which is what we all recognize is needed. Senator MENENDEZ's amendment would at least provide initial funding for such a mission. Nor does this bill fund other U.N. peacekeeping missions in the Democratic Republic of the Congo, Liberia, and Haiti.

The U.S. does not contribute troops to any of these missions. But by not paying our share of peacekeeping dues on time the countries that contribute the troops are less willing to do so.

The amount we pay is a tiny fraction of what we would have to spend to deploy our own troops. The GAO recently found that it would "cost the U.S. about twice as much as the U.N. to conduct peacekeeping", and the U.S. only contributes 25 percent of the cost. That makes the savings 8 times less—the U.N. is half as expensive and we only pay a quarter of the costs. We are not prepared to put our troops into these countries and the costs would be far higher to the U.S. if we did.

The fiscal year 2006 budget we passed last year under-funded the U.S. dues for peacekeeping by \$383 million. The

U.S. has voted to expand the troop level in the Democratic Republic of the Congo, yet our share is underfunded by approximately \$80 million in fiscal year 2006. Ensuring a smooth transition after the recent presidential election in Haiti is a stated priority of the administration, yet the peacekeeping mission to Haiti is underfunded by at least \$40 million. Liberia, Cote d'Ivoire, and Kosovo are all underfunded in the next year by about \$383 million.

So what happens when the U.S. or other donors do not pay or defer their peacekeeping bills? The U.N. adjusts its bill paying to keep its core missions running. And like anyone who hasn't been paid on time, the U.N. pays those accounts which have immediate needs and defers paying bills where creditors will grant it leeway. In the first half of the year, the U.N. system is relatively flush with cash from other countries' dues payments. It can and does shift from general accounts into those with funding shortfalls. But by mid-year, if major contributors are behind on their bill payments, the U.N. will resort to other tactics like paying for equipment, travel, and short-term logistical expenses while deferring payments to troop contributing nations that tend to be more forgiving of late U.N. payments.

Nations that contribute troops to U.N. peacekeeping bear the primary burden of covering for U.S. shortfalls to the U.N. peacekeeping account. When the U.S. repaid its arrears to the U.N. under the Helms-Biden deal, for example, the U.N. repaid fourteen to fifteen countries for up to 3 years' worth of deferred troop contributing costs.

Additionally, the United States' lack of payment for peacekeeping in the past has created significant resistance to U.S. efforts to change assessment rates and enact reform at the U.N. During the Helms-Biden era and before the U.S. committed to repaying its dues, the U.S. lost seats on key U.N. governing bodies because of its arrearages.

Over the course of the last several years, the United States has increasingly seen the need for U.N. peacekeeping. This has led to an unprecedented demand for peacekeeping troops. If we want to continue to increase this burden sharing arrangement, we need to pay troop contributing nations—like Pakistan, India, and South Africa—for services rendered. After all, they are putting their troops into harm's way so United States troops don't have to.

We face a situation where commitments were made, funds are needed, these countries are very unstable, and the commitment of U.S. troops is not an option. We must pay our share so the U.N. can send peacekeepers to Sudan, but also to support U.N. missions in other critical areas in the world.

The PRESIDING OFFICER. The question is on agreeing to the amendment 3777, as modified.

The amendment (No. 3777), as modified, was agreed to.

Mrs. MURRAY. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

#### AMENDMENT NO. 3612, AS MODIFIED

Mr. COCHRAN. Mr. President, I am pleased to bring to the attention of the Senate several amendments that have been cleared on both sides of the aisle.

First, I call up amendment No. 3612 on behalf of Mr. MCCONNELL regarding assistance for the West Bank in Gaza.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside and that amendment is called up.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Mississippi [Mr. COCHRAN], for Mr. MCCONNELL, proposes an amendment numbered 3612.

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

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

The amendment is as follows:

(Purpose: To provide a national security interest waiver on prohibitions on assistance for the Office of the President of the Palestinian Authority.)

On page 125, line 17, strike "Prohibition" and insert "(a) Prohibition".

On page 126, line 4, strike the quotation mark and the period that follows.

On page 126, after line 4, insert the following:

"(b) WAIVER AUTHORITY.—(1) The President may waive subsection (a) with respect to the administrative and personal security costs of the Office of the President of the Palestinian Authority and for activities of the President of the Palestinian Authority to promote democracy and the rule of law if the President certifies and reports to the Committees on Appropriations that—

"(A) it is in the national security interest of the United States to provide such assistance; and

"(B) the President of the Palestinian Authority and the President's party are not affiliated with Hamas or any other foreign terrorist organization.

"(2) Prior to exercising the authority provided in this subsection, the President shall consult with, and shall provide a written policy justification to, the Committees on Appropriations and the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate."

Mr. COCHRAN. There is a modification of the amendment at the desk.

The PRESIDING OFFICER. The amendment is so modified.

The amendment (No. 3612), as modified, is as follows:

On page 125, line 17, strike "Prohibition" and insert "(a) Prohibition".

On page 126, line 4, strike the quotation mark and the period that follows.

On page 126, after line 4, insert the following:

"(b) WAIVER AUTHORITY.—(1) The President may waive subsection (a) with respect to the administrative and personal security costs of the Office of the President of the Palestinian Authority, for activities of the President of the Palestinian Authority to promote democracy and the rule of law, and with respect to independent agencies, if the President certifies and reports to the Committees on Appropriations that—

"(A) it is in the national security interest of the United States to provide such assistance; and

"(B) the President of the Palestinian Authority, the President's party, and independent agencies are not effectively controlled by Hamas or any other foreign terrorist organization.

"(2) Prior to exercising the authority provided in this subsection, the President shall consult with, and shall provide a written policy justification to, the Committees on Appropriations and the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate.

"(c) REPORT.—Whenever the waiver authority pursuant to subsection (b) is exercised, the President shall submit a report to the Committees on Appropriations describing how the funds will be spent and the accounting procedures in place to ensure proper oversight and accountability."

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

The amendment (No. 3612), as modified, was agreed to.

Mr. COCHRAN. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

#### AMENDMENT NO. 3719, AS MODIFIED

Mr. COCHRAN. Mr. President, I call up amendment No. 3719 on behalf of Mr. BIDEN and others regarding the Sudan.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside and the clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Mississippi [Mr. COCHRAN], for Mr. BIDEN, for himself, Mr. DEWINE, Mr. BROWNBACK, and Mr. LEAHY, proposes an amendment numbered 3719.

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

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

The amendment is as follows:

(Purpose: To provide that not less than \$250,000 of the amount appropriated for Diplomatic and Consular Programs assistance shall be made available for the establishment and support of an office of a special envoy for Sudan)

On page 88, line 7, insert after "Provided," the following: "That of the funds available under this heading, not less than \$250,000 shall be made available for the establish-

ment and support of an office of a special envoy for Sudan with a mandate of pursuing, in conjunction with the African Union, a sustainable peace settlement to end the conflict in Darfur, Sudan, assisting the parties to the Comprehensive Peace Agreement for Sudan with implementation of the Agreement, pursuing efforts at conflict resolution in eastern Sudan, northern Uganda, and Chad, facilitating, in cooperation with the people of Darfur and the African Union, a dialogue within Darfur to promote conflict resolution and reconciliation at the grass roots level, and developing a common policy approach among international partners to address such issues: *Provided further*,".

Mr. COCHRAN. There is a modification of the amendment at the desk.

The PRESIDING OFFICER. Without objection, the modification is included in the amendment.

The amendment (No. 3719), as modified, is as follows:

On page 88, line 7, insert after "Provided," the following: "That of the funds available under this heading, not less than \$250,000 shall be made available for the establishment and adequate support, including staffing and travel, of the Office of the Presidential Special Envoy for Sudan, with a mandate that shall include pursuing, in conjunction with the African Union and other international actors, a sustainable peace settlement to end the genocide in Darfur, Sudan, assisting the parties to the Comprehensive Peace Agreement for Sudan with implementation of the Agreement, coordinating policy, making recommendations, and pursuing efforts related to conflict resolution to bring lasting stability to all areas of Sudan and the region, including northern Uganda and Chad, facilitating, in cooperation with the people of Darfur and the African Union, a dialogue within Darfur to promote conflict resolution and reconciliation at the grass roots level, and developing a common policy approach among international partners to address such issues: *Provided further*,".

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment, as modified.

The amendment (No. 3719), as modified, was agreed to.

Mr. COCHRAN. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

#### AMENDMENT NO. 3823

Mr. COCHRAN. Mr. President, I call up amendment No. 3823 on behalf of Mr. LEAHY regarding Colombia.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside and the clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Mississippi [Mr. COCHRAN], for Mr. LEAHY, proposes an amendment numbered 3823.

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

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

The amendment is as follows:



(Purpose: To provide urgent assistance to support the demobilization process in Colombia)

On page 121, line 14 after "That" insert the following:

of the funds appropriated under this heading, not less than \$3,300,000 shall be made available for assistance for the Peace and Justice Unit of the Colombian Fiscalía notwithstanding section 599E of Public Law 109-102: *Provided further*, That

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment.

The amendment (No. 3823) was agreed to.

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

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

The motion to lay on the table was agreed to.

#### AMENDMENT NO. 3798

Mr. COCHRAN. Mr. President, I ask unanimous consent that it be in order to call up and consider amendment No. 3798 on behalf of Mr. KENNEDY regarding the AmeriCorps Segal awards.

The PRESIDING OFFICER. Without objection, it is so ordered. The pending amendment is set aside, and the clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Mississippi [Mr. COCHRAN], for Mr. KENNEDY, proposes an amendment numbered 3798.

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

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

The amendment is as follows:

(Purpose: To honor Eli Segal's contribution to AmeriCorps by providing that the national service educational awards provided, from available resources, to AmeriCorps members on completion of their terms of service shall be known as "Segal awards")

At the end of title VII, insert the following:

SEC. \_\_\_\_\_. Any national service educational award described in subtitle D of title I of the National and Community Service Act of 1990 (42 U.S.C. 12601 et seq.), made with funds appropriated to, funds transferred to, or interest accumulated in the National Service Trust, shall be known as a "Segal award".

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment.

The amendment (No. 3798) was agreed to.

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

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

The motion to lay on the table was agreed to.

#### AMENDMENT NO. 3746

Mr. COCHRAN. Mr. President, I call up amendment No. 3746 on behalf of Mr. LIEBERMAN which makes a technical correction to the bill.

The PRESIDING OFFICER. Without objection, the pending amendment is

set aside and the clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Mississippi [Mr. COCHRAN], for Mr. LIEBERMAN, proposes an amendment numbered 3746.

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

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

The amendment is as follows:

On page 167, beginning on line 7 strike "notwithstanding" and all that follows through "(42 U.S.C. 5174)" on line 9.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment.

The amendment (No. 3746) was agreed to.

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

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

The motion to lay on the table was agreed to.

#### AMENDMENT NO. 3699

Mr. COCHRAN. Mr. President, I call up amendment No. 3699 on behalf of Mr. CORNYN regarding the distribution of CDBG funds.

The PRESIDING OFFICER. The amendment is currently pending.

Mr. COCHRAN. Mr. President, this amendment has been cleared on both sides, and we urge its adoption.

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

The Senator from Washington is recognized.

Mrs. MURRAY. Mr. President, I ask unanimous consent that Senator NELSON of Florida be added as a cosponsor.

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

Is there further debate on the amendment? If not, the question is on agreeing to the amendment.

The amendment (No. 3699) was agreed to.

Mr. COCHRAN. Mr. President, I thank the Senate for its cooperation in moving forward on this bill. As others may know, there have been two amendments that I know of that were going to be debated and voted on this morning which have been withdrawn. We are making good progress in the consideration of Senators' amendments. If Senators have amendments, this is the time now to let us know.

As you know, we are under cloture. We are not going to permit non-germane amendments to be brought up. So there will be objections made as a general proposition to accelerate the further discussion and consideration of this bill. We hope to complete action on the bill today. That certainly is possible with the fact that Senators are proceeding to let us know about their amendments that are germane. There is a list of amendments Senators have told us about that we expect to be called up. This is the time to do that. So we urge Senators to help us proceed

on an orderly basis to complete action on the bill today.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BUNNING. Mr. President, I respectfully 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 would like to make some remarks about the supplemental appropriations bill now on the floor.

The PRESIDING OFFICER. The Senator is recognized.

Mr. BUNNING. Mr. President, I rise today to voice my opposition to the emergency supplemental bill. It has, unfortunately, become routine to see emergency spending bills on the floor. But I understand the pressing need for this legislation to defend America from terrorism and respond to one of the worst natural disasters in America's history.

These reasons are why we have emergency supplemental legislation in the first place. I strongly support the President's \$92 billion request. His request includes essential funding to pay the men and women serving in our Armed Forces in Iraq and Afghanistan. It also provides the funding needed to restore damaged military equipment and purchase new state-of-the-art technology.

For fiscal year 2007, we have budgeted for much of the cost of the war on terror, but this emergency supplemental is important to provide our American Armed Forces the additional funding they need today.

I want to stand shoulder to shoulder with the men and women serving in Iraq and Afghanistan by supporting the defense portion of this legislation. And I would like to roll up my sleeves and help the Americans who were so devastated by Hurricane Katrina rebuild their homes and communities. I believe strongly in these two missions, and I will fight to ensure they are properly funded.

But today we are looking at legislation that has billions of dollars of extra spending in nonemergency areas. In fact, it has everything but the kitchen sink. As I read through the programs that will provide \$20 million for oyster fishermen in New England and \$4 million for erosion control projects in California and Michigan, I am starting to believe the kitchen sink must be in there, too, somewhere.

It saddens me to see in this legislation that States outside of the gulf coast are trying to latch on to the people who suffered from last year's hurricanes. Emergency spending should be just that—used for emergency purposes. We should not just add in billions of dollars of extra funding because this is a moving legislative vehicle.

The legislation before us includes some programs like the Community Development Block Grant Programs which are funded significantly higher than the President's request. While I support this program, I do not think this emergency spending bill is the appropriate place to increase overall funding for CDBG. I do not see the need to spend an extra billion dollars and expand CDBG's scope beyond States affected by Katrina.

The legislation further limits the CDBG money by requiring States to spend nearly 20 percent on affordable rental housing. I believe it is a mistake to take community planning decisions out of the hands of local and State officials.

And there are other examples of States not affected by the hurricanes trying to obtain emergency funding. Everyone who has had some form of natural disaster in their State is trying to get a piece of the pie. I do not want to diminish the tragedy of any disaster, but the Federal budget process includes funding for these isolated events which were never intended to be funded with emergency spending.

For example, there were a series of bad storms in California in 2002 that flooded Los Angeles roadways and flooded buildings with hail. The legislation before us would provide \$51 million for transportation repairs—repairs that the State of California has already paid for. That is right, this emergency bill contains money to repay States for natural disasters that occurred years ago. This is unacceptable.

I have long supported congressionally directed projects and am prepared to defend my projects in the fiscal year 2007 appropriations bills. As a member of the Budget Committee, I can tell you firsthand how important it is to set targets and plan ahead. That is how we maintain accountability.

We need to remember that every dollar we spend in this supplemental came from some hard-working American taxpayers. The American people deserve a Government that is careful with their money. That is why I will vote against this legislation.

I have also told the President I will support his veto of this legislation if it passes Congress above his \$92-plus billion request. I believe we need to cut spending and work out a responsible plan that meets the needs of the war on terror and rebuilding in the gulf coast region.

I urge my colleagues to curb spending in this emergency spending bill. I ask for them to consider their vote and what will happen if we pass this legislation. I urge those who are on the fence or on the border or about not to vote for this bill, not to vote for it but if they do, to support the President's veto when it comes.

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

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

#### AMENDMENT NO. 3688

Mr. KENNEDY. Mr. President, the Senator from Washington was kind enough on a previous occasion to offer amendment No. 3688. I call for the regular order.

The PRESIDING OFFICER. Without objection, the amendment is now pending.

Mr. KENNEDY. I thank the Chair.

For any of my colleagues who had the chance last evening to look at the national news, the story that led virtually all of the national networks was the concern that our public health officials and worldwide public health officials have, with regard to the dangers of an avian flu pandemic. We listened to the Secretary of HHS talk about the numbers of Americans who would be affected, some 2 million people. With a pandemic, we would face the potential of closing down airlines, closing airports, dangers in the workplace, health dangers.

This is something the Subcommittee on Bioterrorism and Public Health Preparedness has been very concerned about, and I pay special commendation to the chairman of our committee, Senator BURR, who has had a series of hearings not only on the dangers of avian flu and flu generally but also on the dangers of bioterrorism.

There are some very important common threats that come from bioterrorism and from an avian flu danger. Obviously the first thing that a nation has to do is to be able to detect these pathogens in countries where they may be developing, and then, secondly, to detect them here at home. That is why development and support for a public health system is so important.

Then there is the challenge of containment, to try to contain any of the dangers. And then, obviously, there is the treatment for individuals who are affected. That can be treating individuals who are affected or trying to provide a vaccine for individuals, so the dangers to those individuals are minimized. These challenges all fall under the rubric of the development of a national plan. I will come back to that in a moment. We in the United States have not had that kind of effective plan developed that would be necessary to deal with the central challenge of a public health emergency.

This amendment I offer is a simple but vital amendment. It is a linchpin in any kind of battle against the dangers of avian flu. That is, if we are expecting our drug industry to be able to develop the vaccines—and we have given a good deal of flexibility to the Food and Drug Administration in these kinds of emergencies, to provide approval to vaccines that might not have

been and probably would not have been given the kind of safety evaluations that other prescriptions drugs would have taken through—we have to ask: Who is going to receive these vaccines or treatments? Primarily, they will be individuals whom we call first responders. What are they going to do? They are going to go into the infected area and try to contain it.

It is one thing to invest hundreds of millions and billions of dollars in developing the vaccines and treatments to minimize the health impact of the dangers of avian flu, but if we are going to ask first responders to go in and risk their lives, their health, and the economic stability and security of their families, we ought to be willing to say to these individuals: If you are going to get sick, and you are going to lose your job, or if there is going to be danger to your health as you serve as the front-line defenders for the rest of society, then we are going to compensate you for the loss of income you are going to have as a result of taking this vaccine. That is what this amendment does. It provides for a compensation program for first responders, the people on the front lines of a pandemic.

One can say: Is this necessary? All we have to do is look at history, and we will find that when you do not have a compensation program, you do not have volunteers willing to serve as first responders, and willing to take on these challenges. This amendment protects our first responders, and so it protects the rest of society as well. It is a very limited amendment. That is the reason it is so important. You can ask: Is this really an emergency? No one can look at the news last night, and see the lead story on all three networks, saying there is a real danger that is coming at you, and say we ought to treat this as business as usual. That is why I believe this amendment is appropriate to this supplemental.

The administration seems to be suffering from a condition that could be called "CDD," competence deficit disorder. Whether in Iraq or Katrina or any other major crisis, the administration has been incompetent, including the issue of dealing with avian flu. Our HELP Committee has analyzed the administration's regular failure to prepare for a flu pandemic, and today we are releasing a report showing that they have failed to take the steps needed to see that America is ready for this national challenge. They have failed to invest in the hospital surge capacity, in needed information technology, and in the public health surveillance and training programs that are needed for an effective response.

The endless challenges outlined in the pandemic flu plan are a symbol of the administration's failure. The preparations for avian flu have been in such prolonged disarray that they are releasing their third new plan this week. The Bush administration has known of the need for a plan to prepare for a flu

pandemic since the day it took office. But 2001 came and went without a plan, then 2002, 2003, 2004, and almost all of 2005, and still no plan. In each of these years, the warnings of a potential pandemic grew louder but were ignored.

This chart shows the warnings that have been offered by health experts around the world. From May 2002, the World Health Organization:

Authorities must understand the potential impact and threat of pandemic influenza.

This is from the GAO, November 2000:

Federal and State influenza plans do not address the key issues surrounding the purchase and distribution of vaccines and antivirals.

From the Institute of Medicine in 1992:

Polymakers must realize and understand the magnitude of the influenza pandemic.

Then we had the series of flu outbreaks: December 2003, outbreak in South Korea; outbreak in Vietnam, 2004; outbreak in 2006 of avian flu in Britain. This chart shows all the outbreaks in the most recent years.

What have other nations done on the pandemic? First, let's look at other countries around the world that have developed a comprehensive plan for the pandemic. In October 1997, we had a program by the Japanese; Canada in February 2004; Czechoslovakia in April 2004; February 2005, Hong Kong; March of 2005, Great Britain.

I will not include these plans in the RECORD, but let me show the extent of the British pandemic flu program. I have illustrated this at other times during similar discussions. Here is the Canadian plan. These are enormously comprehensive programs. They are programs that deal with rural areas, urban areas, training programs. And not only are there programs, they are being implemented. Our strategy was issued in November 2005, and it has remained incomplete since then. The administration has sent a second plan to us now.

What is it basically that we are trying to do? We are trying to get a comprehensive plan from the administration, a plan that has been implemented. Let me show one other chart. This isn't just what I believe. From the GAO report, November 2000:

Federal and State influenza plans do not address the key issues surrounding the purchase and distribution of vaccines and antivirals.

From June 2005:

The draft plan does not establish the actions the Federal Government would take to purchase and distribute the vaccine during an influenza pandemic.

This is from a GAO June 2005 report. That is the current situation.

Right now, we have in this legislation resources to purchase the vaccines in an emergency. But we do not have a compensation program. We have a compensation program in name, but that is all it is. It is not funded. Well, you can say we will try to find a way to fund it in the future. Tell that to the downwinders out in Utah. Tell that to my friend, Senator HATCH, who has

been absolutely brilliant in terms of looking after those individuals, whose lives were so affected by the experiments with nuclear materials so many years ago. He, to his credit, developed a compensation program. I welcomed the opportunity to work with him to try to help these people whose health had been absolutely destroyed by exposures, in the national interest, as we developed various nuclear weapons.

Here is our majority leader, Senator FRIST, who said:

Too many health care workers have been deterred from receiving the smallpox vaccine—in part because of the uncertainties about what would happen, and how they would provide for themselves, if they suffered a serious adverse reaction to the vaccine.

That states it as clearly and succinctly as one could possibly say it. We do not have a guaranteed compensation program for pandemic flu vaccines in this legislation or in any other place in our health care system. This amendment provides a down-payment for the compensation program. You can say: Well, why should we do that for this particular program? All we have to do is look at other vaccine programs, other public health programs, for swine flu, childhood vaccines, and, after Congress acted, for smallpox. We had a compensation plan for people injured by those experimental vaccines. But for the new ones, we only have an empty sham of a compensation, with no funding.

So, Mr. President, that is what this amendment does. It provides some \$289 million for the development of that compensation program. It is effectively the same kind of program that has been essential in the past, and it is essential now if we expect our front-line responders to be willing to take experimental vaccines and to risk their lives for the common good of the community that may well be threatened by avian flu or bioterrorism. Individuals who are well trained as front-line responders ought to have the assurance that if they take an experimental drug and they go out there to protect the public, if something is going to happen to them, there will be a compensation fund to compensate them for their health care needs and their immediate needs, if that should turn out to be the case. Nothing more, nothing less. That is essentially what this amendment does.

Mr. President, I see our floor managers here. I am glad to accommodate whatever they would like. I would like to get a yeas and nays vote at some time. I know they have a full program. I ask for the yeas and nays.

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

The yeas and nays were ordered.

Mr. COCHRAN. Mr. President, if the Senator will yield, I am checking with the chairman and ranking member of the Appropriations Subcommittee on Labor, Health and Human Services to

see what the reaction is to the amendment. They are having a hearing as we speak over in the Appropriations Committee. So I feel obliged to get their advice and counsel as to what response ought to be made, if any, to the Senator's amendment. We have no objection to proceeding or to having a vote on the amendment, but the Senate is entitled to know what the reaction might be.

Mr. KENNEDY. That is fine and understandable. I will wait until we hear from the chairman and ranking member. I don't intend to extend the discussion. I think it is pretty understandable. I am glad to wait until the leader lets us know when they want to address it and complete action on it. I will be available.

Mr. COCHRAN. Mr. President, I thank the Senator very much for that indulgence. If there are others who wish to offer amendments, I am prepared to ask unanimous consent to temporarily lay aside the amendment of the Senator from Massachusetts to permit other amendments to be offered. I do ask unanimous consent for that.

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

The Senator from Louisiana.

Ms. LANDRIEU. I would like to offer two amendments and have a moment to speak about two amendments that are germane.

The PRESIDING OFFICER. The Senator is recognized for that purpose.

AMENDMENT NO. 3750

Ms. LANDRIEU. Mr. President, I will bring up for a brief discussion my amendment No. 3750.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Louisiana [Ms. LANDRIEU] proposes an amendment numbered 3750.

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

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

The amendment is as follows:

(Purpose: To direct the Secretary of the Army to develop a comprehensive plan for the deauthorization of deep draft navigation on the Mississippi River Gulf Outlet and address wetland losses and other issues relating to that Outlet)

On page 159, strike lines 1 through 10 and insert the following:

\$7,250,000, to remain available until expended: *Provided*, That the Secretary of the Army, acting through the Chief of Engineers, shall use \$3,500,000 to develop a comprehensive plan, at full Federal expense, that, at a minimum, will deauthorize deep draft navigation on the Mississippi River Gulf Outlet established by Public Law 84-455 (70 Stat. 65, chapter 112) (referred to in this matter as the "Outlet"), extending from the Gulf of Mexico to the Gulf Intracoastal Waterway, and address wetland losses attributable to the Outlet, channel bank erosion, hurricane and storm protection, saltwater intrusion, navigation, ecosystem restoration, and related issues: *Provided further*, That the plan shall

include recommended authorization modifications to the Outlet regarding what, if any, navigation should continue, measures to provide hurricane and storm protection, prevent saltwater intrusion, and re-establish the storm buffering properties and ecological integrity of the wetland damaged by construction and operation of the Outlet, and complement restoration of coastal Louisiana: *Provided further*, That the Secretary shall develop the plan in consultation with the Parish of St. Bernard, Louisiana, the State of Louisiana, the Secretary of the Interior, the Secretary of Commerce, the Administrator of the Environmental Protection Agency, and the National Academy of Sciences: *Provided further*, That the Secretary shall seek input, review, and comment from the public and the scientific community on the plan: *Provided further*, That the Secretary shall ensure that an independent panel of experts established by the National Academy of Sciences reviews and provides written comments on the proposed plan: *Provided further*, That, not later than 1 year after the date of enactment of this Act, the Secretary shall submit an interim report to Congress comprising the plan, the written comments of the independent panel of experts, and the written explanation of the Secretary for any recommendation of the independent panel of experts not adopted in the plan: *Provided further*, That the Secretary shall refine the plan, if necessary, to be fully consistent, integrated, and included in the final technical report to be issued in December 2007 pursuant to the matter under the heading "INVESTIGATIONS" under the heading "CORPS OF ENGINEERS—CIVIL" of title I of the Energy and Water Development Appropriations Act, 2006 (Public Law 109-103, 119 Stat. 2247; Public Law 109-148, 119 Stat. 2814): *Provided further*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 05 (109th Congress), the concurrent resolution on the budget for fiscal year 2006: *Provided further*, That, of the amount made available under this heading, \$3,750,000 shall be available only to the extent that an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement, is transmitted by the President to Congress.

Ms. LANDRIEU. Mr. President, this amendment that I offer tries to move forward a very difficult situation that we are faced with in Louisiana about how to protect not just the New Orleans city proper but the greater metropolitan area and parts of south Louisiana from flooding in the future.

As you know, Mr. President, because you have been gracious enough to be one of the Senators to go walk through the neighborhoods and see the flooding, being a firsthand witness, it wasn't just the hurricanes, Katrina and Rita, but it was the breaking of levee systems. Some of those levees were long industrial canals that served this great port which, together with the South Louisiana Port, is the largest port system in America. Some of these levees were along the lake. Some of them were along what we call the London Avenue Canal.

There was a project that was designed and structured by the Corps of Engineers back in the 1930s and 1940s called the Mississippi River gulf outlet. I think you actually stood on that levee, Mr. President, and looked to see

where that breach occurred. This avenue was thought—at the time we built it and designed it, like so many large civil works projects we have done in this Nation—to be a positive effort to help expand the opportunities for the port for trade and commerce. For a while, it did serve that purpose. But what has happened is that over a decade, it has caused such erosion in the great expanse of marshland that it was placed in—or the marsh was dredged through and created, that it really is causing, according to everyone who has looked at how the flooding occurred in our area, it is causing serious—not only environmental—damage but is now a real threat to life and property.

So there has been an effort underway between port officials, parish officials in St. Bernard, and the business community to try to come up with a way to close the Mississippi River gulf outlet but to do it in a way that protects the parish of St. Bernard primarily and the lower ninth ward, as well as trying to give some period of time for the few businesses that are along the gulf outlet to make arrangements to move.

My amendment would simply provide a de minimis \$3.5 million for the Corps of Engineers to develop a closure plan because the consensus at home is that the Mississippi River gulf outlet, which is demonstrated here on the map, which served at one time as a very important shipping channel—it is significant that shipping has greatly diminished as its threat to the environment has substantially increased. Because we have not had the Federal or State resources to actually protect these marshlands the way we should, this channel has become quite wide, much wider than any of us had anticipated—even the Corps. And the possibilities of flooding have been increased because the channel has been expanded and these marshes have been eroding from many different factors, not just this.

So this very modest \$3.5 million would allow a study—a plan, not really a study, because the studies are completed—and this will become part of our overall protection system for this region. Again, the point is that we are not just building levees to protect southern Louisiana and southern Mississippi and other places. It is a combination of some levees, some coastal restoration, and some smart navigation channel work, or rework, that is integrated—much more of a sophisticated, coordinated approach than in the past.

I offer this amendment by way of explanation to show that the studies have been done. There has been a lot of evaluation of past storms. This will allow the Corps to come up with a plan to close MRGO, provide for shipping and good environmental restoration, and, most importantly, protect St. Bernard Parish and the lower part of ward 9 in Orleans Parish and New Orleans east from flooding in the future.

So that is the amendment.

AMENDMENT NO. 3752

Ms. LANDRIEU. Mr. President, I call up amendment No. 3752.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Louisiana [Ms. LANDRIEU] proposes an amendment numbered 3752.

Ms. LANDRIEU. I ask unanimous consent that further reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To direct the Secretary of Commerce to provide a grant to the Port of New Orleans to mitigate increased costs resulting from the loss of deep draft navigation access to certain facilities at the Port in the aftermath of Hurricane Katrina)

On page 178, after line 21, add the following:

#### ECONOMIC DEVELOPMENT ADMINISTRATION

For an additional amount for the mitigation of increased costs resulting from the loss of deep draft navigation access to certain facilities at the Port of New Orleans in the aftermath of Hurricane Katrina, \$8,500,000, to remain available until September 30, 2007, to be provided by the Secretary of Commerce, acting through the Assistant Secretary for Economic Development, to the Port of New Orleans in the form of a grant: *Provided*, That the Secretary shall administer the grant under this section in accordance with section 209 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3149): *Provided further*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

Ms. LANDRIEU. Mr. President, this amendment is a 1-year grant of \$8.5 million to the Port of New Orleans to mitigate the increased costs resulting from the loss of deep-draft navigation access to certain facilities and ports. This is part B of this amendment. We worked to create a plan to close this from large deep-draft vessels. They still have access, obviously, through the inner harbor canal lock through the GIWW. We still have to find a way to help offset some of the costs to some of these companies that are located here as a transitional plan, so that we can make these arrangements that the Corps is recommending for safety of the port facilities and the people around it. That is basically what amendment No. 3752 will accomplish.

As I have said before, this was created back many decades ago when we didn't realize the environmental impact. It has caused not just problems from Katrina and Rita, but it prompted a great deal of flooding back in 1965 with Hurricane Betsy, one of the worst in this region, well before Katrina and Rita. So we have known for a long time that this had to be done.

With these two amendments, I believe the port can have some money for the transition, the Corps can get the plans done to ready the closure, and we will be well on our way to protecting a

great number of people at a minimal expense to the Federal Government or to the local and State governments and having a great benefit for shipping, the environment, and the community that lives along this industrial channel.

I thank the chairman for the time to discuss the amendments. We will follow his direction as to when these amendments come up for a vote. I yield back my time.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, to respond to the Senator's comments, in looking at the list of amendments that are not germane, these two amendments appear to be not germane postclosure and therefore not in order. We are checking to see what the reaction is from the authorizing committee. What that would amount to is this is an authorization that has not been approved. The language amounts to an authorization of a water project that has not been approved by the committee that has legislative jurisdiction over the issues. So we are awaiting a response and a reaction from the legislative committee to the amendments.

I suggest we move on to other amendments that may be in order. The Kennedy amendment was temporarily laid aside so the Senator could discuss her two amendments. Having done so, I think we can return to the Kennedy amendment and then let the Senate work its will on that amendment. The Senator from Massachusetts has asked for the yeas and nays on his amendment, and we could proceed to a vote.

We were trying to get a reaction from the chairman of the appropriations subcommittee having jurisdiction over the pandemic influenza vaccine issue, the Labor, Health and Human Services Appropriations subcommittee. They are having a hearing right now and we haven't had a response to our inquiry about the reaction. We also think the leaders are entitled to notice that this could be subject to a recorded vote to get the reaction as to whether this is the time to do that or if they are available to discuss it, if the leader wants to discuss the issue. So awaiting those advices, I suggest the absence of a quorum.

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

The legislative clerk proceeded to call the roll.

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

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

Mr. COCHRAN. Mr. President, I understand that two other amendments have now been cleared for the consideration of the Senate.

#### AMENDMENT NO. 3713, AS MODIFIED

Mr. COCHRAN. Mr. President, I ask unanimous consent to call up amendment No. 3713.

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

The amendment is pending.

Mr. COCHRAN. Mr. President, this is an amendment that was offered last evening by the distinguished Senator from North Carolina, Mr. BURR. As I say, it has been cleared on both sides. I ask unanimous consent the amendment be modified with the modifications at the desk.

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

The amendment, as modified, is as follows:

On page 238, line 23, strike "Control and Prevention, and" and insert "Control and Prevention, \$5,000,000 shall be for the Smithsonian Institution to carry out domestic disease surveillance, and".

The PRESIDING OFFICER. Is there further debate on the amendment, as modified? If not, the question is on agreeing to the amendment, as modified.

The amendment (No. 3713), as modified, was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. COCHRAN. Mr. President, I now advise that we can call up an amendment of Senator KENNEDY regarding democracy in Iraq.

#### AMENDMENT NO. 3686, AS MODIFIED

Mr. COCHRAN. Mr. President, I call up amendment No. 3686, on behalf of Senator KENNEDY and others, regarding democracy in Iraq.

The PRESIDING OFFICER. Without objection, the pending amendments are set aside.

The clerk will report.

The legislative clerk read as follows:

The Senator from Mississippi [Mr. COCHRAN], for Mr. KENNEDY, for himself, Mr. BIDEN, and Mr. LEAHY, proposes an amendment numbered 3686.

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

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

The amendment is as follows:

On page 126, between lines 12 and 13, insert the following:

#### UNITED STATES STRATEGY TO PROMOTE DEMOCRACY IN IRAQ

SEC. 1406. (a) Of the funds provided in this chapter for the Economic Support Fund, not less than \$96,000,000 should be made available through the Bureau of Democracy, Human Rights, and Labor of the Department of State, in coordination with the United States Agency for International Development where appropriate, to United States nongovernmental organizations for the purpose of supporting broad-based democracy assistance programs in Iraq that promote the long term development of civil society, political parties, election processes, and parliament in that country.

(b) The President shall include in each report submitted to Congress under the United States Policy in Iraq Act (section 1227 of Public Law 109-163; 50 U.S.C. 1541 note; 119 Stat. 3465) a report on the extent to which funds appropriated in this Act support a short-term and long-term strategy to pro-

mote and develop democracy in Iraq. The report shall include the following:

(1) A description of the objectives of the Secretary of State to promote and develop democracy at the national, regional, and provincial levels in Iraq, including development of civil society, political parties, and government institutions.

(2) The strategy to achieve such objectives.

(3) The schedule to achieve such objectives.

(4) The progress made toward achieving such objectives.

(5) The principal official within the United States Government responsible for coordinating and implementing democracy funding for Iraq.

Mr. COCHRAN. Mr. President, I send a modification to the desk.

The PRESIDING OFFICER. Is there objection to the modification?

Without objection, the amendment is so modified.

The amendment (No. 3686), as modified, is as follows:

On page 126, between lines 12 and 13, insert the following:

#### DEMOCRACY IN IRAQ

SEC. 1406. (a) Of the funds provided in this chapter for the Economic Support Fund, not less than \$104,500,000 should be made available through the Bureau of Democracy, Human Rights, and Labor of the Department of State, in coordination with the United States Agency for International Development where appropriate, to United States nongovernmental organizations for the purpose of supporting democracy assistance programs in Iraq that promote the long term development of civil society, political parties, election processes, the rule of law, reconciliation activities, and parliament in that country: *Provided*, That the Secretary of State shall consult with the Committees on Appropriations prior to the initial obligation of funds made available under this section on the uses of such funds: *Provided further*, That of the funds made available under this heading, up to \$8,500,000 should be made available for the United States Institute of Peace for programs in Iraq and Afghanistan.

(b) The President shall include in each report submitted to Congress under the United States Policy in Iraq Act (section 1227 of Public Law 109-163; 50 U.S.C. 1541 note; 119 Stat. 3465) a report on the extent to which funds appropriated in this Act support a short-term and long-term strategy to promote and develop democracy in Iraq, including:

(1) A description of the objectives of the Secretary of State to promote and develop democracy at the national, regional, and provincial levels in Iraq, including development of civil society, political parties, and government institutions.

(2) The schedule to achieve such objectives.

(3) The progress made toward achieving such objectives.

(4) The principal official within the United States Government responsible for coordinating and implementing democracy funding for Iraq.

Mr. KENNEDY. Mr. President, as the senior Senator from Kentucky knows, the Kennedy-Biden-Leahy amendment sets aside \$104.5 million in economic support funds in the supplemental for U.S. nongovernmental organizations for democracy building programs that promote the long-term development of civil society, political parties, election processes, the rule of law, reconciliation activities, and parliament in Iraq.

Currently, there are six nongovernmental organizations doing excellent democracy work in Iraq under extremely difficult and dangerous conditions. Our expectation is that \$96 million of the funds in our amendment would be allocated among the six organizations in the following way to continue their work in Iraq:

IFES would receive \$20 million. The International Research and Exchanges Board would receive \$6 million. The National Endowment for Democracy would receive \$10 million. The America's Development Foundation would receive \$16 million.

The National Democratic Institute and the International Republican Institute would each receive \$22 million. These funds would be in addition to the \$15 million that the administration has requested for these activities in fiscal year 07.

In each case, the additional funds are intended to be used by the organizations over the next 18 months to continue their current operations. I understand that each organization will need to submit a proposal to justify the use of funds before they can be made available.

Does the Senator from Kentucky agree with this allocation of funds?

Mr. MCCONNELL. Yes, I do.

Mr. KENNEDY. Does the Senator from Vermont agree with this allocation of funds?

Mr. LEAHY. Yes, I do. And I would add that the amendment also provides that up to \$8.5 million should be made available to support the activities of the United States Institute of Peace in Iraq.

Mr. KENNEDY. Mr. President, I thank the senior Senator from Kentucky, Mr. MCCONNELL, and the Senator from Vermont for their assistance on this amendment.

The amendment provides \$104.5 million for American nongovernmental organizations helping Iraqis to create the essential building blocks of democracy. It is cosponsored by Senators BIDEN and LEAHY.

Last year, Iraq passed several important milestones on the long road to democracy. However, as important as the two elections and the referendum on the constitution were, they were not decisive, and it is far from clear that democracy is being firmly established in Iraq.

The process of building democratic institutions is different and requires patience in developing effective governmental structures, a genuine rule of law, political parties committed to peaceful means, an active civil society, and a free press. Constructive international engagement is essential as well in the case of Iraq. For a country as heavily repressed as long as Iraq, democracy will take even longer to take root.

It is far from clear, however, that the Bush administration has a long-term strategy—or even a short-term strategy—to solidify and continue the

democratic gains that have been made so far.

American nongovernmental organizations such as the National Democratic Institute, the International Republican Institute, the National Endowment for Democracy, IFES, formerly known as the International Foundation for Election Systems, the International Research and Exchanges Board and America's Development Foundation are well respected in Iraq and throughout the world. Each has substantial operations in Iraq, and their work is essential to the administration's goal of building a stable democracy in Iraq.

Yet despite their success so far in helping to promote democracy and the enormous risks their employees take by working in the war zone, the administration has made no long-term commitment to provide funding for their work in Iraq. Each organization operates on pins and needles, never knowing when their funding for Iraq operations will dry up.

The American nongovernmental organization IFES has been in Iraq since October 2003. It has provided technical assistance in each of Iraq's elections so far, and it has been asked to provide such assistance for regional and provincial elections scheduled for April 2007.

It is also preparing for a possible second referendum on the constitution, and is assisting as well in the enactment and implementation of legislation governing the operations of a new election council for local elections.

Inexplicably, funding will run out in June, and the administration has not yet committed any additional funds. None of the funds in this supplemental spending bill are set aside for it, and none of the meager \$63 million requested in the fiscal year 2007 budget for democracy-building is intended for IFES either. Our amendment would provide \$20 million to sustain its democracy work in Iraq for the next 18 months, through the end of fiscal year 2007.

An independent media is also essential to a successful democracy. A U.S. nongovernmental organization, the International Research and Exchanges Board—IREX is working in Iraq to see that the Iraqi people have independent, professional, high quality news and public affairs information. To create an environment in which a free press can flourish, it is also seeking to establish a legal, regulatory, and policy environment that supports independent media.

IREX's funding for these important programs is also running out, and it will be forced to close its operations this summer, which would pull the rug out from under many struggling new press organizations in Iraq. Our amendment would provide \$6 million to sustain IREX's democracy work in Iraq for the next 18 months.

In addition, the nongovernmental organization America's Development Foundation provides essential aid to

support and sustain civil society in Iraq. ADF and its partner civil society organizations in Iraq have provided training and assistance to thousands of Iraqi government officials at the national, regional, and local level on issues such as anticorruption, transparency, accountability, fiscal responsibility, whistleblower protection, and the development of nongovernmental organizations.

ADF wants to continue its work, but its funding will end in June. USAID supports this work and has a contract pending, but it doesn't have the resources to fulfill it. Our amendment provides \$16 million to sustain its work over the next 18 months. Similarly, the National Endowment for Democracy has no clear sense of what the future holds for them in Iraq.

Two of the endowment's core grantees—the Center for International Private Enterprise and the Labor Solidarity Center in Iraq—have important democracy promotion functions.

Since opening a regional office in Baghdad in October 2003, the Center for International Private Enterprise has worked to build capacity for market oriented democratic reform in Iraq. It has provided training and grant support to approximately 22 Iraqi business associations and chambers of commerce.

The Labor Solidarity Center works directly with Iraqi trade unions to develop skills in strengthening independent and democratic trade unions.

In addition, the endowment partners with 32 local organizations on the ground in Iraq to promote and sustain civil society projects on political development, raising awareness of women's rights, and encouraging the free flow of information to Iraqi citizens.

The endowment wants to continue working directly with the Iraqi people and be able to guarantee continuity in its democracy grants to Iraqi organizations. But no funding is set aside in this bill or in the fiscal year 2007 budget for its programs.

Our amendment provides \$10 million to sustain the democracy programs of the Center for International Private Enterprise, the Labor Solidarity Center, and the Endowment for Democracy's local partners for 18 months. Similarly, the International Republican Institute and the National Democratic Institute—are doing truly impressive work in Iraq under extraordinarily difficult circumstances.

The International Republican Institute programs in Iraq have focused on three principal goals: development of an issue-based political party system; establishment of the foundation for a more transparent and responsive government; and the emergence of an active and politically involved civil society.

The National Democratic Institute supports a number of democracy programs in Iraq as well, with emphasis on political parties, governance, civil society and women's rights. It has four offices in Iraq to promote these essential



building blocks of strong democracy, and it works directly with Iraqi partners and hundreds of local civic organization.

Both IRI and NDI want to continue to build these essential links between the government and political parties, in order to enable the government become more responsive and effective in addressing the needs of Iraq's people.

Despite the impressive contribution of these two Institutes to democracy in Iraq, neither is guaranteed steady future funding for its programs. The administration's budget provides only \$7.5 million for each Institute—enough for just 2 months of operating expenses. Our amendment provides an additional \$22 million for each institute's essential democracy programs in Iraq for the next 18 months.

The amendment also provides \$8.5 million for the U.S. Institute of Peace for its important work to promote reconciliation.

This amendment has broad support in the democracy community, and I ask unanimous consent to print letters supporting it in the RECORD at the end of my remarks.

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

(see exhibit 1.)

Mr. KENNEDY. Thousands of Iraqis are working hard, often at great risk to themselves, to develop civic groups, participate in political parties and election, and run for and serve in political office. The dramatic pictures of Iraqis waving their purple fingers after voting in past elections remind us of the enormous stakes.

Progress to avoid civil war and defeat the insurgency is directly related to progress on democracy-building, and ongoing work on this all-important issue must be a top priority.

We must be clear in our commitment to stand by these organizations that are working on the front lines in the struggle for democracy in Iraq every day. We also need to demonstrate to Iraqis and others that we are committed to Iraq's long-term democratic development. We need a long-term plan and a long-term strategy that is backed by appropriate resources.

President Bush has called for patience in Iraq. He should heed his own advice. He can't speak about having patience for democracy in Iraq, and then cut funding for the groups that are assisting so capably in its development.

Our financial commitment to the organizations at the forefront of the democracy effort must be strong and unambiguous. By failing to guarantee continuity for their programs, we send a confusing signal that can only be harmful for this very important effort.

We are now spending more than \$1 billion a week for military operations for the war in Iraq. At this rate, it would take the military less than one day to spend the \$104.5 million provided in this amendment for democracy promotion. Surely, we can commit this level of funding for democracy programs over the next 18 months.

Regardless of whether we supported or opposed the war, we all agree that the work of building democracy requires patience, skill, guaranteed continuity, and adequate resources.

It makes no sense to shortchange Iraq's political development. We need a long-term political strategy, and we must back up that strategy with the needed resources, if we truly hope to achieve a stable, peaceful and democratic Iraq.

Our amendment provides the resources necessary to ensure continuity in these democracy programs in Iraq. I thank Senators MCCONNELL and LEAHY for their hard work on this provision, and I am delighted that it will become part of this legislation.

NATIONAL ENDOWMENT FOR DEMOCRACY,  
Washington, DC, April 24, 2006.

Hon. TED KENNEDY,  
Russell Senate Office Building,  
Washington, DC.

DEAR SENATOR KENNEDY: On behalf of the Board of Directors of the National Endowment for Democracy, we are writing to thank you for your commitment to creating a viable and sustainable democracy in Iraq.

As you know, the National Endowment for Democracy received the first of several awards from the Department of State in February 2004 to support programs carried out by our four core institutes, the International Republican Institute (IRI), the National Democratic Institute (NDI), the Center for International Private Enterprise (CIPE), and the Solidarity Center. In addition, NED directly funds local Iraqi groups focusing on the promotion of women in the democratic process, strengthening an independent media, and increasing youth participation in the political process. After our September 2006 Board meeting, NED will not be able to maintain its current program in Iraq without renewed funding.

Should funding for democracy programs in Iraq be available for the remainder of Fiscal Year 2006 and into Fiscal Year 2007, the Endowment will facilitate the development of a nationwide coalition of local groups that crosses geographic, ethnic and confessional lines, which will advocate for political tolerance, accountable governance, rule of law and rational use of national resources. Also, NED will continue to fund CIPE, which has a developed network of over 40 business associations and chambers of commerce. CIPE's program will support Iraqis in building a platform for moderate and market-oriented approaches in Iraq's political process. Further, NED will provide funding to the Solidarity Center to support local Iraqi trade unions in developing policy platforms and advocating for labor legislation, and working with the Iraqi oil unions to develop their capacity to be a force for promoting transparency, anti-corruption, and the rule of law in Iraq's largest economic sector.

The Endowment is committed to supporting the Iraqi people in developing a democratic culture and creating institutions that will promote individual rights and freedoms. This will be a long-term endeavor, and we thank you for your continuing support and dedication on this important issue.

Sincerely,

VIN WEBER,  
Chairman of the Board  
RICHARD A. GEPHARDT,  
Vice-Chair of the Board.

NATIONAL DEMOCRATIC INSTITUTE,  
Washington, DC, April 25, 2006.

Hon. EDWARD KENNEDY,  
U.S. Senate,  
Washington, DC.

DEAR SENATOR KENNEDY: I am writing to express our deep appreciation for your commitment to long-term democracy building efforts in Iraq. Your leadership in this issue has allowed non-profit organizations such as NDI to continue to help courageous Iraqis struggling for a more democratic and open society. The long-term success of America's efforts in Iraq will ultimately rest on our ability to empower these Iraqis to overcome a long history of isolation, dictatorial rule, and ethnic division.

With the support of Congress, the National Endowment for Democracy, USAID, and the Department of State's Bureau for Democracy, Human Rights, and Labor, NDI has, since 2003, developed a sizeable program that works to strengthen civil society, political parties, governing-institutions, and women's political participation and leadership. With seven offices throughout the country, NDI employs more than 200 Iraqi program staff and 30 full-time international staff from Canada, Ecuador, Egypt, France, Serbia and the United States. An additional 30 practitioners from the U.S. Canada, Eritrea, the Netherlands, Spain, and the United Kingdom have regularly visited Iraq to share expertise with their Iraqi counterparts.

NDI's program works directly with Iraqis almost exclusively outside the Green Zone to build the critical linkages between Iraqi citizens and government that are necessary for long-term legitimacy of, and participation in the country's new democratic system. The Institute has trained more than 6,000 political party and 3,000 women activists, provided best international practices on issues such as federalism and human rights to key Iraqi decision-makers and the Constitutional Drafting Committee, and helped more than 150 nascent NGOs deploy more than 30,000 election monitors for the two national elections and constitutional referendum. Many of the same NGOs have, with NDI support, led town hall meetings for more than 300,000 Iraqis on the new constitution and the workings of the parliament.

Building democratic institutions and processes, beyond elections is a long-term proposition. In parts of Eastern Europe alone, the United States, through organizations such as NDI, continues to be engaged after the region's initial transition 16 years ago. Iraq will likely require an even longer international engagement. With the recent election of the first parliament under a new constitution, the real work in Iraq is just beginning. And, NDI remains committed to the long-term democracy programs needed to meet this challenge.

Such a sustained commitment would not be possible without continued U.S. government support; and the leadership and vision that you and your colleagues have shown for ongoing democracy promotion efforts is greatly appreciated by NDI and other organizations involved in Iraq.

With best regards.

Sincerely,

KENNETH WOLLACK,  
President.

INTERNATIONAL RESEARCH  
AND EXCHANGES BOARD,  
Washington, DC, April 20, 2006.

Hon. EDWARD KENNEDY,  
U.S. Senate,  
Washington, DC.

DEAR SENATOR KENNEDY: I am writing to thank you for your strong support for democracy assistance in Iraq and your efforts to ensure that this support from the United

States continues. IREX, a non-profit organization dedicated to education, civil society, and media, has been working to support Iraq's nascent independent media sector as part of a USAID civil society project—the Iraqi Civil Society and Independent Media Program.

We strongly believe that a vibrant and professional independent media sector is crucial to a stable and democratic Iraq. Capable Iraqi individuals and organizations are working with U.S. support and risking their lives for the sake of media freedom, but much work remains to be done. However, our work is slated to end on June 30, 2006 due to lack of funding for democracy initiatives. Key media initiatives and successes supported by the U.S. Government that face closure with an end of U.S. assistance, include:

The National Iraqi News Agency ([www.ninanews.com](http://www.ninanews.com)), the first independent commercial news agency in the Arab World. After only 7 months, approximately 1500 NINA stories are carried by more than 50 Iraqi media outlets each month. NINA sets a standard of professionalism for the media sector and has survived the effects of two bombings yet carried on its work unimpeded.

Iraqis for Public Broadcasting is a group of dedicated civil society and media professionals who have served as a public watchdog to fight government and political interference in the Iraqi Media Network. The group has developed a new public broadcasting law that could help develop IMN into the Arab world's first independent public broadcaster.

The Iraqi Media Network, meant to be the public broadcaster for Iraq, has been beset by attempts at political control of its news and public affairs programming. IREX is one of the few organizations that has been able to work inside IMN with its journalism staff, assisting in development of programming on the elections and the constitution, providing citizens a forum for debate. IREX is currently advising IMN on two new programs that will link the different regions of Iraq as a contribution to building a sense of a democratic Iraqi identity spanning ethnic and religious divides.

Training and support for journalists and media outlets throughout Iraq will end. The program has provided training to Kurds, Sunnis, Shias, in many cases bringing the groups together. Women have been a key target for the trainings.

We welcome and commend your ongoing commitment to democracy assistance for Iraq, not only independent media development, but also in other key components of democratic development such as civil society, elections, political processes, and labor and business development.

Sincerely,

MARK POMAR,  
*President.*

IFES,  
*Washington, DC, April 13, 2006.*

Hon. EDWARD KENNEDY,  
*U.S. Senate,*  
*Washington, DC.*

DEAR SENATOR KENNEDY: On behalf of IFES and our experts working on election related projects in Iraq, I am writing to thank you for the thought and attention you have devoted to sustaining a steady stream of funding for critical democracy promotion activities in Iraq. As a non-profit organization with an active presence in Iraq, we greatly appreciate your efforts to highlight the democratic needs of the Iraqi people for lawmakers and policymakers alike.

As you know, IFES has been involved with the democratization process in Iraq since October 2003 when we first conducted an assessment of the political situation followed by

the development of electoral scenarios and cost models for Coalition Provisional Authority. Since September of 2004, IFES has provided technical assistance to the Independent Election Commission of Iraq (IECI), while at the same time providing significant technical and material support for the conduct of three electoral processes in the country as part of the UN-led International Election Technical Assistance Team (TEAT).

Helping democratic institutions find the strength and creativity to work in hostile political environments is one of the most difficult tasks in democracy assistance, but it is a task with which we have experience and through which we have achieved notable successes. Going forward, Iraqi election organizers face a number of challenges surrounding the creation of a new and permanent election management body by the Council of Representatives, the design and implementation of a new voter registration system, conduct of local elections in April 2007, and post-election support for possible referenda on the constitution and regional issues. Our work in Iraq, which has merely begun, has given us a unique, firsthand perspective on the post-invasion political and electoral transition in Iraq. It is our strong view that there has never been a more critical time to sustain and strengthen Iraq's democratic process. Continued support for our work after July 1, 2006, when IFES' current programming is set to end, will help to ensure the future of a fair and transparent electoral process in Iraq.

Your commitment and engagement on this matter is timely and essential and we commend you for your sustained vision and focus to promote not only our work, but that of other key democracy promotion organizations.

Sincerely,

RICHARD SOUDRIETTE,  
*President and CEO, IFES.*

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

Hearing none, the question is on agreeing to the amendment, as modified.

The amendment (No. 3686), as modified, was agreed to.

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

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

The motion to lay on the table was agreed to.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

#### AMENDMENT NO. 3688, AS MODIFIED

Mr. KENNEDY. I understand there is an understanding that we vote at noon-time and I have 1 minute remaining.

Mr. COCHRAN. Mr. President, the Senator is correct. It is the intention the pending amendment be set aside so we can consider Kennedy amendment No. 3688, as modified, upon which the yeas and nays have been ordered. I ask unanimous consent that the Senator from Massachusetts be recognized until the hour of 12 o'clock, at which time we will have a vote.

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

Mr. KENNEDY. In the 45 seconds remaining, I indicate to the Members of the Senate this amendment has the complete support of all the public health officials and departments virtually across the country; the public health community virtually universally appreciates and understands the importance of this program. It does also have the complete support of the first responders. If we want to do something that is going to help to protect our first responders, in public health emergencies and with the dangers of a pandemic, this is an amendment to do so.

I thank the Chair.

The PRESIDING OFFICER. The Senator yields the floor. The question is on agreeing to amendment No. 3688, as modified, on which the yeas and nays were previously ordered.

The clerk will call the roll.

The legislative clerk called the roll.

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

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

The result was announced—yeas 53, nays 46, as follows:

[Rollcall Vote No. 107 Leg.]

#### YEAS—53

Akaka	Durbin	Mikulski
Baucus	Feingold	Murray
Bayh	Feinstein	Nelson (FL)
Biden	Harkin	Obama
Bingaman	Hatch	Pryor
Boxer	Inouye	Reed
Byrd	Jeffords	Reid
Cantwell	Johnson	Roberts
Carper	Kennedy	Salazar
Chafee	Kerry	Sarbanes
Clinton	Kohl	Schumer
Coleman	Landrieu	Smith
Collins	Lautenberg	Snowe
Conrad	Leahy	Specter
Dayton	Levin	Stabenow
DeWine	Lieberman	Talent
Dodd	Lincoln	Wyden
Dorgan	Menendez	

#### NAYS—46

Alexander	Dole	McCain
Allard	Domenici	McConnell
Allen	Ensign	Murkowski
Bennett	Enzi	Nelson (NE)
Bond	Frist	Santorum
Brownback	Graham	Sessions
Bunning	Grassley	Shelby
Burns	Gregg	Stevens
Burr	Hagel	Sununu
Chambliss	Hutchison	Thomas
Coburn	Inhofe	Thune
Cochran	Isakson	Vitter
Cornyn	Kyl	Voinovich
Craig	Lott	Warner
Crapo	Lugar	
DeMint	Martinez	

#### NOT VOTING—1

Rockefeller

The amendment (No. 3688), as modified, was agreed to.

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

#### AMENDMENT NO. 3717

Mr. BIDEN. Madam President, I ask unanimous consent to set aside the pending amendment and call up amendment No. 3717.

The PRESIDING OFFICER. Is there objection?

Mr. COCHRAN. Madam President, reserving the right to object, I do so only for the purpose of checking to be sure that this is an amendment that has not been made out of order because of the invocation of cloture by the Senate.

Mr. BIDEN. Madam President, if I can respond to my colleague, I have been told that the amendment is germane under cloture.

Mr. KENNEDY. Madam President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Although it does not appear on our list at the desk, after a review, it appears to be germane.

Mr. BIDEN. Madam President, I say to my friend from Mississippi, I do not plan on speaking to it now. I was instructed to get it in line. I will be back to speak to it. It relates to permanent bases in Iraq and calls for no permanent bases in Iraq.

As the Chair says, it is germane, but I do not intend to call it up right now.

Mr. COCHRAN. Madam President, continuing to reserve the right to object, it is my understanding this amounts to legislation and may be subject to a point of order. For that reason, authorization of basing on a permanent basis in a foreign country—it is not an appropriation of funds, as I understand it. It is strictly legislation and may very well be subject to a point of order.

The PRESIDING OFFICER. It is the Chair's understanding it is a limitation on the use of funds, which is not legislative.

Mr. COCHRAN. I withdraw my reservation.

Mr. BIDEN. I thank the Chair. I assume unanimous consent was granted.

The PRESIDING OFFICER. Will the Senator suspend for just a moment while we sort out the technical issues?

Mr. BIDEN. I apologize. I have been misinformed. I must call up, first, amendment No. 3717, and second degree that amendment with amendment No. 3855. That is my unanimous consent request.

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

Mr. BIDEN. I thank my friend from Mississippi.

I yield the floor.  
The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:  
The Senator from Delaware [Mr. BIDEN] proposes an amendment numbered 3717.

The amendment is as follows:  
(Purpose: To provide that none of the funds made available by title I of this Act may be made available to establish permanent military bases in Iraq or to exercise control over the oil infrastructure or oil resources of Iraq)

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

PROHIBITION ON USE OF FUNDS FOR CERTAIN PURPOSES IN IRAQ

SEC. 7032. None of the funds made available by title I of this Act may be made available

to establish permanent military bases in Iraq or to exercise control over the oil infrastructure or oil resources of Iraq.

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

The PRESIDING OFFICER. The clerk will call the roll.

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

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

AMENDMENT NO. 3855 TO AMENDMENT NO. 3717

The PRESIDING OFFICER. The clerk will report the second-degree Biden amendment.

The legislative clerk read as follows:

The Senator from Delaware [Mr. BIDEN] proposes an amendment numbered 3855 to amendment No. 3717.

The amendment is as follows:

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

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

PROHIBITION ON USE OF FUNDS FOR CERTAIN PURPOSES IN IRAQ

SEC. 7032. None of the funds made available by title I of this Act may be made available to establish permanent United States military bases in Iraq, or to exercise United States control over the oil infrastructure or oil resources of Iraq.

The PRESIDING OFFICER. The Democratic leader.

HOUSE ETHICS REFORM

Mr. REID. Madam President, at the beginning of this year, we found a situation in Washington that was very uncomfortable. The Chair will recall, as all members recall, the majority leader in the House of Representatives had been convicted, within a period of a year, of three ethics violations. He was under indictment. For the first time in 135 years, someone in the White House was indicted. The person in charge of contracting, Mr. Safavian, was led away literally in handcuffs as a result of his sweetheart deals with many people, including the infamous Jack Abramoff.

We had many stories written about the K Street Project: If you were a trade association or a business that wanted to hire a Democrat, you had to get clearance from the K Street leaders. It was a situation that was very uncomfortable for everyone, as it should have been.

The culmination of all of this was learning Duke Cunningham had taken more than \$2 million in bribes.

I try today to express my opposition and grave disappointment of the lobbying and ethics reform bill that the House of Representatives is expected to pass today. This is a bill pushed by the Republican leadership in the House. It is simply not much of anything. This House reform legislation is another example of the Orwellian world in which my friends in the majority live, I am sorry to say, starting with the President himself. Whatever he says, believe just the opposite.

The Clear Skies bill led to more pollution. The Healthy Forests Initiative,

clear-cutting the forests, is damaging our forests. The No Child Left Behind Act has left millions of children behind. The Budget Deficit Reduction Act increases the deficit. And now they are lobbying the Accountability and Transparency Act, which has the potential to wipe transparency out of the political process.

House Republicans have completely abandoned the idea of reforming Washington. Instead, like a wolf in sheep's clothing, they are using the cover of the word "reform" to advance blatant partisan changes to campaign finance laws, changes that will hurt Democrats and help Republican candidates in the coming elections.

Their approach to reform stands in sharp contrast to what we did on a bipartisan basis. About a month ago, Republicans joined Democrats to pass a lobbying reform bill, an ethics reform bill, the Honest Government and Open Leadership Act. It was passed by a large margin. The bill was based largely on a bill Democrats introduced the first week of the session. The legislation the Senate passed was not as good as the Democratic bill standing alone, but it was an improvement, a tremendous improvement over the status quo and imposed needed reforms so that Government serves the people, not the special interests. It was the most significant change in lobbying ethics in this country in a quarter of a century.

Unfortunately, the bipartisan commitment to reform we had in the Senate has been completely abandoned in the House. Instead of passing a substantive smart and tough bill as we did in the Senate, the House Republicans have ignored the wishes of millions of Americans, gutted all lobbying ethics reform from their legislation, and instead filled it with partisan campaign finance measures that are intended to help them in the coming election.

Essentially, they have opened the floodgates so they can pour money into Republican campaigns. The McCain-Feingold legislation that passed Congress and was signed by the President was important. It took away from campaigns corporate money, soft money. It was a reform measure that improved the political process in a significant way.

And this McCain-Feingold legislation, if the House measure is allowed to become law, will have been corrupted. It seems House Republicans do not believe they can convince the American people to send them back to Washington if they play by the rules. So like their old leader, TOM DELAY, they are seeking to change the rules in the middle of the game. They are seeking to change the rules to influence the fall election.

Here is an example. The House bill aims to disable so-called 527 groups. These are groups that operate independently and apart from the parties and bring more people into the political process. They fund get-out-the-vote activities and help register voters, among other things.

Notably, the House bill would not shut down spending by all independent groups but only certain independent groups. No, the House would leave Republican-leaning 501(c)(6) trade associations free to raise and spend money, soft money, corporate money, money over and above McCain-Feingold spending limits. That is what this is about.

These trade associations, such as Americans For Job Security, spend millions of dollars in ads to help elect Republican candidates. Nearly every Republican Member of the Senate elected last cycle will benefit by ads run by this group. Those ads were funded with soft money.

If the people who want to change the present campaign financing laws want to do it, let's do it the right way: take a look at everything, not just take out of the blue certain things they may not like such as the 527s.

What about these 501(c)(6) organizations? You will not find trade associations, though, mentioned in their bill, in the House bill. That makes no sense. We know less about these Republican groups than we do of 527 organizations. That is because 527s are required to disclose donors and how they spend that money. There is no such requirement for these trade associations.

Here is another even more significant example of the tricks House Republicans are playing. The House bill repeals the critical limits on national party giving to individual campaigns. Right now, the Republican National Committee may only direct a limited amount of funding to individual congressional and Presidential campaigns according to a specified formula that is in the McCain-Feingold law. The House would do away with these limits.

What would that mean? It would mean, instead of the limited amount of money that is available now, thousands—hundreds of thousands—of dollars could be given. It would mean that the Republican National Committee could give unlimited amounts to candidates in this cycle and to Presidential candidates in 2008. What we did in McCain-Feingold improved the system. Now, if the RNC can give unlimited amounts to candidates in this cycle and Presidential candidates in 2008, that is no small matter when you consider the RNC has roughly \$40 million on hand right now.

This provision made its way into an amendment filed by Senator MCCAIN on lobbying reform we did in this body, an amendment which would weaken that bill associated with his name. On his behalf, I say he did the right thing: He never offered the amendment, never called up the amendment, and the Senate bill remained clean of such rollbacks.

Democrats and Republicans alike have supported these restrictions because they are critical to protecting our political process from corruption in fact and in appearance. The authors of the last major reform bill—Senators MCCAIN and FEINGOLD—in an amicus

brief with the court involving these limits called them “essential . . . to maintain the public's confidence in the integrity of our political system” and “indispensable to any [campaign finance] regulatory program.” That is what they said.

Without such limits, the Senators argued that “the public's faith and participation in the political process will continue to decline.” That also is another quote. Such expenditures, they argued “create at least the perception that those who donate large sums to political parties . . . may enjoy positions of ‘improper influence.’”

These were wise words by Senators MCCAIN and FEINGOLD. I think we all should live by them.

In the wake of Abramoff, DELAY, and Cunningham, Americans are looking for us to change course. The House bill will keep us headed in the wrong direction. For that reason, Democrats will stand opposed.

If there is going to be an attempt to do campaign finance reform above and beyond what was done with McCain-Feingold, then let's do it. Let's have committee hearings. Let's have a bill reported to the Senate and have a fair debate on what we need to do to clean this up, not just take one particular aspect of it. The Congress must not ignore the American people's desire to do a better job in ethics here in Washington.

In January, when Americans across the country were crying for reform, we took the lead and fundamentally changed the debate on ethics and lobbying reform. I think it is commendable—as I have said here on the floor on a number of occasions, Madam President—I think it is commendable that we were able to pass this lobbying reform bill on a bipartisan basis. Thanks to our work, on a bipartisan basis, we passed some significant reforms that will ensure the Government of the people focuses on the needs of the people.

It would be unfortunate to see these efforts sabotaged and ultimately fail because the House majority has backed away from real reform and instead has decided that this legislation should be a vehicle to advance a partisan campaign finance agenda. If the trial of TOM DELAY and prison terms for Jack Abramoff and Duke Cunningham do not convince the Republican Party to clean up its act, Americans should begin to wonder what will.

Mr. MCCONNELL. Madam President, will the Senator yield for a question?

Mr. REID. I would be happy to.

Mr. MCCONNELL. I would like to ask my good friend, the Democratic leader, if his concern here is that the House bill overruled what we call the Colorado II decision in the Supreme Court, which basically would allow political parties which are now restricted to raising 100 percent hard money to spend in coordination with the campaigns whatever they choose to spend. Is that the complaint I hear from my good friend, the Democratic leader?

Mr. REID. Madam President, I apologize, through the Chair, to my friend. I do not know what Colorado II is. Is that what you said?

Mr. MCCONNELL. What the Supreme Court held in Colorado II was that the prohibition on parties spending above what we call the coordinated amount remained intact and that parties could spend whatever they wanted to as independent expenditures, meaning they could not consult with the campaigns.

I was listening to my good friend, the Democratic leader, and I understand he was decrying a provision in the House bill that, in effect, overturned that Supreme Court decision and allowed the parties to spend, in coordination with their campaigns, money beyond what is called the coordinated. And the Senator from Nevada was suggesting that was somehow, I gather, corrupting the process, if that money, which could now be spent independently of the campaigns, was spent in coordination with the campaigns.

Did I understand correctly?

Mr. REID. Madam President, through the Chair to my friend, the senior Senator from Kentucky, your explanation of asking me a question points out my problem with what the House is doing. I believe what we need is to have reform legislation in the House comparable to what we did here in the Senate. I think there are a number of us who would like to have gone further than what we did, but I would be satisfied with that. But for the House to call this lobbying and ethics reform is wrong. What they have tried to do is reform campaign finance laws.

I say to my friend, if we are going to do a reform of campaign finance laws, then what we should do is have the committees of proper jurisdiction hear what changes they think should be made, with the advocates of this, bring it to the floor, and have a debate.

As my friend indicated, talking about Colorado II, this is very complicated stuff. And I think if we are going to reform a little piece of it, let's look at it all. Let's look at how trade associations work. Let's look at everything. I am happy to do that. But what I am not happy to do is have the House call something lobbying and ethics reform when it is campaign finance reform. That is my concern.

Mr. MCCONNELL. Madam President, could I ask my friend one further question?

Mr. REID. Of course.

Mr. MCCONNELL. Is it still the position of the leader and the majority of those on that side of the aisle that the position they used to hold, which was that these so-called 527 groups should be treated like political parties and therefore have their contributions kept like a political party—that used to be the position of the majority of the Democrats, that the 527 groups which operate like parties should be treated like parties in terms of the contribution levels—I now gather that my good friend and a number of his colleagues

on that side of the aisle have the opposite position, that somehow to treat a 527 like a political party, and therefore cap contributions like they are to parties, would somehow be a violation of free speech? Is that the position now that the Democratic leader is taking?

Mr. REID. Madam President, every question the distinguished Senator from Kentucky asked indicates how important it is to have a full, complete process here in the Senate about campaign finance. Every question he asks is more complicated than the last. Him asking me how the Democrats stand on this issue is something I cannot answer. These seats have changed back and forth since we took up McCain-Feingold.

I will say this: Having worked as a candidate prior to the passage of McCain-Feingold and after it passed—as far as I am concerned, what happened in 1998, when I had a very difficult race in Nevada with my dear friend, the junior Senator from Nevada, JOHN ENSIGN, we had a tough election, a tough election. But in the little State of Nevada, back in 1998, we did not have many people there. We are approaching 3 million there now. We did not have 2 million then. JOHN ENSIGN spent \$10 million; HARRY REID spent \$10 million. But the vast majority of the money was corporate money. People could give us hundreds of thousands of dollars. Now, that may not have corrupted JOHN ENSIGN or corrupted HARRY REID, but it is a process that does not look good, and it is corrupting, it could corrupt an individual.

Having run in 2004—it was a good election—I went out and raised money, as I did when I first started in this process. I would go to somebody. They would give me whatever the limits were: \$1,000, \$2,000. That limit would be printed, and everyone in the world knew what that person did for an occupation, where they lived, how much money they gave me. I felt so much better in 2004 than I did in 1998 because I did not have to go around asking people for these corporate donations.

I have not talked to my friend, Senator ENSIGN, but I will bet you he agrees with me because I do not think either one of us felt comfortable with those huge corporate contributions that were coming into the State of Nevada. The purpose of it: the Republicans ran vicious ads against me. He had bad ads that were run against him.

I think the process is better. If we are going to change the McCain-Feingold process, let's do it by looking at everything, not just 527s. Let's look at trade associations. Let's look at State parties. Let's look at this PAC situation where we have all these leadership PACs. There are a lot of things we need to look at.

But what the House is doing—disguising campaign finance reform as lobbying and ethics reform—is wrong. We did not do that here. And I think that speaks well of JOHN MCCAIN. He had an amendment prepared. He did

not do it because he knows it would have corrupted McCain-Feingold. I would assume that is why he did not offer it. It would have corrupted the legislation we now have that we call McCain-Feingold, which I think has improved the process. I am glad the Supreme Court ruled that it was constitutional.

Now, I know my friend, the distinguished majority whip. He did not like McCain-Feingold. He worked very hard against it. He did a good job. He is a fine lawyer and a good advocate. He lost. Those of us who supported McCain-Feingold won. And if we are going to change it, let's have another fair fight like we had with McCain-Feingold, where my friend from Kentucky can be on one side, I can be on the other. We may even wind up on the same side.

But that is what kind of debate we should have, not what is happening in the House now, disguising it as lobbying and ethics reform, and really it is not.

The PRESIDING OFFICER. The majority whip.

Mr. MCCONNELL. Madam President, just one final observation with regard to this discussion in which the Democratic leader and I have been engaged. And I am glad he is still on the Senate floor because I would not want to say this with him not being here. I noticed that he was glad the days of large corporate and individual soft money donations were gone from parties. I wish he would be equally offended by the fact that large donations are still available for the 527s. What is good for the goose is good for the gander.

If large contributions—corporate and individual contributions—to parties were outlawed because of the, “corrupting potential” of that, it seems to me entirely inconsistent to argue that they should not be eliminated from 527s.

I think the reason our good friends on the other side of the aisle have had an epiphany about 527s is because they now believe these activities are beneficial to them. So the consistency is something that is hard to find in the course of this debate.

It will be interesting to see what the final House bill includes. To simply allow political parties to spend money in coordination with the candidates wearing their party label, it is hard to conclude it would in any way corrupt the system.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Democratic leader.

Mr. REID. Madam President, just one final comment.

I believe that if 527s are doing things that are wrong, maybe we need to take a look at 527s but in conjunction with all the rest of the things that happen in campaign finance. I have no problem with that—but not 527s alone. If we want to look at trade associations and all the other things, I am happy to do that, but let's not just single shot one

of these because there are a lot of other things that need to be looked at at the same time.

The distinguished Senator from Kentucky and I have had longstanding personal discussions off the Senate floor about campaign finance. We have had them on the floor. As I have indicated already, I have the greatest respect for how he feels. He is a real advocate for his position.

I try to do the best I can for mine.

The PRESIDING OFFICER (Mr. THUNE). The Senator from Illinois.

Mr. DURBIN. Mr. President, I had the good fortune early in my political life to meet and work as an intern for Paul Douglas, a Senator from Illinois from 1948 to 1966. He wrote several books about ethics in government that are still widely quoted. I was fortunate to meet him and then to meet a man who counted him as a mentor, Senator Paul Simon. Both inspired me to do a few more things in my public life than I might otherwise have done.

For instance, Paul Douglas had a rule in his office for staff that they couldn't take anything they couldn't drink. I assume that meant they could have an expensive drink at some local restaurant, but they certainly couldn't take a meal or a gift or anything like that. He had a personal rule that he wouldn't take a gift in his office that was worth more than \$2.50. I can recall some angry constituent who sent Senator Paul Douglas a handmade, tooled leather belt with Paul Douglas' name on it which he returned. I am sure the donor was offended, but that was his rule. He made complete disclosure of his income and net worth, as did Paul Simon. I have tried to follow their example.

We need meaningful ethics reform, but I agree with Senator REID that we also need to have a serious conversation about campaign financing. They are related issues, but they are not the same. The issue we decided to vote on in the Senate on lobbying and ethics reform was timely and important. We know what happened. Mr. Jack Abramoff created a scandal across Washington with the excesses in which he was involved. He has pled guilty on some and is working with the Government, and there may be further indictments and convictions as a result. At least one Member of the House, TOM DELAY of Texas, was indicted and ultimately resigned before his trial. Others in both political parties are under suspicion.

Neither political party has a monopoly on virtue. I know honest and hard-working people on both sides of the aisle. We should do our level best to restore the confidence of America in the process and the people who participate in it.

The effort now by some House Republicans to inject campaign finance reform into this is a poison pill. They know if they can complicate the issue, ultimately nothing will happen. We would like to see our conference strictly set on lobbying and ethics reform.

My personal feeling—and it may only be mine; maybe a few others share it—is that when it comes to campaign financing, we need to do something dramatic, something that States have already proven can make a significant difference. I am talking about public financing. I didn't come to this idea quickly. In fact, I didn't like the idea when I was first elected. I thought it was unconscionable that somehow we would create a system of public financing that would finance some of the strange and extreme candidates who appear from time to time. But I have come to realize that unless and until we make a significant change in the way we finance campaigns, we are not going to restore the integrity of this institution and others. We are not going to restore the confidence of the American people.

It is dangerous to walk the streets around the Capitol because of all the traffic, all the visitors. It is even more dangerous during the course of the day as Members of the House and Senate race to their party headquarter buildings to make fundraising telephone calls, which we have to do; it is the only way to raise the funds so that people of modest means have a chance to compete in the campaign arena. It takes more and more of our time and more time away from what we should be doing on the floors of our respective Chambers. Public financing is an appropriate way to address that. If we did it on a comprehensive basis, we could have genuine reform.

Senator REID of Nevada has said that is a worthy goal, campaign finance reform, but let's do it the right way, not have something parachuted into the conference committee by House Republicans as a poison pill to real ethics reform. I will do everything I can to defeat what is so-called ethics reform out of the House that does little or nothing to clean up our act on Capitol Hill and tries to inject a clearly political issue into this debate. We need to pass the kind of reform that will restore confidence. Complicating it with campaign finance reform is not the way to do it at this moment.

Let's do it the right way. Let's have hearings, deadlines. Let's create a bill. I would like to join with other Senators, perhaps from both sides of the aisle, to make sure public financing is part of the debate.

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

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

Mr. COCHRAN. Mr. President, some housekeeping items have been cleared on both sides.

AMENDMENT NOS. 3618, 3619, 3714, AND 3716,  
WITHDRAWN

I ask unanimous consent to withdraw amendment No. 3618, the subject of which was addressed by division II of Coburn amendment No. 3641.

I also ask unanimous consent to withdraw amendments numbered 3619, 3714, and 3716.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. COCHRAN. Mr. President, what is the pending business?

AMENDMENT NO. 3855

The PRESIDING OFFICER. The pending business is the second-degree amendment of the Senator from Delaware to his first-degree amendment.

Mr. COCHRAN. I think we are ready to proceed to agree to that on a voice vote.

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

The amendment (No. 3855) was agreed to.

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

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The question is now on agreeing to the underlying amendment, as amended.

The amendment (No. 3717), as amended, was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. COCHRAN. Mr. President, we continue to make good progress. We hope to complete action either this evening or tomorrow on the bill. It could be, in consultation with the leader, possible to complete action on the bill today and have a vote on final passage tomorrow if we are going to go a little late this evening, but we don't anticipate a late evening. We hope to be able to adjourn at a reasonable hour. With the cooperation of Senators, we can do that.

We have cloture, which has been invoked, which limits amendments for consideration to germane amendments. We have entered into colloquies and we think some of these amendments are going to be withdrawn. We hope if Senators have an intention of disposing of their amendments, if they want a vote, now is a good time to come to the floor and make that request known. We can dispose of those amendments.

We urge the cooperation of Senators, and if we get to some point, we may offer amendments for Senators, if they are in order and pending and have not yet been called up. As a matter of notice, we intend to press ahead and complete action on the bill within a reasonable time. And we will, with the cooperation of all Senators.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mrs. BOXER. Mr. President, I will take just a moment of the Senate's time to thank a few people who worked hard to put together a colloquy. This is a very important conversation between three Senators that deals with the critical issue of the health of our soldiers who are coming back from combat. So I will read this for the RECORD.

This colloquy is about a Comprehensive Casualty Care Center at the San Diego Naval Medical Center, and this is the colloquy. It starts off with myself saying:

I would like to thank the Senator from Alaska and the Senator from Hawaii for their outstanding leadership on this bill and especially for their commitment to providing care for our Nation's combat-wounded servicemembers.

I understand that I have a commitment from both Senators that they will work to ensure that \$6.2 million in funding is included in this bill for the establishment of a Comprehensive Combat Casualty Care Center at the San Diego Naval Medical Center.

This vitally important funding will ensure that for the first time, combat-wounded servicemembers from the West Coast—who have endured approximately 25 percent of all casualties—will be able to receive treatment and recover from their wounds closer to their home.

Since many of the most severely wounded require months of treatment and rehabilitation, this will alleviate significant hardship on our servicemembers and their families. No longer will they have to travel to Texas or to the East Coast for treatment.

This "West Coast Walter Reed" will be able to treat approximately 200 patients per year, including 160 nonamputee patients and 40 to 50 amputee patients. While I lament that even one more servicemember will be wounded in combat, I look forward to opening the center and to working with the Navy to ensure that our servicemembers are afforded the very best possible medical care.

That concludes my portion of this colloquy. I have been working with the Navy on this matter since they explained to us that so many of our west coast families have to be trekked all the way to the east coast for rehabilitation for these very severe injuries. The rehab is very intensive, and the whole family really needs to be included and involved in it. So now it is going to be so much easier for these active military from the State of Washington, from the State of Oregon, and I believe from Alaska, Hawaii, and even some other States such as Nevada that are east of California, to be able to avail themselves of the best treatment. I believe the Navy has been so focused on this that their dreams are becoming a reality. They are going to serve the military from all the various branches who get injured. It isn't just for the



Navy; it is for everyone who gets injured in a severe way and needs this extended rehabilitation.

So Senator STEVENS, at the end of my remarks, said:

The Senator from California is correct. She has my commitment that I will work in conference to ensure that these funds are provided for the Comprehensive Combat Casualty Care Center.

Senator INOUE then said:

I too support the Senator's request. She has my commitment that I will do my best to ensure funding is included in conference.

I believe, after speaking with them—and I have spoken to Senators MURRAY and COCHRAN about this—that this is something that just cries out for funding because our people are hurting, and it doesn't help them to be separated from their families and to have to make the trek across the country to learn how to live with these very disabling injuries. So we pray that the war will end soon. We pray that our soldiers will be coming home soon. I myself am working to see that we can begin redeploying troops immediately.

I think as the Iraqis move forward, this is a year of major transition, and they need to prove that they want freedom as much as we want it for them. They now have their government getting into place, and I would like to see the end of these casualties. I know we all feel that way. But we have to also be realistic in that we have to serve those who are continuing to come back in great need of this kind of help.

So, again, I hope all of my colleagues on both sides of the aisle will support this effort. I look forward to working with all of you so that we can tell the Navy that their hopes and dreams for this Comprehensive Combat Casualty Care Center in San Diego at the Naval Medical Center, will, in fact, be a reality. The \$6 million we need is a very small amount when you look at the overall size and scope of this particular bill.

I yield the floor.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

#### AMENDMENT NO. 3616

Mr. MCCAIN. Mr. President, I call up amendment No. 3616 and ask for its immediate consideration.

The PRESIDING OFFICER. That amendment is now pending.

Mr. MCCAIN. Mr. President, this amendment would strike \$74.5 million

for grants to States based on their production of certain types of crops, livestock, and dairy products, which were not included in the administration's emergency supplemental request.

Let me point out again a statement of administration policy where it says:

The administration is seriously concerned at the overall funding level and the numerous unrequested items included in the Senate bill that are unrelated to the war or emergency hurricane relief needs.

Obviously, this and others have been put into this bill in a very unacceptable fashion. It has been a longstanding policy in the Senate to prohibit the practice of adding authorizing language to an appropriations bill. Nevertheless, this bill includes a massive \$3.94 billion agricultural assistance program. None of this funding under this agricultural title is included in the administration's supplemental request.

Interestingly, this nearly \$4 billion add-on, title III of the underlying bill—remember, this is a \$4 billion add-on—received a one-paragraph mention in the entire committee report accompanying the bill; one paragraph to describe 31 pages of legislative language with a \$4 billion price tag.

Let me read it for the benefit of my colleagues.

The committee recommends \$3.944 billion for emergency agriculture disaster assistance. These funds will help farmers and ranchers in States affected by recent hurricanes, drought, flood, wildfire and other natural disasters recover from resulting production losses. These funds will also assist in the removal of debris from watersheds in order to minimize the threat of flooding from future storm events. In addition, the funds will provide economic assistance to producers to compensate for high energy costs relating to agricultural production.

That last sentence is interesting. This will help farmers who have high energy costs related to agricultural production. I wonder what we are doing for the airlines, the trains, the American automobile owner, any other industry in America. We aren't doing anything for them in this emergency supplemental, but we are going to give the farmers nearly \$4 billion additional.

I am all for helping the appropriate farmers and other victims battered by hurricanes, but the agricultural assistance added in this bill is far more expansive than merely offering to help areas hit by the 2005 hurricanes, and at least the limited report language doesn't hide that fact. As my colleagues know, the USDA currently has a range of disaster assistance programs, including crop insurance programs, that are already available. Yet this bill is going to add nearly \$4 billion on top of the existing programs. In my view, the agricultural assistance funding is being used more as a vehicle to fill a voter wish list than it is to meet the urgent needs of the victims of the 2005 hurricane season. Taxpayer dollars are being allocated for agricultural subsidies and bailouts which in some cases have nothing to do with hurricane recovery.

This recovery would strike an earmark which provides \$74.5 million in agricultural assistance for grants to States, based not on the hurricane damage, not on any emergency, but based on their production of "specialty of crops, livestock and dairy products."

Why is this necessary? Have the hurricanes wiped out the specialty crop industry? What even is a specialty crop, and why does it need \$74.5 million of taxpayer funding? I hope that a specialty crop is a money tree because that is what is going to be needed to pay for this bill.

My colleagues may be interested to know that the bill defines specialty crops as anything but wheat, feedgrains, oilseeds, cotton, rice or peanuts—anything but. Why do we exclude those commodities from receiving this funding? Is sugarcane made ineligible? Are my colleagues aware that the USDA already has a specialty crop block grant program which was authorized in 2004? Under the existing program, specialty crops are defined as fruits, vegetables, tree nuts, dried fruits, and nursery crops including floriculture. The program is funded at \$17 million for the current fiscal year, and it provides for \$100,000 for each State that applies. Is there a problem with that program that I am not aware of that gives it just cause to providing it with an emergency supplemental appropriation to the tune of more than 1,000 percent above its annual appropriation?

This bill provides \$74.5 million that is to be used to award grants based on "the share of each State's total value of specialty crop, livestock, and dairy production of the United States for the 2004 crop-year, multiplied by \$74.5 million. That means the more you produce, if your crops have not been hit by a natural disaster or flooding or drought, the more money you get. That is the polar opposite of what the USDA disaster assistance programs are about.

Doesn't that fly in the face of what an emergency supplemental is for? An emergency supplemental is supposed to be about addressing needs and not about providing rewards for productivity. More importantly, why is what obviously is designed to be a nationwide agricultural funding assistance program, a program not requested by the administration, singled out in the statement of administration policy as objectionable, being included in a must-pass emergency spending bill that is supposed to address the global war on terror and hurricane recovery?

My colleagues may be interested to know that under this legislation, States can use the grant to "promote the purchase, sale or consumption of agricultural products."

I am not making this up. I am not making this up. Under this emergency supplemental bill, States can use the grant to "promote the purchase, sale, or consumption of agricultural products." Last week, I mentioned that Federal dollars had been used to paint

salmon on airplanes. Maybe that \$74.5 million will be used to paint vegetables on airplanes or maybe a pretty flower.

Upon closer reading of the legislative language, I notice that the bill actually creates a \$100 million program for specialty crops. In addition to the \$74.5 million that this amendment addresses, it provides for \$25.5 million to make grants to "the several States, the District of Columbia and the Commonwealth of Puerto Rico, to be used to support activities that promote agriculture."

I would like to repeat that for my colleagues: "\$25.5 million to make grants to the several States, the District of Columbia. . . ."

I admire and respect the District of Columbia enormously. I know of no agricultural enterprise—well, maybe an illegal one, but I never knew of an agricultural enterprise in the District of Columbia. But they are going to be eligible for grants to be used to "support activities that promote agriculture." As I say, I am not making this up.

I hope the sponsors of the legislation will correct me if I am wrong. I would like to be corrected if I am wrong. I am confident they will. But it appears that with respect to the \$25.5 million funding, the bill provides that all 50 States will each receive \$500,000 of that money, while Puerto Rico and the District of Columbia each will receive \$250,000. What specialty crops are grown in the District of Columbia? What specialty crops are grown here? What kind of campaign should we expect?

The funding is not needed. It should be noted that, according to OMB, "In 2005, many crops had record or near record production, and the U.S. farm sector cash receipts were second highest ever." Can an unrequested \$74.4 million grant program truly be sold as an urgent emergency spending needed at this time? I know my colleagues have the highest hopes for the success and safety of our troops and for the speedy recovery of the hurricane-ravaged gulf. But when the American people hear of these special interest riders, they are going to question their priorities, and rightly so.

Again, I would like to refer to this poll. A 39-percent plurality of Americans, in a poll the day before yesterday, say the single most important thing for Congress to accomplish this year is curtailing budgetary earmarks benefiting only certain constituents. This amendment certainly fits that concern that Americans have.

I was going to come back and talk before we voted on this bill. I am sure this amendment will be voted down, again, because others have that are similarly outrageous. But I want to say, we are sending a very bad message to the American people. I saw recent polls showing our approval rating at around 22 percent. I am glad to see that there are now some candidates who are running for office against pork barrel projects and earmarks and museums, taking that out of highway funds.

They are sick and tired of seeing their children's futures mortgaged by this rampant, out-of-control spending.

I will vote against this bill. When the President vetoes it, which I am reasonably confident he will, I will vote to sustain his veto.

I believe that once the President vetoes this bill, the American people will strongly support that veto and that the American people will demand that we bring some kind of sanity to this system where, in the name of recovery from hurricane damage, and in the name of funding the war in Iraq, we spend billions—not millions, not hundreds of millions but billions—on unwanted and unnecessary products.

I want to assure my colleagues that I will support anything to help repair the damage caused by the hurricanes. I will do what is necessary to spend my taxpayers' dollars to fight and win the war in Iraq, which I still strongly believe is a noble cause, but I cannot go back to my constituents in Arizona and say that this is anything but a shameful exercise we are engaged in by taking their tax dollars in the name of an emergency and spending them on those projects, many of which we have discussed and debated at some length.

I ask for the yeas and nays on this amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. MCCAIN. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi is recognized.

Mr. COCHRAN. Mr. President, there are some Senators who are in a meeting with the Secretary of Defense and the Secretary of State. We are not going to go to a vote right now because of that conflict with some Senators. But we have an opportunity for those who want to speak on this amendment or any other pending amendment that has not been adequately discussed at this point.

Let me say with regard to the amendment of the Senator from Arizona that I can remember in my State time and time again when we have had severe weather disasters; wet-weather-related disasters. The pecan growers, in particular, would inevitably have a difficult time making a case for the losses they sustained when Federal disasters have been declared and eligibility for Federal assistance had been promised because it is not the kind of program crop, so-called, such as cotton, rice, wheat, corn, that are traditionally supported by Federal programs.

It almost takes someone at the local level who understands yield, production, and how records are kept where the State governments are much better situated in those States to have knowledge and understanding of the crops and of the values of trees and the crops they produce. Peaches is another example. In my part of Mississippi where I grew up, we had a good many peach or-

chards. We had a good many pecan orchards. And those who live in the rural areas of our State traditionally depend upon these crops to help sustain them.

We are talking about not the kind of agriculture that produces millions of dollars of income but small amounts of income to supplement family needs. Workers in the area can move from orchard to orchard volunteering to help harvest these crops.

I can remember as a young boy my grandparents who lived near Utica, MS, would traditionally kind of let the word go throughout the community that they were going to be picking up pecans on a certain day. And some of the workers would come and pick up pecans and in payment would get part of the harvest. That was the payment. Money was short.

We are not talking about wealthy landowners. We are talking about subsistence production in many cases which will qualify for the benefits under this title. If this amendment is approved, they won't get anything.

These funds are going to the States so that at the local level a determination can be made as to the amount of compensation and support those who are disaster victims in these areas of agriculture are entitled to receive.

I am hopeful the Senate will reject this amendment. I just spoke to two parts of it—orchards and the pecan trees—because from my personal experience I know a little bit about that.

But driving through my State after these disasters, I can testify to the widespread damage to orchards, to pine forests on which people depend for their livelihood.

In that part of the State where the storm's destruction was the greatest, there is very little of the traditional large cotton plantation areas. That is not that part of the State. That would be up in the mid to northern part of the State along the Mississippi Delta. That is where the heavy production of cotton is. It may be up in the prairie area of northeast Mississippi and north central Mississippi.

Where this storm's destruction was the heaviest, there are a lot of people who lost pecan orchards, trees, or peach orchards.

Dairy farms were seriously damaged, and dairy is included in this part of the title. Beef cattle production and those things that are grown to sustain those herds of cattle and to feed them were damaged severely.

I am hopeful the Senate will understand that this is not something that the committee made up, either. I am not making this up. These are the facts as I saw them and that I can say to the Senate justify the inclusion of these funds in this bill.

I urge the Senate to reject the amendment.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, I rise to join the chairman of the Appropriations Committee to oppose the amendment that has just been offered. Our

specialty crop producers are confronted with a number of challenges that threaten their viability and in some cases their ability to survive. It is no secret that my State of Washington is a major specialty crop State. We, in fact, rank No. 1 in the Nation in the production of a number of specialty crops—from apples to pears to cherries to raspberries to concord grapes, just to name a few of them, with 250 other fruits and vegetables produced in Washington State. The specialty crop industry represents a large segment of the agricultural commodities which serve the economic backbone of my State and many others.

Unlike row crops such as corn, soybeans, cotton, there is virtually no support from the USDA for these fruits, and vegetable producers do not have access to crop insurance for their crops. Specialty crop producers have been hurt as the chairman of the committee enunciated.

There has been a lot more—from fires and droughts, hailstorms, and wind. Our fruit and vegetable producers have faced some major challenges during the last two years. These same industries have been very hurt—and in some cases decimated—by the inflow of specialty crops from overseas, as well as a lack of access to labor and pests and diseases.

I believe there is a need to make the commitment to help growers in all of our States and provide them with the assistance they desperately need.

Many Americans don't realize that specialty crops represent 51 percent of all farm cash receipts in the United States. That is more than \$41 billion in annual farm value.

Although our fruit and vegetable industry is large, it is not larger than other commodities. They have access to relatively little of the overall agricultural disaster programs.

The section 32 grants to States to help specialty crops will help our fruit and vegetable producers survive these difficult conditions. Whether this is supporting research which is important, or promotion or marketing that is critical, these funds will help our fruit and vegetable farmers in business in every single State.

I think everyone in the Senate knows that the United States should produce as much domestic food product as it can. And the \$75 million that is targeted by this McCain amendment to help keep our fruit and vegetable producers in business is simply a modest investment, and it is a commitment to keep our farmers in business in very difficult and challenging times.

I urge my colleagues to make the commitment to support the specialty crop farms and the farmers and the families who depend on it, and I urge them to vote against the McCain amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

AMENDMENT NO. 3728

Mr. VITTER. Mr. President, I ask unanimous consent that the pending business be temporarily set aside and that we call up amendment No. 3728 for consideration, which has been ruled germane.

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

The clerk will report.

The legislative clerk read as follows:

The Senator from Louisiana [Mr. VITTER], for himself, and Ms. LANDRIEU, proposes an amendment numbered 3728.

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

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

The amendment is as follows:

(Purpose: To provide for flood prevention in the State of Louisiana, with an offset)

On page 165, line 19, strike “\$10,600,000,000” and insert “\$10,400,000,000”.

On page 168, between lines 8 and 9, insert the following:

#### FLOOD PROTECTION, LOUISIANA

SEC. 2054. (a) There shall be made available \$200,000,000 for the Secretary of the Army (referred to in this section as the “Secretary”) to provide, at full Federal expense—

(1) pumping capacity and other measures required to prevent flooding associated with modifications to outfall canals in Jefferson and Orleans Parishes, Louisiana;

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

(A) in areas of Terrebonne Parish, and of Jefferson Parish in the vicinity of Jean Lafitte; and

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

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

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

(c) The Secretary shall submit to Congress a report detailing a modified plan to protect lower Plaquemines Parish, Louisiana, from damage attributable to hurricanes with a focus on—

(1) protecting populated areas;

(2) energy infrastructure;

(3) structural and nonstructural coastal barriers and protection;

(4) port facilities; and

(5) the long-term maintenance and protection of the deep draft navigation channel on the Mississippi River.

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

(1) the portion of the vertical depreciation of the system that is attributable to design

and construction flaws, taking into consideration the settling of levees and floodwalls or subsidence; and

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

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

AMENDMENT NO. 3728, AS MODIFIED

Mr. VITTER. Mr. President, I ask unanimous consent that the amendment be modified according to the technical modifications which I have presented to the desk. These modifications do not change the scope of the amendment.

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

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

(Purpose: To provide for flood prevention in the State of Louisiana, with an offset)

At the appropriate place, insert the following:

#### FLOOD CONTROL AND COASTAL EMERGENCIES

For an additional amount for “Flood Control and Coastal Emergencies”, as authorized by section 5 of the Act of August 18, 1941 (33 U.S.C. 701n), for necessary expenses relating to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, \$3,299,000,000, to remain available until expended: *Provided*, That the Secretary of the Army is directed to use the funds appropriated under this heading to modify, at full Federal expense, authorized projects in southeast Louisiana to provide hurricane and storm damage reduction and flood damage reduction in the greater New Orleans and surrounding areas; of the funds appropriated under this heading, \$200,000,000 shall be used for section 2401; \$530,000,000 shall be used to modify the 17th Street, Orleans Avenue, and London Avenue drainage canals and install pumps and closure structures at or near the lakefront; \$250,000,000 shall be used for storm-proofing interior pump stations to ensure the operability of the stations during hurricanes, storms, and high water events; \$170,000,000 shall be used for armoring critical elements of the New Orleans hurricane and storm damage reduction system; \$350,000,000 shall be used to improve protection at the Inner Harbor Navigation Canal; \$215,000,000 shall be used to replace or modify certain non-Federal levees in Plaquemines Parish to incorporate the levees into the existing New Orleans to Venice hurricane protection project; and \$1,584,000,000 shall be used for reinforcing or replacing flood walls, as necessary, in the existing Lake Pontchartrain and vicinity project and the existing West Bank and vicinity project to improve the performance of the systems: *Provided further*, That any project using funds appropriated under this heading shall be initiated only after non-Federal interests have entered into binding agreements with the Secretary to pay 100 percent of the operation, maintenance, repair, replacement, and rehabilitation costs of the project and to hold and save the United States free from damages due to the construction or operation and maintenance of the project, except for damages due to the fault or negligence of the United States or its contractors: *Provided further*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of

H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

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

#### GENERAL PROVISIONS—THIS CHAPTER

##### FLOOD PROTECTION, LOUISIANA

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

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

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

(A) in areas of Terrebonne Parish; and

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

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

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

(c) The Secretary shall submit to Congress a report detailing a modified plan to protect lower Plaquemines Parish, Louisiana, from damage attributable to hurricanes with a focus on—

- (1) protecting populated areas;
- (2) energy infrastructure;
- (3) structural and nonstructural coastal barriers and protection;
- (4) port facilities; and
- (5) the long-term maintenance and protection of the deep draft navigation channel on the Mississippi River.

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

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

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

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

#### CHAPTER 5

##### DEPARTMENT OF HOMELAND SECURITY

##### CUSTOMS AND BORDER PROTECTION

##### SALARIES AND EXPENSES

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

##### CONSTRUCTION

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

##### UNITED STATES COAST GUARD

##### OPERATING EXPENSES

##### (INCLUDING TRANSFERS OF FUNDS)

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

##### ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

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

##### FEDERAL EMERGENCY MANAGEMENT AGENCY ADMINISTRATIVE AND REGIONAL OPERATIONS

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

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

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

##### DISASTER RELIEF

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

Mr. VITTER. Mr. President, I spoke to this amendment yesterday. I will not speak to it again. I will simply underscore several things.

First of all, Senator LANDRIEU joins me in presenting this amendment which goes to the essential levee and hurricane protection needs of the greater New Orleans area.

Second, the entire amendment is off-set. So this amendment does not increase the spending in the bill by any amount—not one single penny.

Third, we believe this amendment is very important to make sure that there are adequate funds for the essential levee hurricane protection work which is at the heart of this bill.

We have many debates about what is at the periphery, but this type of work is at the heart of this bill, and, of course, the President and his leadership have made that clear.

Again, I went into the details of this amendment yesterday. I won't go into them again. But I certainly hope in light of the fact that this amendment does not increase the cost of the bill, the Senate can come together and support Senator LANDRIEU and myself in passing this very important amendment to ensure that the vital work going on right now building up to the next hurricane season which starts in June can be done, and that all necessary moneys are there for all those important categories of work.

I believe my colleague from Louisiana would like to say a few words in support.

I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

Ms. LANDRIEU. Mr. President, I thank my colleague from Louisiana. It has been a pleasure to work with him, and of course the leadership of the committee.

As the Senator has pointed out, it does not add any money to the underlying bill, but it makes clear that there are four additional projects that are very crucial to the comprehensive repairs that are going on in the greater metropolitan area that simply need to be included. That is really the essence of this amendment.

It does not add any money to the bill. It does not authorize anything outside the scope. It has been ruled germane.

I again want to not only thank him for his good work but also acknowledge the leadership of the administration which has in the past few weeks come forward in terms of stepping up their leadership on this levee repair and how crucial it is to our area.

I commend the administration for their support of the underlying bill which is very substantial.

I yield the floor.

Mr. VITTER. Mr. President, in closing, I would also say that this amendment has been cleared by the majority and minority managers of the bill.

With that, I ask for a rollcall vote.

The PRESIDING OFFICER (Mr. MARTINEZ). The yeas and nays are requested.

Is there a sufficient second?

There appears not to be a sufficient second.

Mr. COCHRAN. Mr. President, I rise to simply advise the Senator that I am told by staff that the authorizing committee has some concerns with the amendment and would oppose proceeding to a vote on the amendment at this time without the opportunity of discussing it with other Senators.

That is the reason I didn't raise my hand to authorize the yeas and nays. I have no objection to the yeas and nays being ordered, but I didn't want us to proceed to a vote without the benefit of the advice and counsel of the legislative committee that sent word they have some concerns about the amendment. I don't know what the concerns are.

As I reminded the Senate a moment ago, there is a meeting with the Secretary of Defense and Secretary of State. Some Senators are at that meeting and I don't want to unnecessarily infringe on their interests by having a recorded vote as they are meeting on subjects of this legislation. This is a bill that funds the Department of Defense and the Department of State with supplemental appropriations to help pay for ongoing activities in the Middle East. This is a very important subject for Senators to understand at this particular time.

I am sympathetic to their situation and think they should be able to question the Secretaries about the use of funds in this bill and the general situation in the area where we are fighting the war on terror and trying to protect the security interests of our country.

Having said all of that, I don't want to slow down the Senate's consideration of legislation, but I hope we would not proceed to a vote on either the McCain amendment at this time or the Vitter amendment. We can wait until a little later. We will be on the bill for the balance of the afternoon. We hope to complete action on the bill at least by tomorrow morning. We appreciate the cooperation of all Senators and particularly those who are helping identify things that need to be addressed in this bill because of the devastating disasters that occurred in the southeast and the gulf coast region. They need the money now. We are not trying to slow down the action on the bill. We will not do that.

I thank the Senators from Louisiana for understanding and hope they will not push for a vote right now.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. VITTER. If I could respond to the suggestions of the distinguished chairman through the Chair, I have no objection to scheduling this vote later in the day. I have been in a lot of contact with the authorizing committee, its leadership and its staff. I will continue to be in contact with them about issues contained in this amendment. I have no objection to proceeding to a vote later in the day.

I do wish to restate my call for a rollcall vote. I would be perfectly amenable to any unanimous consent order to schedule the vote later in the day as long as that vote is assured.

The PRESIDING OFFICER. The yeas and nays have been requested.

Is there a sufficient second?

There appears not to be a sufficient second.

The senior Senator from Louisiana.

Ms. LANDRIEU. I suggest to my colleague—and the chairman has been so helpful on all of the amendments—would it be possible through the Chair to request a specific time, or would the recommendation be to set this aside and come back to it at a later time? We have been working for quite some time on this. Would the Chair wish to set a time or should we think about setting it aside and coming back at a later date? We do not want to disrupt the proceedings taking place, as the Senator outlined.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BIDEN. 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. BIDEN. Mr. President, I understand the chairman and the ranking member have already accepted my amendment. I will speak to it very briefly.

The amendment they have accepted is straightforward, clear, and simple. It

affirms that the United States will not seek to establish permanent military bases in Iraq and has no intention of attempting to control Iraqi oil.

I know that is self-evident. We all know that. We know that is not our intention. The fact is, it is urban legend in Iraq, and our enemies in Iraq are using it as a rationale for continued opposition to the United States of America.

The Senate Appropriations Committee, in its report on the bill we are considering, noted:

It's the current policy of the United States to establish no permanent military bases in Iraq.

I commend the committee for this important finding. It is an important message, as I said, to say not only to the Iraqis but the whole world. The administration policy has been less clear thus far, so hopefully it will be useful to the administration.

I am sure the American Ambassador to Iraq understands the importance of the issue. In March he told Iraqi television stations that the United States has "no goal in establishing permanent bases in Iraq." But, unfortunately, the Ambassador's statement has been clouded by mixed messages from senior administration officials in Washington.

To my knowledge, the President has never explicitly stated that we will not establish permanent bases in Iraq.

On February 17, 2005, Secretary Rumsfeld told the Committee on Armed Services:

We have no intention, at the present time, of putting permanent bases in Iraq.

"At the present time" caused a stir.

According to a recent survey, 88 percent of Sunni Arabs in Iraq approve of attacks on American forces in part because they are convinced that the Secretary's statement means that we do have eventually a desire to have a permanent base in Iraq.

On February 15, 2006, at the Senate Foreign Relations Committee hearing, my friend, the Senator from Massachusetts, asked Secretary Rice:

Is it, in fact, the policy of the administration not to have permanent bases in Iraq?

Rather than answering the simple one word, "Yes," Secretary Rice said during a 400-word exchange on the question:

I don't want to in this forum try to prejudice everything that might happen way into the future.

Not a very reassuring message to our friends in Iraq. These mixed messages are confusing also to the American people.

But here is the most troubling thing. They make it more dangerous for our armed services, our men and women in Iraq on the ground. General George Casey, the ground force commander in Iraq, told the Committee on Armed Services last September:

Increased coalition presence feeds the notion of occupation.

According to an opinion poll conducted by a the Program on International Policy Attitudes from the

University of Maryland in January 2006, 80 percent of the Iraqis believe we do have plans to establish permanent military bases. And an astounding 92 percent of the Sunni Arabs believe this to be true.

These widespread suspicions contribute to the violence against American military personnel in Iraq, in my view. Why do Iraqis believe we want permanent bases? Why do they think we should subject ourselves to the enormous ongoing costs in Iraq? Do they think we want their sand? No, I think they think we want their oil.

According to a 2004 Pew Charitable Trust international survey on the American invasion of Iraq, all four Muslim states surveyed, including Turkey, Pakistan, Jordan, and Morocco, expressed overwhelming suspicion about the stated reasons for America's invasion of Iraq. Majorities in each of the countries believe that control of Mideast oil was an important factor in our invasion.

If you believe, as I do, that we need a regional strategy in Iraq to tackle growing sectarianism, allaying these suspicions is critical. It is critical to winning the battle for the hearts and minds of 1.2 billion Muslims in the world.

Those who have been to Iraq, as I have—and I know the men and women in the Senate have—everyone here knows these rumors to be unfounded, to be untrue. It is not our intention to control their oil. It also is not who we are.

However, that is not what the people of the Muslim world think. Before we quickly dismiss these fears as ludicrous, remember what the Iraqis have been through in three decades: Three wars and a tyrannical regime that turned paranoia into a way of life, turned neighbor against neighbor, friend against friend, brother against brother.

And remember the longer history of Iraq in the region which is ingrained in the Iraqi psyche: 400 years of British and Ottoman occupation have, to put it mildly, led to certain suspicions about foreign presence.

As CENTCOM Commander GEN John Abizaid testified before the Committee on Armed Services last September:

We must make clear to the people of the region we have no designs on their territory or resources.

The amendment of mine that has been accepted will have no detrimental effect on the military operations of our Armed Forces in Iraq or their ability to provide security for Iraqi oil infrastructure.

The U.N. Council Resolution 1546 recognizes that the American and coalition forces are present in Iraq at the invitation of the Iraqi Government and that their operations are essential to Iraq's political, economic, and social well-being.

We are anxious for the day when Iraqis can take control of their own destiny, but the Iraqis are suspicious of

our intentions and growing increasingly impatient. I have no illusions that a single amendment will somehow change the dynamics of events on the ground, but I believe we have a duty to proclaim and demonstrate through our deeds that we have no intention whatever of either maintaining permanent Iraqi military bases or controlling Iraqi oil.

If I may, I suggest what I proposed this past weekend, a third way on dealing with Iraq. Right now, we have basically two alternatives. The administration has a plan as to how not to lose but not one on how to win. Some of my friends in both parties believe the answer is to figure out how quickly we can pull out our forces. I want our forces out, but I also want to leave behind a stable Iraq so we need not go back in again.

Toward that end, I laid out a proposal. I want to make absolutely clear what it is not. It is not a proposal to partition Iraq. As a matter of fact, I respectfully suggest that the proposal I have laid out, and signed on by Les Gelb and others, is, in fact, the only way to avoid the partitioning of Iraq.

My fellow colleagues, we have gone from the major threat in Iraq being the insurgency to the major threat in Iraq being sectarian violence and a civil war. If you read the major press on Sunday, both the Washington Post and the New York Times have articles from well-respected reporters on the ground in Iraq saying that the nation is dangerously careening toward partition.

My proposal is designed to avoid partitioning. I believe, in order to be able to keep Iraq together and as a united government 5 years from now, we must give them breathing room now—breathing room now. The fact of the matter is, there is no plan on the administration's radar or anyone else's, for that matter, to deal with disbanding the militia or integrating the militia into the Iraqi military.

And, right now, a unity government—which is a necessary precondition for what I am talking about—a unity government, without a plan as to how to keep the Sunnis in the game, is one that is destined for failure.

We have had two unity governments already, and they have gotten us, quite frankly, nowhere. What makes anyone think because you no longer have Ibrahim al-Jaafari, who was disliked by the rest of non-Shiite Iraq, as prime minister that somehow the Sunnis are going to embrace a highly centralized Government, politically controlled by the Shia, and without any Sunni access to resources, and nothing being done about the death squads and the militia coming out of the Sadr camp and the Badr brigade, which has been trained, in part, by the Iranians? They are not likely to sign on.

So the proposal I have laid out, which I will not bore my colleagues with in detail, but I will submit for the RECORD, the proposal I have laid out

has five parts. I came to those conclusions based upon the following assessment: Nothing I propose is in any way contradictory to the existing Iraqi Constitution. Let me remind all my colleagues that the Iraqi Constitution, voted on last year by the Iraqi people, calls for the establishment—after a general election, which took place on December 15—of an Iraqi Government.

Once the Iraqi Government is established—and it must be established, now, by May 20—the Parliament will meet. The Iraqi Parliament will meet, and they will appoint a committee to make recommendations on amendments to the Constitution.

This process was made available because of the hard work of our Ambassador to Iraq. When they voted on the Constitution, you may remember, at the last minute, to save the deal, Zal was able to go out and get the following caveat put into their Constitution: that it was still able to be amended, particularly as it related to regionalism.

For the Sunnis feared, above all, that you would have these two autonomous provinces with all the oil—north and south—and they would be left without any resources in the middle and at the mercy of those two regions. That is why the present Constitution in Iraq calls for the possibility of amendment. And the amendments the administration has been calling for, I have been calling for, and everyone else, are amendments designed to get further Sunni buy-in. For everyone knows, unless the Sunnis buy in, the insurgency will not stop. If the insurgency is not quelled, continued sectarian violence will erupt. And already the genie is out of the bottle.

What has happened now is sectarian violence and ethnic cleansing is becoming a part of the political process in Iraq. In order to be able to stem that, there is a necessity, in my view, to get Sunni buy-in.

Everything has changed on the ground since my first trip to Iraq, right after Saddam's statue fell, with DICK LUGAR and with our colleague from Nebraska, CHUCK HAGEL.

At that time, the Sunni former Baathist insurgents believed, if they resisted, they could drive America out, and they could once again take control of the central government. They believed that Sunni domination, as existed the previous decades, was again achievable.

The Shia thought there was no possibility of them being able to dominate militarily, and they would have to be able to do that politically.

And the Kurds saw themselves as a semiautonomous region not caring much about anything else that happened as long as they maintained their autonomy.

What has happened in the last couple years? Well, what has happened in the last several months, when the mosque was blown up in the Shia area, it unleashed—it unleashed—sectarian violence. It unleashed it in a way that the



brigades of the existing militia began to wreak vengeance and havoc.

Every day you pick up the paper, what do you read about in Baghdad? You read about 2, 12, 14, 50 Sunnis found bound and gagged and shot in the head. You read of death squads.

On this floor, a year and a half ago, I warned that the police department in Iraq was not being organized and was essentially becoming a group of death squad people, dominated by the sectarian groups.

What has our military told us now? They told us just that, just that. And what has happened now is our chief military guy on the ground, General Casey, says we have to radically reform the police. And he calls 2006: the year of the police. The year of the police—a tacit acknowledgment they have been a vehicle of dividing Iraq in sectarian ways rather than one of uniting Iraq.

Read today's papers—the New York Times, the Washington Post, the LA Times. What are you reading? You are reading now that members of the Iraqi Army are refusing to be deployed outside the areas from which they come.

The election on December 15—and I came to this floor afterward—it was heralded as this great democratic movement. What was it? Ninety percent of the Iraqis who voted on December 15 for a new Iraq voted for sectarian or ethnic parties. If you look at the results, it was a call for, effectively, the thing we do not want—division and partition. That is what it was. Only 10 percent of the votes cast in Iraq on December 15 were for non-sectarian, nonethnic parties or candidates.

So much for this notion that there is this nonsectarian oasis that exists in Iraq that we can now drink from in order to unite Iraq.

So I say to my colleagues, the proposal I have come forward with is, I believe, the only reasonable way in which to guarantee there is not a division of Iraq, that there is not partitioning. My proposal calls for a strong central government controlling all of the revenues, all the resources, all the oil revenues, controlling a united army, and in charge of border security and foreign policy.

But what it does is what we did, in part, in Bosnia in the Dayton Accords. It gives the sectarian areas breathing room. It does not insist that the central government and the Parliament dictate to the people in the Sunni area, for example, what their laws on marriage should be, what their laws on divorce and property settlement would be, any more than we allow the Federal Government to tell the people of Mississippi or the State of Washington or the State of Delaware what those laws would be. That is not division.

I remind everybody, what did we do? We won a Revolutionary War, but we could not get a consensus among the 13 Colonies to have a strong, united central Government, so we developed the Articles of Confederation. It took us 13

years to have our Philadelphia moment. It took us 13 years.

Let me go back to Bosnia and continue that analogy. The Dayton Accords called for the establishment of a place called the Republika Srpska. Remember, Serbians within Bosnia-Herzegovina had their own republic, were allowed to keep their army, allowed to keep their military, and three Presidents were elected under the Constitution—a Serbian President, a Bosniak President, and a Croat President. That was necessary to keep this place from splitting and splintering. There was no possibility you would get them all on the same page, in the same box, after the ethnic cleansing that had taken place.

What is happening now in Bosnia-Herzegovina? Now they are rewriting their Constitution. The Republika Srpska is ready to give up their status, give up their military, as well as move from three Presidents to one. Why? They want to become part of Europe. They want to become part of Europe and benefit economically. That is why we needed to give them breathing room.

My proposal does not do a single thing that the existing Constitution does not contemplate in Iraq. And my proposal requires—requires—as a precondition the establishment of the very government that is being established right now. But it goes beyond that. As our Ambassador said to us, down at the White House, in the teleconference with the President and about six Senators and the members of the war Cabinet of the President—he said: Mr. President—I am paraphrasing—we first have to establish this government. Then we need a program. The government needs a program.

Essentially, what my proposal calls for are the outlines of a program, a program whereby the Sunnis are guaranteed a piece of the economic pie.

Now, people would say: Joe, why? And I have run this by at least a half a dozen Iraqi leaders in Iraq—Sunni, Shia, and Kurds—and it ranges from “not sure” to “supportive.”

Why? What has changed? Here is what has changed. This is how the ground has shifted. No. 1, there is now sectarian violence, and ethnic cleansing is underway already now.

Secondly, the Sunnis no longer think there is any possibility of them controlling the central government and all of Iraq any longer. They have given up that notion. They know it is not possible. Some diehard Baathists and terrorists still think that. But the vast majority of the Sunni leadership knows that is not in the cards. That is not where they were 8 months ago.

Now, what happened with regard to the Shia? The Shia now know they can be the dominant political party in Iraq. But they have also figured out, in the last 3 months—they have had, as we Catholics say, their own epiphany. And what was their epiphany? It is that they know they cannot control the in-

surgents. They know there is nothing they are going to be able to do in the foreseeable future to keep their mosques, the oil wells, and infrastructure from being blown up.

The Kurds. What has happened in the last 3 months with the Kurds? The Kurds value, above all else, their autonomy. They really want independence, but they value their autonomy. Why would they be part of this deal to give up part of the revenues to guarantee the Sunnis have revenues? A simple reason, folks: They have now decided there is no possibility of them occupying Kirkuk and being independent in a country that blows apart. Why? The Turks will take them out. The Turks will take them out. The Turkoman, the Syrians, and others who live in Kirkuk—the Turks will not allow the Kurds in Iraq to essentially have an independent state if a civil war breaks out.

So they have all figured it out. But they do not know quite how to fix it. You may say: Biden, isn't it presumptuous for you to tell them how to fix it?

Quite frankly, every move forward of late has been from an American initiative.

Well, I heard the White House criticize my plan, saying we ought to let the Iraqis do it. Well, how do they explain the fact that the President of the United States got on the phone and told the Iraqis: “Jaafari is out”? How do they explain the fact of noninterference with the Secretary of State, the Secretary of Defense getting on a plane and going over to Iraq and saying: “Jaafari is out”?

Do you call that meddling? I call it meddling, but a rational meddling, a rational meddling for their own well-being and, long term, ours.

And I might add, who was it that insisted that the Constitution, that was clearly going to be voted on overwhelmingly, be amended at the last minute to allow further amendment? Our Ambassador? He did it. Why? It made sense in order to get the Sunnis into the election.

Because they were not ready to buy in if they knew this Constitution was cast in stone. That is nice meddling.

What I am proposing does not even approach that. What I am proposing is what everybody knows has to be dealt with in Iraq; and that is, you have to figure a way that the Sunnis have some resources.

Now, if you are a Sunni, and you have been able to get a new government here, where you get a few people who are in the government, what do you think happens in a parliament, where 60 percent of the parliament is dominated by the Shia when it comes to distributing resources in the central government? Do you think you are going to get many hospitals built in the Sunni region? Do you think you are going to get many roads built? Do you think you are going to get many wells dug? These folks are not stupid.

But if you guarantee them a rational piece of the economic pie—sort of like revenue sharing—if you guarantee them something approaching 20 percent of the oil revenues, after the central government has paid for all it needs to make them function, then, in fact, they know they have the ability to provide for their own needs, and they are not going to be left totally out in the cold. It is money distributed by a strong central government.

I would add one other point. People ask: Why would the Sunnis and Shia give up what they now control, all this oil? Why would they give any guaranteed peace to the Sunnis? I will tell you why. Some of my colleagues remember when Dick Lugar and I came to the floor and said there would not be oil to pay for this war.

Why did we say that? We are not all that brilliant. Because we went to the oil men, we went to Mr. Yergin from the Cambridge research outfit that advises all the major oil companies in the United States. He came and testified and said: You can't get oil out of the ground in sufficient amount unless you invest \$30 billion in the ground.

What does everybody agree to now? Everybody, including the administration, says we have to invest \$30 billion in the ground.

What is the next message coming from the oil industry worldwide? They will not invest sufficiently in Iraqi oil unless there is a centralized oil ministry with actual control and unless there is a reasonable prospect of an end of the insurgency and the prospect of no civil war. So why would the Shia give up part of their oil that is in the south? There is no oil in the middle. It is in the north and the south. Why would they give it up? Because they know with the investment, the oil pie will be so much bigger. Although they would be giving up a little bit with the Constitution, they will be getting considerably more revenue. This is not rocket science. That is what this is about.

There are five pieces of the plan. If we are ready to go to something else, I am happy to cease and desist.

Mr. COCHRAN. Mr. President, if the Senator will yield, we understand the meeting with Senators and the Secretary of State and Secretary of Defense is still going on. We are advised that a good time for the vote on the McCain amendment would be about 3:30. You are getting wound up.

Mr. BIDEN. Well, I am. Although I may speak long, I speak seldom. But this is very important to me and to our country. I want to make sure, whether people agree or disagree with my proposal, they understand it. And if they disagree, they know why they disagree. A lot are agreeing.

Here is the deal. There are two alternatives we have now been offered. One side says we are going to keep things from getting worse, where we have no strategy to make them better. The other side of the equation says, things

aren't going to get better so we better get our troops out of there as quick as we can. Neither speaks to what I think is our national interest and objective and they are dual: One, get the troops out as rapidly as we can and leave behind as stable and integrated country as possible. Because if we don't leave behind a stable government, we are going to do exactly what I predict is going to happen in Afghanistan. We are going to be back in Afghanistan. Read today's paper. My argument is, we should be sending more forces rather than less. Read the paper today. The paper today says our folks and the Afghanis and others say the Taliban is about to occupy again the Pashtun area, that the rural areas of south-eastern Afghanistan are now controlled by the Taliban and al-Qaida.

Hear me. If they are controlled by the Taliban and al-Qaida, mark my words, that control will be consolidated because we left too soon, we don't have enough resources there, and we didn't finish the job. I don't want the same thing happening in Iraq. So just pulling troops out, which I would love to do, pulling them out and trading a dictator for chaos is no answer. Leaving them in without a plan to be able to bring them out with a country left behind is also not a plan.

Here is the deal, five pieces to my proposal, all contemplated by the present Constitution and all totally consistent with the establishment of an integrated government. The first part of that plan requires that there be strong central government control over revenues, border, natural resources, and distribution of them. As part of that, we would also do what the World Bank has done before: Have a World Bank committee overseeing the distribution of resources, which we have done in many countries, to guarantee transparency.

The second piece of this is a requirement that the Constitution be amended, or theoretically it could be done by the Parliament, where the Sunnis are guaranteed a portion of the oil revenues after the central government has paid all its bills, as the Kurds would be and as the Shia would be.

The third piece of this is, instead of doing what the administration has done, which is in this budget cut off more economic aid to Iraq—I find that amazing. We are ending economic aid, reconstruction aid in Iraq. What is the plan for this democracy? We should, in fact, continue economic aid to Iraq, which I am sure is hugely unpopular because it has been so badly spent so far, but require a fundamental change in the distribution of that aid away from megaprojects to small-bore projects. We should, at the same time in part 3, be calling upon our erstwhile partners who committed resources to Iraq to deliver them. And we should have an altar call for our Arab friends in the gulf who are making ExxonMobil look like a piker. They have plenty of money. And it is as much in their in-

terest to see civil war not break out, as it is in ours.

All of that aid should be conditioned on one important thing: A guarantee of human rights and women's rights. People say: Biden, we know you wrote the Violence Against Women Act. What is the deal here? The reason is not only is it morally the right thing to do, it is essential for there to be any prospect of a democratic Iraq emerging in the future, essential that women have rights and are protected. And the condition upon the aid should be the guarantee and ability to oversee not abusing the rights of women in their laws, in their provinces, similar to our States, similar to the State of Delaware, the State of Mississippi, as well as the fact that overall human rights be something that is transparent.

The fourth piece of this plan calls for what I have been calling for, for 2 years, I admit. Dr. Kissinger has been calling for it for a year and three-quarters, Secretary Shultz has been calling for it. Secretary Powell is calling for it. We need a regional conference. We need to get all of Iraq's neighbors, such as we did in Afghanistan, get all of Iraq's neighbors to essentially enter into an agreement not to meddle in Iraq's affairs. People ask: Why would they do that? Why would Iran do that, why would Turkey do that, why would the Arab neighbors do that? A simple reason: The last thing any of them want is a civil war.

They say the Iranians might want a civil war. No. What the Iranians want is what they have. What they have now is Americans being bled financially and physically, with 10 or 12 divisions tied down. That is what the Iranians want.

What they don't want is a civil war. You ask why? In Tehran, the Government of Tehran and the clerics know that 75 to 80 percent of their constituency hates them. They know they are incredibly unpopular. You are sitting on top of an unpopular government, knowing that there is not enough energy for there to be another revolt, another revolution among the people. Do you want 17 million of your Shia Arab brothers—and don't forget the Iranians are not Arab, they are Indo-European, they are Persian—do you want 17 million of your Shia Arab brothers learning how to fight and learning how to muster their physical capability perhaps for the next year on your border while they are engaging with 60 million of your Shia citizens who don't like you? I guarantee you, the answer is "no." They don't want that.

The Turks don't want a civil war. Civil war means the Kurds are going to go their own way. The last thing the Turks want is the Kurds going their own way. And for Lord's sake, the Arab Gulf States don't want a civil war because they then begin to count their days. So it is in everyone's interest.

How do you get this regional conference? I believe we can and I am confident we will. Get the P5, the permanent 5 of the Security Council to lay

down the parameters for a regional conference, get a U.N. Security Council resolution passed calling for a regional conference on Iraq and nonintervention. And then do what I have been calling for for 2 years, set up a contact group made up of the regional and world powers who will essentially police the deal—not send troops into Iraq, police the deal—so that all those who sign on in the region do not interfere and observe they are not interfering.

The fifth piece of my plan calls for a date to be announced, that by the end of 2008, the majority of American forces will be redeployed. There are two reasons for that. To give the U.S. military certainty, to give them certainty to plan, for there is no possibility of them pulling American forces out in 6 months or 8 months. I am not going to presume to tell the military how long an orderly change in our presence in Iraq would take and when it should take place. If it occurs sooner, all the better.

But the second reason to state it is to let the Iraqis know, as Democrats and Republicans and the President himself have acknowledged, that as long as they think we are there forever, they are not about to step up to the ball to make the hard decisions.

So I believe the only reasonable prospect of holding Iraq together, to avoid partitioning, which could be a disaster, is to give the region breathing room and incentive to stay in the deal.

I hope over time this will get a closer look. As Dr. Kissinger said, and I spoke with him and Vice President CHENEY in Philadelphia at the World Affairs Council, when they asked Dr. Kissinger, after my speech along these lines, what he thought, he said he thought the plan warranted very close scrutiny. When I laid it out to Ash Carter, he thought the plan was a good plan. When I laid it out to other people, including former Republican and Democratic members of the foreign policy establishment, it went from: Joe, is this partitioning? and once explained that it wasn't, to not a bad idea, to fully embracing the idea.

This is going to take a while. I remember when I came to this floor in the early 1990s and to the shock and dismay of my colleagues called for us lifting the arms embargo against the Bosnians and calling for air strikes against the Serbs. My colleagues thought that was crazy.

I remember when I came back again, after meeting with Milosevic and him having told people in a private meeting that when he asked me what I thought about him, I told him I thought he was a war criminal and I would spend my career seeing that he was tried as one, my colleagues thought it didn't make sense. It took 3 years to convince the administration we should move. It takes time. But they did move. We didn't lose an American force. We stopped a genocide. We stopped the dismantling of an entire region of the world, and we saved the lives of at least a quarter of a million people.

We can do that again. Don't expect everyone to embrace this plan. I realize it is strategically pretty broad. I realize it takes time to digest. My fervent prayer is, I would love it if 6 months from now, what I proposed proves not to be necessary because the Iraqis have embraced and rallied around this new government, that the insurgency is stopped, that we have not had continued ethnic cleansing, and that there is a unified central government as is. I would be delighted, delighted to stand on the floor and have people say: Told you, Joe. You didn't need the scheme you laid out.

I pray God that is true. But I respectfully suggest to you it is not likely to be true. We better have a plan B for pulling out American troops precipitously without a plan, for keeping them in without a plan is a disaster either way you look at it.

Mr. President, I ask unanimous consent that the speech I delivered earlier this week at the World Affairs Council be printed in the RECORD.

#### THE WAY FORWARD IN IRAQ: AVOIDING PARTITION, PRESERVING UNITY, PROTECTING AMERICA'S INTERESTS

It's an honor to be back at the Philadelphia World Affairs Council.

First, let me apologize to those of you confused by the schedule. It shows me speaking this afternoon. Instead, you get me to start your day. Look at it this way: things can only get better. And they will, because I understand that Vice President Cheney and Secretary Kissinger will be here for lunch.

I'd like to focus on an issue that weighs heavily on our national consciousness—Iraq. I start from this hard truth: President Bush does not have a strategy for victory in Iraq. His strategy is to prevent defeat and to hand the problem off to his successor. Meanwhile, the frustration of Americans is mounting so fast that Congress might end up mandating a rapid withdrawal, even at the risk of trading a dictator for chaos, and a civil war that could become a regional war.

Both are bad alternatives.

Today, I will argue for a third way that can bring our troops home, protect our fundamental security interests, and preserve Iraq as a unified country.

I developed this plan with Les Gelb, the president emeritus of the Council on Foreign Relations. It recognizes this new, central reality in Iraq: a rising tide of sectarian violence is the biggest threat to Iraq's future and to America's interests. It is premised on the proposition that the only way to hold Iraq together, and to create the conditions for our troops to responsibly withdraw, is to give Shiites, Sunnis, and Kurds room to breathe in their own regions.

Let me tell you what our plan is not: it is not partition. Let me tell you what our plan is: It is consistent with Iraq's constitution. It is consistent with the new unity government. And it is consistent with—in fact, it is necessary to—the goal of keeping Iraq unified within its existing borders and not a threat to its own people, its neighbors, or to us.

I'd like to share the details of our plan with you.

#### THE CURRENT SITUATION

I was last in Baghdad on December 15th to observe the elections. It was my sixth trip to Iraq. It was incredibly moving to see Iraqis go to the polls.

I came back with a finger stained purple from the polling ink. But I also returned

with this warning: we must not, yet again, prematurely declare, "Mission Accomplished." Yes, Iraqis voted by the millions, but who did they vote for? Ninety percent cast their ballots for sectarian and ethnic parties. Far from a democratic turning point, the elections reflected Iraq's deepening fault-lines.

Here's where we are in Iraq: we can't lose on the battlefield and the insurgents can't win as long as enough U.S. troops remain. But, as both our Ambassador and our top general in Iraq acknowledge, violence between the Shi'a and Sunnis has surpassed the insurgency as the main security threat. It is driving the country toward chaos and civil war.

Simply put, the sectarian genie is out of the bottle. Ethnic militias increasingly are the law in large parts of Iraq. They have infiltrated the official security forces. Sectarian cleansing has begun in mixed areas, with tens of thousands of Iraqis fleeing their homes in recent weeks. Dozens of dead bodies turn up daily in Baghdad.

Meanwhile, Iraqis have less electricity, clean water, sewage treatment and oil than before the war. Iraq's government ministries are barely functional. Iraq looks more like a failing state, not an emerging democracy.

There is no purely military answer to this slow but certain downward spiral. With more troops and the right strategy, we might have stopped the insurgency. But no number of U.S. troops will stop a civil war. To prevent it, we need a political solution. The national unity government in which the President has put so much stock is necessary, but it is not enough. We have had "unity" governments for three years in Iraq. Yet sectarian violence has escalated.

What the Iraqis need now—and what this plan proposes—is a genuine political way forward that, like our own Articles of Confederation, gives Sunnis, Shiites, and Kurds the confidence to pursue their interests peacefully in a unified country. In fact, the central government this plan proposes for Iraq would be even stronger than America's first government. With time, we can hope they will come to their own Philadelphia freedom.

At the same time, I believe we can't pull our forces out precipitously, just as we can't keep them in Iraq indefinitely. Withdrawing them too soon would open the door to all out civil war that could turn into a regional war. It also would leave parts of Iraq a haven for terrorists. That would be disastrous for U.S. interests.

What our troops deserve—and what this plan proposes—is a clear target date for redeployment that, coupled with a political settlement, will allow us to leave Iraq with our basic interests intact.

#### A FIVE POINT PLAN FOR IRAQ

Ten years ago, Bosnia was drowning in ethnic cleansing and facing its demise as a unified state. After much hesitation, the United States stepped in decisively with the Dayton Accords to keep the country whole by dividing it into ethnic federations. We even allowed Bosniaks, Croats, and Serbs to retain separate armies. With the help of U.S. troops and others, Bosnians have lived a decade in peace. Now, they are strengthening their common central government, and disbanding their separate armies.

The Bush Administration, despite its profound strategic misjudgments, has a similar opportunity in Iraq.

The idea is to maintain a unified Iraq by decentralizing it and giving Kurds, Shiites, and Sunnis the room to run their own affairs. The central government would be left in charge of common interests. We would encourage Iraqis to accept this formula with major sweeteners for the Sunnis, a military

plan for withdrawing and redeploying U.S. forces, and a regional non-aggression pact. The plan has five elements:

*1. One Iraq With Three Regions*

The first element is to establish three largely autonomous regions with a viable but limited central government in Baghdad.

The central government would be responsible for border defense, foreign policy, oil production and revenues. The regional governments—Kurd, Sunni and Shiite—would be responsible for administering their own regions.

The United States shouldn't impose this solution and we don't have to because federalism is already written into Iraq's constitution. In fact, the constitution creates a limited central government and establishes a procedure for provinces combining into regions.

Increasingly, each community will support federalism, if only as a last resort. Until recently, the Sunnis sought a strong central government because they believed they would retake power. Now, they are beginning to recognize that they won't. Their growing fear is Shi'a power in a highly centralized state, enforced by sectarian militia and death squads. The Shi'a know that they can dominate the government, but they can't defeat a Sunni insurrection. The Kurds want to consolidate their autonomy.

Some will ask whether this plan will lead to sectarian cleansing. The answer is that it's already happening. According to the Iraqi government, 90,000 people have fled their homes since the February bombing of the Samarra mosque for fear of sectarian reprisals. That's a rate of more than a 1,000 people a day. This does not include the tens of thousands of educated Iraqis from the middle class who have left the country.

We must build in protections to prevent more cleansing and to improve security in the big cities, which the Administration has failed to achieve. Baghdad would become a federal zone, while densely-populated areas with mixed populations would receive both multi-sectarian and international police protection.

A global political settlement won't end the Sunni insurgency, but it should help to undermine it. The Zarqawi network would no longer have the sectarian card to play. Sunni Nationalists and neo-Baathists would still be unhappy but they would be easier to contain.

Similarly, while decentralization won't end the militia problem overnight, it is the best way to begin rolling it back. Right now, there is no plan to disband the militia. Militias have so heavily infiltrated the security forces that our training program is effectively making them better killers. The regions can become magnets for the militia, integrating them into local forces, and eventually into the national force. Again, the constitution already provides for security forces within the regions. There is nothing radical in this proposal.

The Administration is focusing only on putting together a unity government. But the "unity" government of the past year wasn't able to govern or stop the violence. This one offers little more promise. A much broader political settlement that gives each community breathing space is the best bet to prevent civil war and to keep Iraq intact.

*2. A Viable Sunni Region With Shared Oil Revenues*

The second element of the plan is to gain agreement for the federal solution from the Sunni Arabs by giving them an offer they can't reasonably refuse.

Basically, they get to run their own region. That's a far better deal than the present alternatives: either being a permanent minority in a centrally run government or being the principal victims of a civil war.

As a major sweetener, we should press the Iraqis to write into the constitution that the Sunnis would receive about 20 percent of all present and future oil revenues. That's roughly proportional to their size. And it's far more than they'd get otherwise, since the oil is in the north and south, not the Sunni center. These revenues represent the only way to make the Sunni region viable economically. If Sunnis reject the deal, there is no guarantee they will get any oil revenues.

The central government would set national oil policy and distribute the revenues, which would reinforce each community's interest in keeping Iraq intact. There would be international supervision to ensure transparency.

Why would the Shiites and Kurds sign on? Petroleum experts agree that the Iraqi oil industry will attract much more desperately needed foreign capital if it is run as a unified whole. Shiites and Kurds will get a slightly smaller piece of a much larger pie. That's a better deal than they would get by going it alone. Guaranteeing Sunnis a piece of this pie will reduce the incentive of insurgents to attack the oil infrastructure. That, too, would be good for everyone.

*3. More Aid, But Tied To The Protection Of Minority And Women's Rights*

Third, instead of ending U.S. reconstruction assistance, as the Bush Administration is doing, we should provide more. But we should clearly condition aid on the protection of minority and women's rights. The incompetence of the Bush Administration's reconstruction program makes more reconstruction money a hard sell. A new aid effort would have to be radically different than the old one. For example, instead of international mega-firms pocketing valuable contracts, spending a huge chunk of each one on security, and then falling short, Iraqis should be in the lead of small-scale projects that deliver quick results.

The President also should insist that other countries make good on old commitments, and provide new ones. He should focus on the Gulf States. They're enjoying windfall oil profits. They have a lot at stake in Iraq. They should step up and give back.

But all future U.S. aid would be tied to the protection of minority and women's rights, clearly and unambiguously. We should insist other donors set the same standard. Aid would be cut off in the face of a pattern of violations.

President Bush is now silent on protecting minority and women's rights. If they are not upheld, there can be no hope for eventual democracy in Iraq.

*4. Maintain Iraq's Territorial Integrity And Engage Its Neighbors*

Fourth, this plan proposes that the United Nations convene a regional security conference where Iraq's neighbors, including Iran, pledge to respect Iraq's borders and work cooperatively to implement this plan.

The neighbors may see decentralization as a plot to carve up Iraq. But they have an equally strong interest in not seeing Iraq descend into a civil war that could draw them into a wider war. Engaging them directly can overcome their suspicions and focus their efforts on stabilizing Iraq, not undermining it.

The U.N. Security Council should precede the conference with a call for the necessary declarations. The permanent members of the Security Council should then sponsor and participate in the conference to show a united international front.

After the conference, Iraq's neighbors will still be tempted to interfere in its weakened affairs. We need an on-going mechanism to keep them in line. For two years, I've called for a standing Contact Group, to include the major powers, that would engage the neigh-

bors and lean on them to comply with the deal. I'm not alone. Former Secretaries of State Kissinger, Shultz, and Powell have all called for the same thing.

President Bush's failure to move on this front is inexplicable. There will be no lasting peace in Iraq without the support of its neighbors.

*5. A Responsible U.S. Drawdown And A Residual Force*

Fifth, the President should direct U.S. military commanders to develop a plan to withdraw and re-deploy almost all U.S. forces from Iraq by 2008. If the military can do it sooner without precipitating a meltdown, so much the better. Regardless, the President should make it clear that the direction we're heading in is out, and no later than 2008.

We would maintain in or near Iraq a small residual force—perhaps 20,000 troops—to strike any concentration of terrorists, help keep Iraq's neighbors honest, and train its security forces. Some U.S. troops and police would also need to participate in a multinational peacekeeping force deployed to the major multi-sectarian cities, as in the Balkans. Such a force is now a non-starter with other countries, despite their own interest in avoiding chaos in Iraq and the region. But a political settlement, and their role in helping to bring it about through a regional conference and Contact Group, could change their calculus and willingness to participate.

Right now, our troops are still necessary to prevent total chaos. But unless the Iraqis see and believe we are leaving, they will have little incentive to shape up. Redeployment is also necessary because we can't sustain this large a force in Iraq without sending troops back on fourth and fifth tours, extending deployments, and fully mobilizing the Guard. That would do serious long-term damage to our military.

A clear plan also would end the fiction the President keeps repeating of a "conditions based draw down." What conditions justify the draw down of 30,000 troops since the December elections? The situation has gotten worse.

President Bush's refusal to give clear direction leaves our military unable to plan an orderly draw down. It also leaves our troops, the Iraqis and the American people in the dark. It's time to end the guessing. It's time for clarity, but clarity with responsibility. Redeploying our troops over 18 months will allow the political settlement I've proposed to take hold and prevent all-out civil war.

REDEEMING OUR SACRIFICE

This plan for Iraq has its own risks. But this Administration has left us with nothing but hard choices.

The choice I'm proposing may be the only way left to keep Iraq intact and allow our troops to come home with our fundamental security interests intact.

The choice I'm proposing can give all of us—Republicans, Independents, Democrats, Americans—realistic hope that our sacrifices in Iraq were not in vain.

Thanks for listening.

Mr. LAUTENBERG. Mr. President, I rise to support Senator BIDEN's amendment to provide that none of the funds being appropriated in this emergency supplemental appropriations bill may be used by the United States to establish permanent military bases in Iraq. If we are serious about finding ways to neutralize the insidious insurgency that has killed over 2,400 American service men and women in Iraq, we must state clearly, unequivocally, and without further delay that we do not

intend to remain in Iraq indefinitely. Permanent U.S. military bases are a temptation for terrorists and would be a continuing symbol of U.S. occupation.

The U.S. Ambassador in Iraq, Zalmay Khalilzad, said on March 24, 2006, that the United States "has no goal of establishing permanent bases in Iraq." Senior-level officials regularly promise that the United States will not establish permanent bases in Iraq. But the facts tell a different story.

General John Abizaid, the commander of U.S. troops in the Middle East, testified before Congress earlier this year that he couldn't rule out the possibility of permanent bases in Iraq. And according to the Congressional Research Service, the Bush administration has requested more than \$1.1 billion for new military construction in Iraq, nearly double what the United States has spent in Kuwait, Qatar, and the United Arab Emirates combined. This very bill we are considering includes \$348 million for more base construction. This begs the question, if the U.S. Government doesn't plan to occupy Iraq for any longer than necessary, why are we spending billions of dollars to add onto and build more bases?

At the end of March, Brigadier General Mark Kimmitt said, and I agree, that "we must . . . show that we will not become a permanent force of occupation . . .". Last month, Secretary of State Condoleezza Rice conceded that the Bush administration had probably made "thousands" of "tactical errors" in Iraq. Let's not compound the problem by establishing permanent bases in Iraq.

I say it again: if we are serious about finding ways to neutralize the insidious insurgency in Iraq, we must convince the rest of the world—especially the Muslim world—that we do not intend to remain in Iraq indefinitely. Approving the amendment offered by the senior Senator from Delaware will help us send that message. Therefore, I urge my colleagues to support the Biden amendment to prohibit the United States from building permanent military bases in Iraq.

I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi is recognized.

Mr. COCHRAN. Mr. President, there are two amendments that have been cleared for consideration by the Senate.

#### AMENDMENT NO. 3605

Mr. President, I ask unanimous consent that it be in order to call up and consider amendment No. 3605 on behalf of Mr. LOTT regarding Armed Forces retirement home.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Mississippi [Mr. COCHRAN], for Mr. LOTT, proposes an amendment numbered 3605.

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

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

The amendment is as follows:

(Purpose: To designate the Navy, acting through the Naval Facilities Engineering Command, as the agent for all matters relating to the construction of a new Armed Forces Retirement Home in Gulfport, Mississippi)

On page 193, line 25, insert after "Provided," the following: "That the Navy, acting through the Naval Facilities Engineering Command, shall be the agent for all matters with regard to the planning, design, construction, and contract administration related to the construction of the new Armed Forces Retirement Home: *Provided further*,".

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

The question is on agreeing to the amendment.

The amendment (No. 3605) was agreed to.

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

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

The motion to lay on the table was agreed to.

#### AMENDMENT NO. 3657

Mr. COCHRAN. Mr. President, I call up amendment No. 3657 on behalf of Senator LEAHY and others regarding international disaster and famine assistance and hurricane relief.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Mississippi [Mr. COCHRAN], for Mr. LEAHY and Mr. DURBIN, proposes an amendment numbered 3657.

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

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

The amendment is as follows:

(Purpose: To address a shortfall in funding for international disaster and famine assistance)

On page 118, line 7, strike "\$136,290,000" and insert in lieu thereof "\$171,290,000".

#### AMENDMENT NO. 3657, AS MODIFIED

Mr. COCHRAN. Mr. President, I send a modification to the desk.

The PRESIDING OFFICER. Is there objection to the modification?

Without objection, the amendment is so modified.

The amendment (No. 3657), as modified, is as follows:

(Purpose: To address a shortfall in funding for international disaster and famine assistance and for hurricane relief)

On page 118, line 7, strike "\$136,290,000" and insert in lieu thereof "\$171,290,000".

On page 117, line 25, strike "\$10,500,000" and insert in lieu thereof "\$22,500,000".

On page 117, line 26, after "That" insert the following:

of the funds appropriated under this heading, \$12,000,000 shall be made available for assistance for Guatemala for relief and recon-

struction activities related to Hurricane Stan: *Provided further*, That

On page 126, line 12, after the period insert the following:

#### (RESCISSION)

SEC. 1406. Of the funds appropriated under the heading "Economic Support Fund" that are available for assistance for Egypt in Public Law 109-102 and under such heading in prior Acts making appropriations for foreign operations, export financing, and related programs, \$47,000,000 are rescinded: *Provided*, That such amount shall be derived only from funds available for cash transfer assistance.

Mr. LEAHY. Mr. President, this amendment offered by myself, Senator DURBIN and Senator WYDEN, provides an additional \$35 million for famine and disaster assistance for people in West Africa and in the Horn of Africa who are suffering from severe drought and hunger.

In last year's supplemental we provided additional funding for this purpose and according to USAID's Office of Foreign Disaster Assistance it was extremely helpful.

The situation this year is no less dire. Additional funding for famine and disaster assistance is required for the Horn of Africa where 15 million people are at risk and an additional 8 million people in Ethiopia, Kenya, and Somalia face severe food and water shortages. To put it another way, they are going to die if we and others don't do more to help them.

In Ethiopia alone, more than 740,000 people urgently need water, and more than 1.5 million children under five require immunizations against disease.

The shortfall in this account also threatens to jeopardize USAID's response to other emergencies in Africa. Humanitarian programs in Uganda, the Democratic Republic of Congo, Burundi, and Cote d'Ivoire face cuts in funding despite worsening circumstances.

In Cote d'Ivoire, 500,000 internally displaced persons face growing hardship and insecurity. USAID does not have the resources to respond to the increased needs of vulnerable people, especially women, and children.

The situation in these countries is worse than pitiful. This amendment will not solve the problem, but it will save lives and help prevent the situation from getting even worse. It is what we need to do to give the relief workers who are trying to get food, water and shelter to these people the resources they need.

Mr. President, the devastation caused by Hurricane Stan did not receive the attention that it should have by the Congress. That was partly because it was overshadowed by the terrible earthquake in Pakistan and by Hurricane Katrina.

Whole villages in Guatemala were buried by some 900 mudslides, 670 people died, 845 are missing, and 475,000 were directly affected. Many of them lost their homes, their property and their livelihoods as a result of Hurricane Stan. Most of the destruction occurred in one of the poorest parts of

the country which is the source of the majority of Guatemalan immigrants to the United States. Yet so far we have contributed only a few million dollars.

My amendment provides an additional \$12 million for assistance for Guatemala for relief and reconstruction activities related to Hurricane Stan. It is not as much as I wish we could provide, but I know that it will help address the most urgent needs of people who are trying to rebuild their lives.

I want to thank Senator McConnell for agreeing to accept this amendment.

Mr. DURBIN. Mr. President, I rise in support of the amendment being offered by my colleague from Vermont to provide much-needed emergency assistance to sub-Saharan Africa and elsewhere through the Office of Foreign Disaster Assistance.

Specifically, his amendment, which I am proud to cosponsor, would increase humanitarian aid funds by \$35 million.

The amendment has also now been modified to provide \$12 million for hurricane relief assistance to Guatemala, which I also support.

This supplemental is intended to meet emergencies. Well, many countries in Africa especially face dire emergencies, and the money provided in the Leahy amendment is desperately needed.

The United Nations reports that more than 8 million people are facing a food crisis in the Horn of Africa—2 million people in Ethiopia alone are facing critical food shortages.

The world has waited too long before, to respond to crises in Ethiopia and elsewhere. Let's act now and not wait for the television cameras to jar us into action.

The Bush administration has not requested additional funds in the supplemental bill to meet this mounting crisis, despite the fact that conditions in the region have worsened considerably in recent months.

Other regions are also facing emergency situations, most notably West Africa, the Great Lakes region, and Chad.

And yet, in spite of these growing needs, the Office of Foreign Disaster Assistance faces the prospect of having to slash the budgets of lifesaving programs.

I want to focus on one example: the Democratic Republic of Congo.

I am told that in the Democratic Republic of Congo, critical U.S. assistance budgets for this year may be cut in half.

In December, I visited the DRC, and I have to tell you, it is hard to imagine a place in greater need.

However, budgetary pressures are forcing U.S. programs in the DRC to collapse the depth and breadth of their efforts.

This means cutting food security programs, clean water, maternal and child health care programs, and other efforts to address fundamental human needs.

The DRC has been wracked by war for years.

Now, it finally sees some hope, but there are 2 million displaced people there.

The Democratic Republic of Congo has long been called one of the world's most neglected emergencies. Let's change that.

The situation in the DRC is just one of the humanitarian crises that currently plague the continent of Africa.

But we can make a difference. We must not cut our disaster assistance to countries like the Congo in half.

That kind of cut undermines everything we have been trying to do. It would be a strategic mistake and a moral failure.

I call on my colleagues to support this additional emergency aid offered by the Leahy amendment.

These supplemental funds are urgently needed and they will go a long way toward providing relief to the millions of Africans and others in the world who find themselves facing absolutely dire circumstances.

Mr. COCHRAN. Mr. President, this amendment is offset by a reduction in foreign economic assistance.

The PRESIDING OFFICER. Is there further debate? The question is—

Mr. ENSIGN. Mr. President, reserving the right to object.

The PRESIDING OFFICER. The Senator from Nevada reserves the right to object.

Mr. ENSIGN. Mr. President, may I ask the chairman of the committee, is this an increase in funding in this bill?

Mr. COCHRAN. No, it is not. If the Senator will yield, as I understand it, it shifts funds from a foreign economic assistance account to an account to provide disaster assistance in Guatemala for damages and expenses sustained in a hurricane.

Mr. ENSIGN. So this is no net increase in spending in the bill?

Mr. COCHRAN. My reading is that it transfers money from a foreign economic assistance account to one that provides disaster assistance for damages sustained in Guatemala as a result of a hurricane—Hurricane Stan I think was the name of it.

Mr. ENSIGN. I have no objection.

The PRESIDING OFFICER. Is there further debate?

The question is on agreeing to the amendment.

The amendment (No. 3657), as modified, was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. COCHRAN. Mr. President, I am advised that we are now prepared to go to a vote on the McCain amendment. For that purpose, I ask for the regular order.

#### AMENDMENT NO. 3616

The PRESIDING OFFICER. The McCain amendment No. 3616 is now pending. The yeas and nays were previously ordered on the amendment.

The question is on agreeing to the amendment.

The clerk will call the roll.

The assistant legislative clerk called the roll.

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

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

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

The result was announced—yeas 37, nays 61, as follows:

[Rollcall Vote No. 108 Leg.]

#### YEAS—37

Alexander	DeWine	McCain
Allen	Ensign	McConnell
Bingaman	Enzi	Murkowski
Brownback	Feingold	Nelson (NE)
Bunning	Frist	Santorum
Burr	Graham	Sessions
Carper	Gregg	Snowe
Chafee	Hagel	Sununu
Coburn	Inhofe	Thomas
Collins	Isakson	Voinovich
Cornyn	Kyl	Warner
Craig	Lieberman	
DeMint	Lugar	

#### NAYS—61

Akaka	Dorgan	Murray
Allard	Durbin	Nelson (FL)
Baucus	Feinstein	Obama
Bayh	Grassley	Pryor
Bennett	Harkin	Reed
Biden	Hutchison	Reid
Bond	Inouye	Roberts
Boxer	Jeffords	Salazar
Burns	Johnson	Sarbanes
Byrd	Kennedy	Schumer
Cantwell	Kerry	Shelby
Chambliss	Kohl	Smith
Clinton	Landrieu	Specter
Cochran	Lautenberg	Stabenow
Coleman	Leahy	Stevens
Conrad	Levin	Talent
Crapo	Lincoln	Thune
Dayton	Lott	Vitter
Dodd	Martinez	Wyden
Dole	Menendez	
Domenici	Mikulski	

#### NOT VOTING—2

Hatch Rockefeller

The amendment (No. 3616) was rejected.

Mrs. MURRAY. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

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

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

The assistant legislative clerk proceeded to call the roll.

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

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

#### GASOLINE PRICES

Mr. LAUTENBERG. Mr. President, today, life in America is tough. People are working very hard to make ends meet. In so many cases, families have to earn two incomes to meet their basic needs: mom working one shift, dad working another shift.

It is a mystery to me, and I am sure it is to so many people in our country,



how it is that the inflation index is so modest when everything costs more, whether it is milk, whether it is electric, whether it is housing, whether it is prescription drugs, whether it is school, whether it is college and university tuition.

I am reluctant to talk about my age, but since the days the distinguished chairman of the Committee on Appropriations and I were in college, the tuitions have become such an expensive proportion of a family's income that it is hard to imagine how working people can get their kids into college and not have them drowning in debt by the time they finish.

That is life in America today. No matter where you turn, it costs more. Look at ball game tickets. Look at theater tickets. Look at the pleasant amenities, see how much they cost, and one can understand why few people can afford to take advantage of these things. As a consequence, most Americans agree that this Nation is headed in the wrong direction. Who can blame them?

We saw the Government's bungling and ineptitude in response to Hurricane Katrina. The administration's missteps in Iraq are costing Americans dearly in lives and dollars, and gasoline prices are out of control.

Gas prices have gone through the roof. This chart shows in December of 2001, President Bush's first year in office, the national average price of gas was \$1.06 for regular gas, \$1.25 for supreme gas. Now we are at a much different point, \$1.06 for regular has gone to \$2.92, almost a \$1.85 increase in the price. That is almost a 200-percent jump in price from 2001 when supreme was \$1.25. Supreme now is \$3.07.

It is unconscionable. The American people are upset. Members are receiving e-mail messages, phone calls. Our constituents will tell Members what they think of these prices.

Gas prices were low in 2001 when two oil men in the White House got together with their friends and the oil industry. They convened a secret task force to develop an energy policy. Then our friends, the Republicans in the Congress, passed the so-called Energy bill which was mostly a bunch of giant tax breaks for big oil and the wealthiest among us. They did not construct that, but that is what happened.

What is the result of all this work by the Bush-Cheney administration and the Republican majority in the Congress? The average price of gasoline this week, as I said, is \$2.92 for the lowest octane.

What is the Republican answer to this problem? How about this: Give everyone a \$100 tax rebate. Whoopee. What a celebration, 100 bucks. If you have a 20-gallon tank in your car, you get 2.5 fills before using your \$100. In fact, the average family cost in gasoline today is up \$1,800. Everyone knows this is a silly idea when they hear it. With gasoline prices at this rate, what is \$100 going to do? Practically nothing;

\$100 is not going to do anything as long as the Republican Party is a subsidiary of big oil.

Here is an example. To pay for the \$100 rebates, the Republican Party, the Republican majority said they will close tax loopholes that oil companies enjoy. But the oil companies said: Wait a minute, don't get tough with us. So today we hear the Republicans have backed off that plan, holding their heads in wonderment like scolded schoolchildren.

We all know about the obscene retirement package that former ExxonMobil CEO Lee Raymond received. His retirement package—get this—was almost \$400 million. When they recalculated his earnings over the period of time he served, his average income was \$145,000 each and every day. How many people in this country earn over \$145,000 a year, no less per day? It is incomprehensible. And the public has been justifiably outraged by this outlandish compensation package at the expense of the American people.

Listen to what the now-ExxonMobil CEO Rex Tillerson said on the "Today Show" this morning. I heard it. He was asked if his company would offer his fellow Americans some relief this summer and discount gasoline prices. His answer was: "We are in the business to make money." He said that was his job.

I was CEO of a pretty big company, and I understand the business world. But when you deal in a commodity you have to be cognizant of your ethical and civic responsibilities to your country. Gasoline is not some run-of-the-mill product. It is vital to our entire society. It is critical. ExxonMobil is part of the American community and its neighbors are suffering. Businesses and American families are having real problems just affording gasoline. There are families who may decide not to go to the doctor this week for a sick child. They may postpone it. Small businesses are losing lots of money with higher fuel costs.

Big oil needs to recognize the impact their commodity has on everyday Americans' lives. Mr. Tillerson, the CEO of ExxonMobil, needs to understand their special role in our functioning as a society.

And the Bush administration needs to stop acting helpless. President Bush and Vice President CHENEY often say: There is not much we can do about high gasoline prices. I do not see it that way. There are things they can do.

There is something we can do here. We can get tough with the Saudis and get rid of their OPEC cartel. The OPEC oil cartel has one purpose—to keep oil prices high by restricting exports or output. Their activity is a blatant violation of the GATT agreement, the General Agreement on Tariffs and Trade.

Not only is the President not getting tough with the Saudis, the administration is pandering to them. A year ago, when gasoline prices had already

spiked well past \$2 a gallon, the Saudi ruler visited the President at his ranch in Texas. What we saw was not the President getting tough but, instead, being very friendly, strolling through a flower garden with the Saudi leader. It looked like a friendly gathering, not a tough negotiation.

Then, last week, President Bush's Energy Secretary traveled to an OPEC nation in the Middle East and praised the oil cartel. And this week, with the Saudi Oil Minister here in DC, the administration is putting down the red carpet and telling the Saudis and OPEC what a great job they do.

What the President should do is tell the Saudis, point blank: Disband your OPEC cartel or we will file a complaint against you in the World Trade Organization.

Under international law, OPEC is an illegal cartel aimed at keeping oil prices high. We need to force the Saudis and their friends to play by the rules. And that means no cartel. Forget about it.

Mr. President, I say this: The next time the Saudis or one of the countries in the cartel has a problem with a belligerent neighbor, they should not dial 911 because there will not be anybody to answer that phone, not if they continue the pattern of behavior they have started.

To the President: The American people have had enough. They want a change in leadership in this country. We need leaders who will stand up to the Saudis and the big oil companies. It is one of the only ways we can get oil and gasoline prices under control.

We have to hunt for other sources of energy, for other ways to use the energy. We are seeing it now in hybrid cars. We are seeing now that in Brazil almost 75 percent of the people there are using an ethanol mixture, saving substantial—substantial—amounts of oil. And we have to be creative. We have the genius in this country. Why don't we turn it loose and make sure they have the incentives, the economic incentives, the market incentives to do those things that can save oil?

I do not hear anybody saying, I do not hear the President of the United States saying—and I have not heard it in a long time—join in the sacrifice. We are at war. Join in conservation. We do not have enough. Help this country get through this crisis. And let the oil companies know the American people are in charge, not they. But that message is not sounded. The alarm is not rung. And that is the way life is here.

I make this plea to the President of the United States and colleagues here: Step up to the plate. Really take an action to get that price reduced and not be satisfied with excuses like: Oh, that is the marketplace. Baloney; that is what the American people will tell you. They do not want to drain their limited resources out the window by these outrageous prices for gasoline.

We have to work together. But the only way we are going to work together is if there is some concerted leadership that says: Hey, we have to get on to this problem, and not pretend this problem will kind of go away by itself.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. INOUE. Mr. President, I ask unanimous consent to set aside the pending amendment.

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

#### AMENDMENT NO. 3601

Mr. INOUE. Mr. President, I call up amendment No. 3601 and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Hawaii [Mr. INOUE] proposes an amendment numbered 3601.

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

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

The amendment is as follows:

(Purpose: To provide assistance relating to assessments and monitoring of waters in the State of Hawaii)

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

#### ENVIRONMENTAL PROTECTION AGENCY

SEC. 7032. For an additional amount for "Environmental Programs and Management", \$1,000,000, to remain available until expended, for assistance relating to assessments and monitoring of waters in the State of Hawaii; *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

Mr. INOUE. Mr. President, this amendment has been cleared by the Parliamentarian as being germane. It has been discussed with the leadership of the committee.

It provides \$1 million to the Environmental Protection Agency for assistance relating to assessments and monitoring of waters in the State of Hawaii.

As some may be aware, the State of Hawaii sustained extraordinarily heavy rains and flooding for more than 40 days and 40 nights, beginning February 20, 2006, devastating many families and destroying public and private property.

Unfortunately, on March 24, during this deluge, a Waikiki sewer line ruptured, sending more than 48 million gallons of raw sewage into the Ala Wai Canal, closing popular beaches in Waikiki.

The water quality of other beaches and streams on the Island of Oahu was severely impacted by the sustained heavy rains that caused sewer overflows and runoff of tremendous amounts of sediment and pollutants. Sewer systems are designed to handle wastewater and very small amounts of storm water that infiltrates into the pipe system.

During the continuous storm event, excessive amounts of water from the surrounding area infiltrated into the pipe, and homeowners discharged storm water into the sewer system. High bacterial levels exceeded the recreational water quality standards and the State Department of Health required beaches to be closed.

Mr. President, I hope the Senate will approve this amendment. I urge the adoption of the proposed amendment.

The PRESIDING OFFICER. The Senator from Mississippi is recognized.

Mr. COCHRAN. Mr. President, I have been advised that the Senator from Arizona, Mr. MCCAIN, wants to speak on the amendment and is on his way to the floor to do so. So awaiting his arrival, 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. INOUE. 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. INOUE. Mr. President, I ask unanimous consent that the pending amendment be set aside.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

#### AMENDMENT NO. 3673

Mr. INOUE. Mr. President, I call up for its immediate consideration amendment No. 3673.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Hawaii [Mr. INOUE] proposes an amendment numbered 3673.

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

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

The amendment is as follows:

(Purpose: To increase funds made available for assessments of critical reservoirs and dams in the State of Hawaii)

On page 246, line 1, strike "\$500,000" and all that follows through line 8 and insert "\$1,400,000, to remain available until expended, for assistance with assessments of critical reservoirs and dams in the State of Hawaii, including the monitoring of dam structures: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006."

Mr. INOUE. Mr. President, as I noted earlier, heavy rains, for more than 40 days and 40 nights, devastated many families and destroyed public and private property in the State of Hawaii.

On the Island of Kauai, besides the serious damage to agricultural operations in these areas, the intensity and sustained nature of these storms caused a breach of two important reservoirs. A breach sent water and debris downstream at about 25 miles per hour

and tore away homes and blocked off the north side of the island, hampering emergency services and assistance. In addition, floodwaters from the reservoir compromised the downstream reservoir, which public officials have now declared unstable and dangerous. These two reservoirs were built in the 1890s.

As a result of this failure, the only access to the northern part of the island sustained severe damage to the roadway, embankments, culverts, guardrails, and other structures. This damage was so great that the highway was shut down for over a week.

The emergency supplemental already includes \$500,000 for the U.S. Geological Survey's Hydrologic Networks and Analysis Program for assistance in conducting assessments of critical reservoirs and dams.

This amendment asks for an additional \$900,000, which would make it possible for the evaluation of critical reservoirs and dams throughout the State of Hawaii. I urge the adoption of this proposed amendment. It has been cleared by the Parliamentarian as being germane.

Mr. AKAKA. Mr. President, I rise to speak in favor of the amendments offered by my colleague, the senior Senator from Hawaii, DAN INOUE, to the fiscal year 2007 supplemental appropriations bill, H.R. 4939. I ask that I be included as a cosponsor of both amendments.

I believe that we, as government leaders, should continue to provide whatever forms of assistance are necessary to help the men, women, and children left devastated by natural disasters such as Hurricane Katrina and severe flooding that recently marred the islands of Kauai and Oahu in my home State of Hawaii. Although the immediate crises have passed, the long process of recovery has just begun. Now, more than ever, we need to support the efforts of those engaged in the process of rebuilding their communities.

I am pleased to see that the Senate Appropriations Committee has included \$33.5 million in the emergency supplemental for disaster assistance in Kauai and Windward Oahu, and \$6 million for sugarcane growers in Hawaii whose crops were destroyed by the floods earlier this spring. These funds will provide a great deal of assistance to the citizens of my home State as they work to repair the damage to their homes and businesses.

However, as my colleague eloquently explained, we need to go further. His first amendment would provide \$1.4 million to assess the security and safety of critical reservoirs and dams in Hawaii, including monitoring dam structures. This funding is crucial because the failure of Kaloko Dam on Kauai led to the severe flooding and loss of life. The other Inouye amendment would provide \$1 million for environmental monitoring of waters in and around Hawaii.

In March, I visited the hardest hit areas of our State and met with victims, emergency responders, and State officials. The situation for many of our residents is very grave. With hundreds of homes and businesses damaged or destroyed, critical infrastructure crippled, and days of search and rescue activities, the resources of our State have been severely strained. Hawaii needs Federal assistance to recover from the effects of the flooding, including restoring critical roadways, helping farmers to salvage crops, and inspecting and repairing faulty dams and flood control systems. It is clear that Hawaii will not be able to mitigate the damages in the near future and that long-term recovery efforts will require Federal assistance.

As my friend indicated, President Bush yesterday declared a major disaster for Hawaii triggering the release of Federal funds to help the people and communities recover. I stand in strong support of Senator INOUE's amendments.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, I am advised that the Senator from Arizona also wants to speak to the amendment that has just been offered. So unless there is someone else who seeks recognition at this time, 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. MCCAIN. 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. MCCAIN. Mr. President, I thought maybe we had done enough pork barreling for one bill, but apparently there is never enough around here, never enough. I would ask the Senator from Hawaii, when is it enough? Another \$1.9 million, that is all, just \$1.9 million. We are already, for hurricane recovery, \$7.7 billion above the President's request; emergency agricultural disaster assistance, \$3.9 billion above the President's request; drought emergency assistance, \$12.5 million; port security enhancement, \$650 million; general provisions, \$36 million. It goes on and on and on.

We are going to do something else for the State of Hawaii so we can win the war in Iraq and so we can respond to the hurricanes. One of these amendments is to provide assistance relating to assessments and monitoring of waters in the State of Hawaii—a million bucks for assistance relating to assessments and monitoring of the waters in the State of Hawaii, provided that the amount under this is designated an emergency requirement. What is it that is going on in the waters of Hawaii that designates it as an emergency?

Then we have a \$900,000 earmark, all for Hawaii, for assistance with assess-

ment of critical reservoirs and dams in the State of Hawaii. I know something about that. We have a few reservoirs and dams in my State. I have yet to see an emergency that had to do with the war in Iraq and hurricanes that required that, but we are going to give them another \$900,000. The sad thing about this is, they will probably get it. I am going to force a recorded vote on both of these amendments, but they will probably get it. Then in conference, there will be more money for Hawaii. And then in the next appropriations bill, there will be more money for Hawaii.

My constituents live in Arizona. A lot of us are getting sick and tired of this—sick and tired, sick and tired.

I ask unanimous consent to ask for the yeas and nays on both amendments and separate votes.

The PRESIDING OFFICER. Is there objection to a request for the yeas and nays on both amendments at this time?

Without objection, it is in order to so request.

Is there a sufficient second?

There appears to be a sufficient second.

Is there further debate on amendment No. 3673? If not, the question is on agreeing to amendment No. 3673.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. MCCONNELL. The following Senators were necessarily absent: the Senator from Utah (Mr. HATCH) and the Senator from Wyoming (Mr. THOMAS).

Mr. DURBIN. I announce that the Senator from Delaware (Mr. CARPER) and the Senator from West Virginia (Mr. ROCKEFELLER) are necessarily absent.

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

The result was announced—yeas 43, nays 53, as follows:

[Rollcall Vote No. 109 Leg.]

#### YEAS—43

Akaka	Harkin	Murkowski
Baucus	Inouye	Murray
Bayh	Jeffords	Nelson (FL)
Biden	Johnson	Obama
Bingaman	Kennedy	Pryor
Boxer	Kerry	Reed
Byrd	Kohl	Reid
Cantwell	Landrieu	Salazar
Clinton	Lautenberg	Sarbanes
Conrad	Leahy	Schumer
Dayton	Levin	Stabenow
Dodd	Lieberman	Stevens
Dorgan	Lincoln	Wyden
Durbin	Menendez	
Feinstein	Mikulski	

#### NAYS—53

Alexander	Craig	Isakson
Allard	Crapo	Kyl
Allen	DeMint	Lott
Bennett	DeWine	Lugar
Bond	Dole	Martinez
Brownback	Domenici	McCain
Bunning	Ensign	McConnell
Burns	Enzi	Nelson (NE)
Burr	Feingold	Roberts
Chafee	Frist	Santorum
Chambliss	Graham	Sessions
Coburn	Grassley	Shelby
Cochran	Gregg	Smith
Coleman	Hagel	Snowe
Collins	Hutchinson	Specter
Cornyn	Inhofe	

Sununu Talent	Thune Vitter	Voinovich Warner
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#### NOT VOTING—4

Carper Hatch	Rockefeller Thomas
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The amendment (No. 3673) was rejected.

Mr. COCHRAN. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The minority leader.

Mr. REID. Mr. President, I ask unanimous consent that I be allowed to speak for up to 10 minutes.

The PRESIDING OFFICER. Is there objection?

Mr. MCCAIN. I object. What is the regular order?

Mr. REID. I will use leader time, then, Mr. President.

The PRESIDING OFFICER. The Senator may use his leader time.

Mr. MCCAIN. Reserving the right to object, why can't we go on with the next vote, the regular order, I ask the distinguished Democratic leader?

Mr. REID. Mr. President, I have the floor.

The PRESIDING OFFICER. The Democratic leader has the floor.

Mr. REID. Mr. President, I have been in the Senate a couple of decades, and I have grown very fond of many people. There is no one in the Senate for whom I don't have high affection. But I have to say at the top of the list is a person whom I revere, a man by the name of DAN INOUE from Hawaii.

Here is a man who has devoted his life to our country, and for someone to come on the Senate floor—even though the person doing that is my friend—and say what I believe are abusive things about DAN INOUE is offensive to me and I think should be to the rest of the Senate.

This is a bill which is extremely important to our country. It is an emergency appropriations bill. Most of the money in this bill goes to the wars in Iraq and Afghanistan and rightfully so. But there are other emergencies that come up from time to time. The disaster of Katrina was an emergency, but there are acts of God that take place.

One such act of God took place in Hawaii on the island of Kauai. Rains lasted for 40 days and 40 nights, devastating that little island, but in particular it broke a reservoir, killing seven people. Seven people are dead.

Senator INOUE came to this Chamber and offered an amendment to have an emergency appropriation part of this bill. That is what it is.

For my friend, the distinguished Senator from Arizona, about whom we all care, to come and say to Senator INOUE, "Have you no shame?" "Have you no shame?"—to DAN INOUE, a Congressional Medal of Honor recipient, on whom our country has bestowed the highest medal that can be given to a person in the U.S. military for heroism. "Have you no shame?" DAN

INOUE? The President declared that 40 days and 40 nights in Hawaii a Presidential declaration of an emergency. Senator DAN INOUE was doing his job, as any one of us would do if we had torrential rains hitting our States.

We know how strongly JOHN MCCAIN feels about issues dealing with appropriations, but this is beyond the pale. This is beyond the pale to say to DAN INOUE: "Have you no shame?"

I yield the floor.

AMENDMENT NO. 3601

The PRESIDING OFFICER (Mr. COBURN). The question is on agreeing to amendment No. 3601 offered by the Senator from Hawaii. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

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

Mr. DURBIN. I announce that the Senator from Delaware (Mr. CARPER) and the Senator from West Virginia (Mr. ROCKEFELLER) are necessarily absent.

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

The result was announced—yeas 51, nays 45, as follows:

[Rollcall Vote No. 110 Leg.]

#### YEAS—51

Akaka	Durbin	Mikulski
Baucus	Feinstein	Murkowski
Bayh	Harkin	Murray
Bennett	Hutchison	Nelson (FL)
Biden	Inouye	Obama
Bingaman	Jeffords	Pryor
Boxer	Johnson	Reed
Burns	Kennedy	Reid
Byrd	Kerry	Salazar
Cantwell	Kohl	Sarbanes
Clinton	Landrieu	Schumer
Cochran	Lautenberg	Specter
Conrad	Leahy	Stabenow
Dayton	Levin	Stevens
Dodd	Lieberman	Voinovich
Domenici	Lincoln	Warner
Dorgan	Menendez	Wyden

#### NAYS—45

Alexander	DeMint	Lugar
Allard	DeWine	Martinez
Allen	Dole	McCain
Bond	Ensign	McConnell
Brownback	Enzi	Nelson (NE)
Bunning	Feingold	Roberts
Burr	Frist	Santorum
Chafee	Graham	Sessions
Chambliss	Grassley	Shelby
Coburn	Gregg	Smith
Coleman	Hagel	Snowe
Collins	Inhofe	Sununu
Cornyn	Isakson	Talent
Craig	Kyl	Thune
Crapo	Lott	Vitter

#### NOT VOTING—4

Carper	Rockefeller
Hatch	Thomas

The amendment (No. 3601) was agreed to.

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

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. I ask unanimous consent to speak for 2 minutes as in morning business.

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

Mr. MCCAIN. Mr. President, I would like to say that Senator INOUE and I have been friends for many years. I believe the process we are doing—obviously, when I see billions and billions of dollars added to an emergency supplemental—is inappropriate and, of course, I in no way would want to—in no manner would I want to offend my friend, Mr. INOUE. If my remarks did so, I apologize for doing so.

I yield the floor.

The PRESIDING OFFICER. Who seeks time?

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

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

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

The Senator from Oklahoma is recognized for 10 minutes.

#### OFFSETTING FUTURE SPENDING

Mr. COBURN. Mr. President, we are wrapping up the debate. It is finished on this bill, and we are going to have votes in the morning.

I think we need to ask some questions. We have a supplemental bill. Regardless of the amount of it, it is here. I think there is a real question in the country, and there should be a real question for us, on why we are doing a supplemental bill on the war which we know is happening, and also on projects associated with Katrina and Rita that we know are going to come through the authorization and the appropriations process. I think we need to look at that as a Congress and say why are we doing that, and be very honest about why we are doing it.

The second point I would make is, in emergency legislation we have a lot of things that really aren't emergencies. I think we as a body ought to look at that and use self-discipline.

But the third point is, and this is the one I think the American people are asking, we have a bill out here that is going to spend somewhere between \$94 billion and \$108 billion of taxpayers' money, and there was no attempt whatsoever to offset this spending—nothing. There were attempts on the floor to change it, but there was no attempt to do a rescissions bill. There was no attempt to look at the things where we know there is wasteful spending. There was no attempt to look at some of these things. This is a list of

\$54 billion in potential rescissions that I bet we could agree on \$10 billion or \$11 billion of if everybody knew the facts or the details. But we didn't do that. We didn't ask the Appropriations Committee to do that. It was not asked of them to do that. It is not their fault. They weren't asked to do it. That is the question the American people ought to be asking. Where is the oversight to see if everything is running well?

If you ask the American people: Do you think the Federal Government is efficient, there is not going to be 1 or 2 percent that will say yes. If you ask the American people: Do you think we could do it more efficiently for less money, the vast majority of the American people would agree with that. And that is probably true. If you ask Federal employees, they will tell you that, too.

The question is, Why are we not doing it when we are spending money we don't have? We ought to think about this the next time an emergency supplemental comes around. We ought to make an effort to find the offsets, and we ought to work together across party lines to say how do we secure the things we want. Some of those are different. If you are liberal or conservative, you may want different things. But if you are going to secure the future for those programs that help individuals and go a long way in securing what we need to do to make sure people have an honest, even start in this country, things that are valuable in that regard—whether it be the Food Stamp Program or Head Start or something like that—we are going to run out of money for those.

In 9 short years, 81 percent of our budget is going to be consumed by Medicare, Medicaid, Social Security, and interest. We should have the discipline to start now to make the significant changes that we need to make to be able to handle that emergency that is coming. The real emergency is not right now. The emergency is going to happen starting in 2009.

I just ask that we look at that and think about it. How do we answer to the American public that we didn't try to trim any other type of spending as we spend \$104 billion?

With that, I yield the floor.

The PRESIDING OFFICER (Mr. COBURN). Who seeks recognition?

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. VITTER. 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. VITTER. Mr. President, I ask unanimous consent to call up amendment No. 3819.

The PRESIDING OFFICER. Is there objection?

Mrs. MURRAY. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. VITTER. Mr. President, I yield the floor.

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

Mr. COCHRAN. 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. COCHRAN. Mr. President, I make a point of order en bloc against a list of amendments on the grounds that they are not germane under rule XXII. The amendments are as follows:

Warner amendment No. 3620; Vitter amendment No. 3628, as modified; Wyden amendment No. 3665; Santorum amendment No. 3640, as modified; Salazar amendment No. 3645; Vitter amendment No. 3668; Obama amendment No. 3693; Obama amendment No. 3694; Obama amendment No. 3695; Obama amendment No. 3697; Menendez amendment No. 3675; Conrad amendment No. 3715; Levin amendment No. 3710; Schumer amendment No. 3723; Schumer amendment No. 3724; Cornyn amendment No. 3722; Cornyn amendment No. 3672; Byrd amendment No. 3708; Landrieu amendment No. 3750; and Landrieu amendment No. 3752.

The PRESIDING OFFICER. Without objection, the point of order may be made en bloc at this time.

Mr. COCHRAN. Mr. President, I raise a point of order against these amendments, that they are not germane under rule XXII.

The PRESIDING OFFICER. The Chair sustains the point of order with respect to all the amendments.

Mr. COCHRAN. All the amendments that I read?

The PRESIDING OFFICER. That is correct.

Mr. COCHRAN. My understanding is that the Chair sustains the point of order.

The PRESIDING OFFICER. The Chair sustains the point of order on all amendments.

Mr. COCHRAN. I thank the Chair.

Mr. President, I ask unanimous consent that when the Senate resumes the supplemental appropriations bill tomorrow morning, the Senate proceed to consider votes on or in relation to the following, with no intervening action or debate or second-degree amendments:

Thune amendment No. 3705, and Vitter amendment No. 3728, as modified.

I further ask unanimous consent that the bill be read a third time and the Senate proceed to a vote on passage with no intervening action or debate; provided further that following passage, the Senate insist on its amendments and request a conference with the House, and the Chair then be authorized to appoint conferees on the part of the Senate.

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

Mr. KOHL. The supplemental appropriations bill now pending before the Senate includes nearly \$4 billion in emergency agriculture assistance. This assistance is necessary for farmers and ranchers to recover from natural disasters that have occurred over the past year. This assistance is not only related to the horrible storms that ravaged the Gulf of Mexico coast last summer, but it also will be available for producers across the country who have similarly suffered from floods, storms, wildfires, drought, and other severe weather events.

Also included in this assistance package is a provision to provide supplemental economic loss payments to producers of certain crops. The primary purpose of this assistance is to help compensate for the impact of high energy costs on agricultural producers. We must remember that while many businesses can pass on increased costs of production to consumers or other purchasers, the nature of the agriculture economy is such that farmers and ranchers are very limited in their ability to pass on such costs. Yet the costs of fuel, electricity, and other energy inputs are a very large part of the overall costs of agricultural production and when energy costs rise, as they have done in recent months, they put farming and ranching operations all across the country at risk. Unfortunately, the provision now in the bill does not apply to dairy producers.

During consideration of this supplemental appropriations bill by the Full Appropriations Committee, I pointed out to my colleagues that dairy producers are suffering from high energy costs as are producers of crops. I ask the chairman of the Appropriations Committee, Senator COCHRAN, if he recalls the discussion we had on that topic at that time.

Mr. COCHRAN. Yes. I say to the Senator from Wisconsin that I do recall that discussion.

Mr. KOHL. It might be of interest to the chairman, and other Senators, to share some information I have received from the USDA Office of the Chief Economist on the question of how energy costs affect various types of farming operations. I asked the Chief Economist if he could provide the amounts that farmers pay for direct fuels costs, electricity, and indirect energy costs such as those associated with the production of fertilizer and chemicals. According to that office, using the most recent year for which these amounts are available, 2004, producers of so-called program crops, including wheat, corn, feed grains, rice, cotton oilseeds, and peanuts, paid a total of \$9.9 billion for these sort of energy inputs. Of that total, corn had the highest energy costs with \$4.9 billion. Cotton producers came in second at \$1.7 billion. On the other hand, peanut producers paid \$145 million for these same costs. The average energy cost for these seven different commodities, by commodity, was \$707 million.

However, I would like to point out to my colleagues that the energy costs of dairy producers, as described by the USDA Office of the Chief Economist, was \$2.2 billion. While dairy production was not the highest single commodity for energy costs, it did come in second and was three times greater than the average. While these costs were high in 2004, we all know what has happened, and is continuing to happen, to energy costs since then.

I know the budget constraints that we face with regard to the pending supplemental appropriations bill, and I am aware of the statement of President Bush in regard to his views on spending. However, I would like to ask the chairman of the Appropriations Committee for his views on this subject. I hope he would be willing to work with me in conference to ensure that in the event funds are provided for supplemental economic assistance in a manner similar to what is provided in the pending bill, that dairy producers will be able to participate in a program to help compensate for the high energy and other costs facing the agriculture sector.

Mr. COCHRAN. I thank the Senator from Wisconsin for expressing his concerns and for providing the specific information regarding the effect of energy costs on agriculture. The Senator is correct, we will be under tremendous pressure in conference to limit the amount of spending in this bill. We all know how important the farming economy is to this country and how badly farm income is being impaired by high energy costs. I would tell my friend from Wisconsin that I will work with him, and other Senators, to make sure that all farmers are treated fairly. The Senator's point about the costs affecting dairy producers, along with the others he mentioned, is well taken, and I hope an accommodation can be made to make sure all these farmers are treated equitably.

Mr. KOHL. I thank the chairman.

#### ARMY MODULARITY PROGRAMS

Mr. SANTORUM. Mr. President, I would like to engage my colleague from Alaska, Senator TED STEVENS, on a topic of importance to our Nation's military and our industrial base. The issue of importance concerns additional funding included by the House of Representatives for Bradley fighting vehicles and Hercules improved recovery vehicles. The House added \$250 million for Bradley ODS vehicles and another \$100 million for Hercules vehicles.

Mr. STEVENS. As the Senator from Pennsylvania knows, I am keenly aware that these are important modularity programs for our Nation's Army.

Mr. SANTORUM. I want to thank the Senator from Alaska for his efforts to address these and other Army programs in this supplemental appropriations bill. I recognize that there are financial limitations on what the Committee on Appropriations is able to do

with respect to addressing the Army's recapitalization needs.

Mr. STEVENS. I thank the Senator from Pennsylvania for his observations on the realities of the appropriations process. Candidly, there were more programs of need for the Army than there were resources available to the committee. I am committed to working with conferees to this bill in conference to try to address these two particular programs.

Mr. SANTORUM. I thank my colleague for his remarks and I stand ready to provide whatever assistance might be necessary to secure supplemental appropriations funds for Bradley fighting vehicles and Hercules improved recovery vehicles.

#### PUBLIC HOUSING ENERGY COSTS

Mr. REED. Mr. President, I would like to engage in a colloquy with the distinguished chairman and ranking member of the Transportation, Treasury, Judiciary, and HUD Subcommittee of the Committee on Appropriations.

As my colleagues know, rising home energy costs and high prices at the pump are draining dollars out of our communities and the pocketbooks of American families. This is money that could be spent on school supplies, food and medicine, and retirement savings. The burden of high energy prices is disproportionately felt by low-income and working class consumers, who do not have the disposal income to meet these expenses. The unanticipated increases in energy costs due to Hurricanes Katrina and Rita at the beginning of the 2005/2006 heating season have had a significant impact on the ability of local housing agencies to effectively manage their public and section 8 housing inventories.

Nationwide, approximately 3 million families receive public housing or section 8 housing voucher assistance, which helps families pay for housing costs, including utilities. In Rhode Island, public housing provides homes for 16,000 households, 7,000 of whom are elderly or disabled and 9,000 family members. The section 8 voucher program serves an additional 16,000 residents, 3,300 who are elderly or disabled, and 12,173 family members. Public housing and the section 8 voucher programs are important assets to communities and residents in Rhode Island, making affordable housing available to many elderly, disabled, and working families. In 2004, the average rent for a two-bedroom apartment in the State was \$1,121. The average income needed for this rent is \$45,000 per year, or \$16.25 per hour. Teachers and librarians earn only an average of \$40,685 per year in Rhode Island. Half of all Rhode Island residents cannot afford the rent on the average two-bedroom apartment. The average hourly wage needed to afford a one-bedroom apartment in the State is \$14.05. A minimum-wage employee, working full time, would be able to afford \$351 in rent.

Public housing agencies pay utility bills, and vouchers include an allow-

ance for tenant-paid utilities. The Department of Housing and Urban Development's (HUD) budget for fiscal year 2006 for both public housing and section 8 vouchers did not contemplate the growth in energy costs that we have seen since the gulf coast hurricanes of 2005. The 1.5-percent increase budgeted for utility payments is woefully inadequate this year.

For approximately 80 percent of public housing units, the local housing agency pays directly for utilities. The local agency cannot pay increased utility bills by raising rents. In the remaining 20 percent of public housing units, local agencies assist families, elderly, and disabled persons to pay utility bills where these bills would tip housing costs over 30 percent of income. HUD's public housing operating fund budget, which pays for utilities, for fiscal year 2006 incorporated only a 1.5-percent increase for rising energy costs, a level not close to the utility rate hikes experienced by local agencies. In 2005, public housing agencies received just 89 percent of the amount necessary to cover basic maintenance and operations, and in fiscal year 2006, these agencies are expected to receive about 91 percent of necessary funding. Public housing agencies cannot absorb these increases within their budgets or reserves. Without supplemental funding, many agencies will be forced to again cut back on basic maintenance and vital services to the elderly, disabled, and working families they serve.

The section 8 voucher program is experiencing similar problems. About 20 percent of assisted families have utilities included within their rental charges. For the remaining 80 percent, housing agencies provide the family with a standard utility allowance based on energy consumption for the housing unit where they live. HUD calculates the annual increases in voucher funding and the amount that agencies are permitted to pay on behalf of families for tenant-paid utilities based on area housing cost estimates. Again, these calculations were developed before the recent increase in utilities. Housing agencies are required to recalculate and increase utility allowances for families whenever utility costs increase by 10 percent or more. However, under the current "budget-based" method of funding vouchers, no additional funding will be provided midyear to accommodate these increased costs. The failure to provide additional funding to local agencies for utility increases will create either greater rent burdens for low-income families or force agencies to reduce the number of families they assist within their limited budgets.

An example from my home State of Rhode Island is illustrative of what public housing agencies are facing across the country. The Woonsocket Public Housing Authority serves 1,300 families in public housing, including 650 senior citizens. While the agency is authorized to serve 669 families with

vouchers, the funding provided to the agency under the budget-based voucher formula limits them to serving only 639 families. Woonsocket has previously undertaken many energy-saving activities; however, utility costs for electricity increased 100 percent in November/December 2005 over the same months in 2004. Natural gas increased 37 percent for the last 3 months of 2005. Utilities costs, which were 30 percent of the operating costs, now have begun to approach 40 percent and could go to 50 percent.

For this reason, I filed an amendment to H.R. 4939, the emergency supplemental appropriations bill, to provide \$493 million to public housing agencies to address rising energy costs for the section 8 voucher program and public housing units. Unfortunately, the amendment is not germane postcloture and will not receive consideration. Local housing agencies are not able to absorb these costs and meet their mission to ensure safe, decent, and affordable housing. I am particularly worried that the problem will only be exacerbated as HUD's fiscal year 2007 budget projects a 1.8-percent decrease in utility costs. Rising energy costs will remain a pressing issue for American families and our local communities, and they need our assistance. I recognize the difficult budget constraints that the chairman and ranking member face this year as they begin the fiscal year 2007 appropriations process. I hope the chairman and ranking member can work with me to address the growing problem of rising energy costs on local housing agencies as they begin work on the fiscal year 2007 Transportation, Treasury, Judiciary, and HUD appropriations bill.

Mr. BOND. Mr. President, local housing agencies in my State are also facing these rising energy costs. The Housing Authority of Springfield experienced a 28-percent increase in utility costs this winter during the city's second warmest January and the warmest February in recorded history. This utility increase represents an approximate 6-percent increase in the public housing agency's operating budget. As the Senator mentioned, many core programs within the subcommittee's jurisdiction are facing deep cuts in the fiscal year 2007 budget request, and at this point, I am not certain what our allocation will be for the fiscal year. The Senator raises an important concern, and I will take a serious look at how these unbudgeted costs may be addressed so that local agencies can continue to manage their operations responsibly.

Mrs. MURRAY. Mr. President, I would second what the chairman has just stated about the budget constraints facing our subcommittee. I am committed to working with the Senator from Rhode Island during the fiscal year 2007 budget process to address these rising energy costs.

Mr. DURBIN. Mr. President, I would like to take this opportunity to discuss



my fire grant amendment to the Iraq and Hurricane Katrina emergency supplemental bill. Although there are procedural reasons why I cannot offer this amendment at this time, it would provide an additional \$100 million for firefighter assistance grants to address the 9/11 Commission's finding that Congress should give high priority to providing funding for communications connectivity in high-risk areas.

We should implement the recommendations of the independent, bipartisan 9/11 Commission and finally protect our ports and airports, our borders and mass-transit systems, our chemical and nuclear power plants, and our food and water supplies from terrorist attack. In July 2004, the 9/11 Commission submitted to Congress and the Nation a report containing 41 recommendations on how to improve intelligence operations and homeland security. In December 2004, Congress enacted the Intelligence Reform Act, "the 9/11 Act", authorizing several of these recommendations. However, we have failed to live up to the commitments made in the 9/11 Act.

Almost every single one of the recommendations made in the 9/11 Act on homeland security has been significantly underfunded. In addition, there has been a severe lack of leadership and competency at the Department of Homeland Security—culminating in the failed response to Hurricane Katrina. On December 5, 2005, when the 9/11 Commission issued its final report card, it gave the administration and Congress a series of C's, D's, and F's on many areas in homeland security. These areas include port security, border security, aviation security, chemical plant security, and first responders. We should have an aggressive, robust plan to secure our homeland, and this amendment would implement one of the 9/11 Commission's recommendations.

In the 9/11 Commission's December 2005 report card, the administration received an "F" on communications for first responders. Indeed, Hurricane Katrina exposed that, 4 years after 9/11, little progress has been made in creating a system where police, fire, and emergency medical service departments can communicate with each other. Homeland Security's fiscal year 2007 budget decreases first responder and homeland security funding by \$400 million, which affects first responders across Illinois and throughout the Nation. Additional Federal funds are needed to protect our investments in homeland security preparation and response.

Last year, more than \$25 million was awarded to Illinois fire departments for equipment. Unfortunately, the fiscal year 2007 budget reduces funding for the Fire Program from \$545 million to \$293 million. This program provides equipment and training to fire departments in Illinois and across the country to help them prepare and respond to terrorist incidents. One way to as-

sist firefighters is to make sure that they have the necessary equipment that makes it possible for them to communicate across departments and agencies.

In Illinois, STARCOM21 is the official statewide public safety two-way radio system. It has been designed to serve State, local, and Federal law enforcement agencies statewide by facilitating multi-agency communication through radio interoperability. This important program is part of a push by the Federal Government to address communication problems experienced by first responders during national emergencies. As part of its STARCOM program, Illinois has purchased and distributed radios to 698 law enforcement agencies at a cost of \$3,899,630, for an average cost of approximately \$6,000 each; 755 fire departments at a cost of \$4,531,580; and 212 emergency management, public health, and other agencies at a cost of \$1,272,882. This is a total of 1,665 radios for \$9.7 million. This is a little more than half of the universe of public safety agencies in the State. Illinois would like to provide additional radios to some of the larger cities—there are 10 cities in Illinois with populations over 100,000 people—but Federal assistance is required.

My amendment addresses the 9/11 Commission's recommendation that first responders have interoperable communications equipment. My amendment would provide an additional \$100 million for interoperable communications equipment so that first responders can respond to natural disasters, terrorist attacks, and other public safety needs. Fire grants are already used by some jurisdictions for the purpose of obtaining communications equipment, and my amendment sets aside a pool of funding to encourage more departments to do so. This is important to help emergency responders field effective and reliable interoperable communications equipment to respond to natural disasters, terrorist attacks, and the public safety needs of America's communities.

The lack of interoperable communications for America's first responders puts them and our communities in danger. Too many of our police, fire, emergency medical services, and transportation officials cannot communicate with each other, and our local departments are not able to link their communications with State and Federal emergency response agencies. A June 2004 U.S. Conference of Mayors survey found that 94 percent of cities do not have interoperable capability between police, fire, and emergency medical services, and 60 percent of cities do not have interoperable capability with the State emergency operations center. Almost half of the cities that responded to the survey said that a lack of interoperable communications had made response to an incident within the last year difficult. In November 2003, OMB testified before Congress that there is insufficient funding in place to solve

the Nation's interoperability problem, and it would cost more than \$15 billion to begin to fix the problem.

I appreciate Senator STABENOW's work on this issue and her cosponsorship of this important amendment. This is such an important issue for firefighters in Illinois and across the country that when there is another opportunity, I intend to bring this amendment before the Senate, and I hope that my colleagues will consider supporting it.

Mr. LEAHY. Mr. President, I am a cosponsor of amendment 3662 by my friend from Wisconsin, Senator FEINGOLD. His amendment, which would have ensured continued support for the Office of the Special Inspector General for Iraq Reconstruction, was ruled "nongermane" by the Parliamentarian.

This is inexplicable and unfortunate. But the real travesty is that the majority, which could simply agree to accept this amendment, would prefer to hide behind the Parliamentarian's ruling and let it die.

By all accounts, with the exception of the snipes of some anonymous Pentagon officials and their friends in the majority party who do not want the colossal blunders of the Iraq reconstruction program exposed to the light of day, the special inspector general has done an excellent job under difficult and dangerous conditions.

He has uncovered numerous instances of waste and fraud—some, shocking in their audacity—and there are dozens of investigations and prosecutions under way.

There is another \$1.6 billion for Iraq reconstruction in this supplemental for precisely the same types of activities that have been funded under the Iraq relief and reconstruction fund.

But in this bill they are funded under traditional foreign operations accounts, not under the Iraq relief and reconstruction fund.

What this means is that, by not adopting the Feingold amendment, the special inspector general will not have oversight of these funds.

Apparently the idea is for the State Department inspector general to take over this responsibility. But that office has no people in Iraq, no plan or budget to put people there, and no ability to do the job any time soon. They have said so themselves.

This is nothing more than a transparent attempt to shut down the only effective oversight of this massive reconstruction program which has been plagued by mismanagement and fraud.

Projects have been poorly designed, grossly over priced, and many will never be finished, while U.S. contractors such as Halliburton have made off with huge profits.

We are told by our friends in the majority, acting on behalf of some in the Pentagon and the White House who want to shut down the Office of the Special Inspector General, that they just want to return to the "regular order." That is their explanation for

turning this responsibility over to the State Department.

That is laughable. There is nothing that resembles the regular order in this multibillion-dollar supplemental, none of which is paid for. In one breath they argue that they cannot pay for the war through the regular appropriations process because it is an extraordinary expense. In the next breath they make the opposite argument to justify shutting down the Office of the Special Inspector General.

If this were really about the regular order, the White House would support the amendment by Senator BYRD to pay the cost of this war, rather than continue to ignore the regular budget process and fund the war off budget, leaving it to future generations to pay.

This is just another example of the hypocrisy of the President's bankrupt fiscal policy, and of those who continue to defend it in Congress. Use a figleaf to make it appear as if you support the regular budget process when in fact you are weakening it. This also is the latest example of the majority party's distaste and even disdain for oversight and for the checks and balances in our system that are supposed to root out corruption, waste, fraud and abuse and to make government work better as government spends the taxpayers' hard-earned dollars.

The special inspector general has a difficult job. His job is to find the truth, and sometimes the truth is hard for government agencies to accept. Sometimes they would rather not have the spotlight shined on their mistakes.

But the special inspector general works for American taxpayers, not for the Pentagon, and not for Halliburton.

The Feingold amendment would have ensured continued oversight of the very programs the special inspector general was created to oversee. I want to commend him for his attention to this issue and his effort to protect American taxpayers. By using a technical sleight-of-hand maneuver to prevent the Senate from voting on this amendment—a vote they know they would lose—the majority has dealt a blow to oversight of the shoddy, wasteful, and criminal failures of the Iraq reconstruction program.

Mr. HARKIN. Mr. President, I am pleased that the Senate approved my language to provide up to \$8.5 million to the U.S. Institute of Peace in the emergency supplemental appropriations bill. This funding would allow USIP to continue critical democracy-building programs in Iraq and Afghanistan.

This \$8.5 million will continue funding vital programs that are already in place on the ground in Iraq but that are in danger of running out of money before the end of the summer. And I would like to assure my colleagues that USIP has a plan on how to use every dollar of this funding.

BG Donald Alston, our chief military spokesman in Iraq, has acknowledged, and I quote, "[The insurgency in Iraq]

is not going to be settled, the terrorists and terrorism in Iraq is not going to be settled, through military options or military operations. It is going to be settled in the political process."

Right now, a critical player in advancing that political process in Iraq is the U.S. Institute of Peace, a non-partisan organization created by Congress in 1984 to, among other duties, facilitate the resolution of international disputes, train international affairs professionals in conflict prevention, management, and resolution techniques, and strengthen the education of emerging generations of young people in the United States and in foreign zones of conflict.

USIP has embraced that mission in Iraq. U.S. Institute of Peace personnel are doing a magnificent job of facilitating interethnic and interreligious dialogue and conflict resolution. They are training Iraqi leaders at the national and local levels in democratic processes and rule-of-law programs. They bring unique experience and expertise in building a democratic government and a robust civil society. And, obviously, this is all the more critical today, as we acknowledge that Iraq's future will be decided in the political arena, not on the field of battle.

But there is a problem. The U.S. Institute of Peace is on the verge of running out of funds for its operations in Iraq and Afghanistan, and all of its ongoing programs in those countries will be halted in the coming months if we do not provide a necessary infusion of funds in this emergency supplemental.

Some other amendments to this bill have been criticized because they do not pertain to Iraq or Afghanistan and because they are not emergencies. That is definitely not the case in this situation. The U.S. Institute of Peace is at the heart of our efforts to achieve a political success in Iraq. And we are truly at an emergency juncture where the institute will have to cease operations if it does not receive supplemental funding.

For fiscal year 2004, USIP received \$10 million in funding for its operations in Iraq and Afghanistan. Those funds will be exhausted in a matter of months. The Office of Management and Budget has proposed a small increase for next fiscal year. But meanwhile, we face a crisis, here and now, that will require a shutdown in USIP operations at exactly the time when they are most urgently needed. The \$8.5 million infusion provided in the bill will allow those operations to continue and, in some cases, to expand.

According to the Congressional Research Service, we are now spending almost \$6.4 billion a month in Iraq, overwhelmingly on combat operations. It would be penny wise and pound foolish to refuse to allow this modest \$8.5 million infusion to allow USIP's all-important democracy-building programs to go forward in Iraq and Afghanistan.

The U.S. Institute of Peace is active in Iraq and Afghanistan on multiple

fronts. It has created networks of organizations and individuals committed to a peaceful, democratic outcome in Iraq. It has engaged in successful outreach to the Sunni community and supported participation of marginalized groups in the political process, including minorities, women and the disabled.

In addition, the institute has trained hundreds of Iraqi officials in conflict resolution and negotiation strategies, as well as provincial-level government and civil society officials in conducting interethnic dialogue. It has supported Iraqi civil society projects that promoted intercommunal and interreligious tolerance, including a project with the Iraqi Handicapped Association that brought together Iraqis of all faiths and ethnicities to promote participation of Iraq's disabled in the constitution process.

In my limited time, let me cite just three examples of the good work that the institute is doing in Iraq:

Increasing regional stability. Iraq's neighbors have done little to help stabilize the country. So the Institute of Peace facilitated a series of groundbreaking informal dialogues among leading foreign policy and national security figures from Iraq and each of its six neighbors: Saudi Arabia, Jordan, Syria, Turkey, Iran and Kuwait. At this meeting, participants identified and began to work on how to address a number of challenges, including developing a regional reconciliation process to overcome deepseated cultural and political misconceptions and prejudices creating a broad-based effort to improve security promoting effective government inside Iraq, and building stronger economic ties.

Promoting Sunni engagement. Obviously, reaching out to Sunnis is vital to dealing with the insurgency. In March 2006, the institute convened a meeting of Sunni political leaders and legal scholars to discuss the current constitution. Participants included Sunnis who rejected the approved constitution but who nevertheless joined in designing a strategy forward.

Creating a new generation of leaders. Almost half of the Iraqi population is under the age of 21. Long-term peace and development depends on this generation developing democratic values. To this end, the institute supported the establishment of a student society at the University of Babylon-Hilla. This society is designed to foster freedom of expression and promote a culture of tolerance and respect for citizens' rights among Iraqi youth. In 12 months, it disseminated thousands of copies of student-produced newsletters—al-Iraqi—and held a total of 21 debates on controversial and timely issues, such as the role of Islam, federalism, unemployment and terrorism. The student society has grown into the largest student organization on campus—larger even than the Sadrist Islamic Student Union. The project is galvanizing moderates and helping

marginalize militants, providing an essential counterbalance to radicalization on campus.

Let me emphasize that this funding would also be used for programs in Afghanistan. In that country, the institute has been hard at work building programs that promote the rule of law. As I am sure that my colleagues are aware, while much progress has been made in Afghanistan, there is a very real danger that the drug lords and warlords have ruled for decades will gain traction and undo U.S. success in installing a democratic government. One way to combat that is through the traditional mechanisms—councils of male village elders—that handle over 90 percent of legal disputes. The Institute of Peace has partnered with the Afghan Ministry of Justice in developing a strategy that will enable the formal and informal legal systems to work together and ensure that Afghans, in particular women and minorities, enjoy protection of their rights. One tribal leader at an Institute of Peace meeting said that his people want effective central government, but that they have never had a government they can trust. The institute aims to create the kind of legal system all Afghans can look to for justice with confidence.

The bottom line is that all of this good work being carried out by the U.S. Institute of Peace in Iraq and Afghanistan will come to a crashing halt in the months immediately ahead if we do not provide this infusion of \$8.5 million on an emergency basis. The institute's democracy-building efforts would end at exactly the time when they are most urgently needed. That would be unconscionable. Millions of Iraqis are putting their lives on the line because of their commitment to building democracy. We need to keep faith with those courageous Iraqis and their dream of a democratic Iraq.

Further, I would like to inform my colleagues that our U.S. Ambassador, Zalmay Khalilzad, who is currently serving in Iraq, was a member of the USIP board of directors from November 1999 to May 2001, at which time he joined the National Security Council and had to leave the board. Ambassador Negroponte who served in Iraq prior to Ambassador Khalilzad called on USIP to assist him in calling together Iraqi religious leaders, and they would all meet in USIP's Iraq office. I am sure they would both join me in commending the work of the U.S. Institute of Peace.

But before I finish my remarks I would like to take a few moments to speak about the history of the U.S. Institute of Peace.

The U.S. Institute of Peace is a unique organization. Throughout our long history, America has been proud of its strong, well-led military. And this outstanding military leadership is no accident. It is possible because we maintain prestigious, world-class military academies which train some of the

best and brightest minds in America in the art and science of war.

But Americans also have a long history as a peace-loving people. Time and again, we have brokered peace between warring nations, and we have intervened to head off potential conflicts. The Institute of Peace draws on this proud tradition and today makes a vital intellectual investment in the art and science of peacemaking.

Today's Institute of Peace is the fruit of a dream and vision that goes back to our Nation's Founders. Benjamin Banneker, often called "the first black American man of science," and physician Benjamin Rush, a signer of the Declaration of Independence, noted and lamented the Constitution's failure to establish a Department of Peace to balance the Department of War. In their correspondence with Thomas Jefferson in 1792, Banneker and Rush envisioned a "Peace Office" which would be on an equal footing with the Department of War and would be charged with promoting and preserving perpetual peace in the United States.

George Washington also supported the establishment of a Peace Office. And his support was not just casual. He believed that such an office should be an essential pillar of the new Nation. When he died in 1799, Washington's last will and testament bequeathed in perpetuity 50 acres in Potomac County to be used "toward the endowment of a university—under the auspices of the general Government." This bequest was intended to make possible the proper "Peace Establishment" that President Washington had written about as early as 1783.

In a 1980 report, the Matsunaga Commission strongly recommended the establishment of the United States Academy of Peace. In the course of more than 70 meetings and hearings all across the United States, Senator Matsunaga of Hawaii and other Senators surveyed the full range of threats to world peace and explored ways to counter those threats.

After much thoughtful debate, a compromise was reached, and the United States Institute of Peace Act was passed and signed into law by President Ronald Reagan in 1984. A board was installed, and the institute's first meeting was held in February 1986. Since that time, the institute has done remarkable work in such disparate nations as Afghanistan and Korea, Bosnia and the Philippines.

Today, at the direction of Congress, the Institute actively pursues six interrelated activities: expanding society's knowledge about the changing nature and conduct of international relations and the management of international conflict; supporting policymakers in the legislative and executive branches; facilitating the resolution of international disputes; training international affairs professionals from the United States and abroad in conflict prevention, management, and resolution techniques; strengthening the edu-

cation of emerging generations of young people in the United States and in foreign zones of conflict; and increasing public understanding about the nature of international conflicts, as well as approaches to their prevention, management, and resolution.

Mr. President, the USIP deserves our support.

#### MORNING BUSINESS

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

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

Mr. VOINOVICH. I ask unanimous consent that I be allowed to speak for up to 35 minutes.

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

The Senator from Ohio is recognized.

#### FISCAL HEALTH

Mr. VOINOVICH. Mr. President, I rise today to speak on our Nation's fiscal situation. Today, the Senate is considering about a \$100 billion supplemental funding bill that our Federal Government requires to fulfill its domestic and foreign obligations. While I acknowledge this funding is needed in many areas at home and abroad, most notably with our commitments to fight the war on terror, rebuild after the devastations of Katrina and Rita and protecting our borders, the occasion of passing a \$100 billion supplemental bill is an opportunity that I cannot pass up to remind the Senate of where our Nation's overall fiscal health lies.

In a nutshell, our fiscal health is in dire straits. In the most simple terms, the Federal Government continues to spend more than it takes in. I hope my colleagues agree that the running the charge cards for today's needs and leaving the bill for our children and grandchildren should not be the policy that this body pursues.

When I came to the Senate in 1999, the national debt stood at \$5.6 trillion. Today, as the chart shows, the national debt stands at \$8.4 trillion. Since I came to the Senate in 1999, we have had an increase in the national debt of about 50 percent. The chart shows the last 4 years how we have climbed the ladder, and the Treasury will be back asking us to raise the debt limit.

As a percentage of gross domestic product, our national debt has grown from being 58 percent of gross domestic production at the end of 2000 to an estimated 66.1 percent of gross domestic production by the end of 2006.

Undoubtedly, the United States has undergone unprecedented challenges that have spurred these fiscal issues. The tragedy of September 11 to fighting the war on terror at home and abroad, to hurricanes Katrina and Rita, to the rollout of the new Medicare prescription drug plan, the largest

expansion of Medicare Programs since its creation, our Nation has had to respond to challenges of tremendous magnitude. In responding to those challenges, the Federal Government has had the responsibility to provide the resources so that the country could confront these challenges head on.

The Federal Government rightly appropriated \$20 billion to help New York, hundreds of billions to provide our war fighters with the necessary equipment to provide for our national security and now well over \$100 billion to help rebuild the gulf coast. We are dealing with all of these expenses, but we are ignoring the 800-pound gorilla in the room, the impending tidal wave of entitlements coming due.

I was pleased this President in the State of the Union Address acknowledged that:

The retirement of the baby boom generation will put unprecedented strains on the federal government. By 2030, spending for Social Security, Medicare and Medicaid alone will be almost 60 percent of the entire federal budget. And that will present future Congresses with impossible choices: staggering tax increases, immense deficits, or deep cuts in every category of spending.

I am pleased the President decided to focus on what some call the demographic tsunami coming our way and the necessity to reform entitlement programs before it hits. The 77 million baby boomers coming into the Social Security and Medicare Program will put the Federal budget under unprecedented pressure. Chairman GREGG took the courageous steps to take on entitlement spending through the Deficit Reduction Act of 2005. I supported his efforts.

However, this was just the tip of the iceberg. The truth is, we have not been serious about entitlement reform. The President called for a bipartisan commission to examine the full impact of baby boom retirements on Social Security, Medicare, and Medicaid in his State of the Union Address. It is imperative we move on this quickly. Unfortunately, we are still waiting for the commission to be appointed. Time is of the essence, and I hope that Secretary Snow and the administration will move quickly on creating that commission.

Social Security, Medicare, Medicaid, make up a significant portion of mandatory spending and mandatory spending is crowding out other parts of the budget. This chart shows in the year 1965 mandatory spending was 27 percent of our budget. In 1985, now we see mandatory spending makes up 42 percent, 44 percent is discretionary, and 14 percent is the interest on our debt. Now, in the year 2005, from 1985 to 2005, mandatory spending has jumped from 42 percent to 53 percent, and defense is 20 percent, nondefense is 19 percent, interest is 7 percent, and we have been lucky in terms of the interest costs because of the fact that our interest rates are very low today.

If we ever see an uptake in interest costs, we can go back to what percentage went toward interest. When I came

to the Senate in 1999, our interest costs were about 13 percent, so they have gone down, but the fact of the matter is we need to be realistic about the fact that they are not always going to be as low as they are today, and if they go up, they will just gobble up more of the Federal budget.

According to the reports from Medicare and Social Security trustees, the trust funds for these programs will be exhausted even earlier than previously thought. According to the trustees report that came back last week, the cost of Social Security and Medicare will grow from nearly 7.4 percent of the economy today to 12.7 percent by 2030, consuming approximately not just 60 percent as predicted by the administration but 70 percent of all Federal revenues, crowding out all other discretionary spending. No matter which way you look at it, if we leave reform of entitlement programs for future Congresses to solve, as well as a mountain of national debt to pay off, it will have devastating consequences on the economy and on our children and grandchildren.

Some Members believe that the solution is to grow the economy out of the problem, that by cutting taxes permanently the economy will eventually raise enough revenue to offset any current losses to the U.S. Treasury. I respectfully disagree with that assertion. I do not believe that in the current situation our country faces, we can continue to spend more than we take in.

By the General Accounting Office's own estimates, about 35 years from now, that is when my grandchildren have their own children to care for, balancing the budget would require actions as large as cutting total Federal spending by 60 percent or raising taxes 2.5 times what they are at today's level.

Our friends overseas and Europe are experiencing what we will experience if we do not get a hold of our finances.

In November 2005, former Federal Reserve Chairman Alan Greenspan testified before the Joint Economic Committee and told Congress:

We should not be cutting taxes by borrowing. We do not have the capability of having both productive tax cuts and large expenditure increases, and presume that the deficit doesn't matter.

That is exactly what we have been doing the last several years.

I have said many times on this floor that our major problem is we are unwilling to pay for or go without what we want to get done. We have been willing, time and time again, to put the cost of our current spending on the credit cards of our children and grandchildren. To be candid and fair, we had no choice in much of the spending since 9/11. The Federal Government had to rebuild after 9/11. We have made the decision to increase security for the homeland. We have to fund the war in Iraq and Afghanistan. And we have to rebuild after the devastation of dealing with Hurricanes Katrina and Rita. In

other words, our costs are something we have not been able to control because of the war abroad, securing our homeland, and these hurricanes which were unprecedented in our country's history.

While we have had to spend hundreds of billions of dollars on these events, the Senate has made the decision to squeeze the nondefense discretionary budget. In fact, the pendulum has swung from the Senate spending money like drunken sailors during the first years I was here to now cutting these nondefense discretionary accounts to the bone in the name of fiscal responsibility.

Unfortunately, fiscal responsibility cannot be defined solely by restraining and cutting nondefense discretionary spending. These accounts are only one-fifth of the budget and, frankly, with some of the cuts to these accounts, I believe we are eating our seed corn in the name of fiscal responsibility.

I would be the first to cut the excess out of the budgets. I only have to think back to my mayoral days and my Governor days. As mayor of Cleveland, we inherited the first major city in the United States to default on its loans since the Great Depression. By making tough choices, we turned the city around.

As Governor, we faced a no less daunting challenge. We came into office in a \$1.5 billion hole. We scoured through line by line and went through four rounds of cuts in the State budget. After the fourth cut, the math still did not add up. We had to raise revenues to meet the responsibilities of the State—a solution that was not easy. But at the end of the day, it was necessary because—do you know what—we had to balance our State budget.

I had to balance my budgets when I was the mayor of the city of Cleveland. Unfortunately, we do not have to balance our budgets here in Washington. After getting back on even keel, we were able to reduce taxes in each of the last 3 years of my administration. But we had to get back on even keel.

I view the situation our Nation faces today in a very similar light. We are in a heck of a spot. Our Nation has faced extraordinary costs that could not be foreseen. And at the same time, we are talking about reducing revenues. We have cut nondefense discretionary spending, and I am sure there are those who believe we can cut more. I think we have come to the point where we need to face reality. These numbers just do not add up.

Now, I want to say that I am not against tax cuts. In other words, I have been for it. I supported tax cuts in 2001, 2002, 2003, 2004. In 2001, we were facing a starkly different fiscal picture than we have today. I think it is really important to understand that. The fiscal picture today is entirely different than when we started the tax cuts in 2001. The surplus over 10 years was estimated to be \$5.6 trillion—a lot of money. Congress, as I mentioned, spent

more money in 1998, 1999, 2000, and 2001 than they should have. This led most of us to want to get that money off the table so it could not be spent. I supported this because of what I referred to as the three-legged stool: pay down the debt, fiscal responsibility, and tax cuts—the three of them.

On June 7, 2001, the President signed the Economic Growth and Tax Relief Reconciliation Act. I voted for this bill which reduced the individual income tax rates that apply to taxable income, increased the child tax credit to \$1,000, and extended it to smaller families, addressed the marriage penalty, phased out the Federal estate tax over the period 2002 to 2010, provided a temporary reduction in the alternative minimum tax, and provided some savings incentives and childcare credits.

After 9/11, I joined the Centrist Coalition to accelerate these cuts to provide a short-term stimulus to our economy. The House passed this bill, but it stalled in the Senate because of partisan politics.

In 2003, our country was still reeling from September 11, the war against terror, and corporate accounting scandals. We were in recession. We needed additional stimulative medicine. But I fought to ensure that the tax cuts were the right amount. I joined with Senators OLYMPIA SNOWE, JOHN BREAU, and MAX BAUCUS to get the \$350 billion that we passed in 2003.

On May 28, 2003, the President signed the Jobs and Growth Tax Relief Reconciliation Act into law. We accelerated the cuts from the 2001 tax bill, such as the individual income tax cuts, the marginal rates, the child tax credit, the marriage penalty relief, extended the AMT again, and reduced the rate on both dividends and capital gains to 15 percent for higher tax brackets and 5 percent for those in the lower tax brackets for 2003 to 2008.

One of the reasons we said only \$350 billion was that we were concerned about the cost of the war and homeland security. And we were right. Our national defense and homeland security costs have added up to \$2.3 trillion since then.

Since 2003, when we decided to provide accelerated tax cuts, our national defense and homeland security costs have added up to \$2.3 trillion.

Can you imagine where we would have been if the \$1.57 trillion the administration initially proposed or even the \$725 billion tax cut that was being considered at the time by the House of Representatives was actually passed? Just think what our deficit and national debt would be today. The negative consequences of such cuts adding to our national debt would have outweighed any positive stimulus effect.

I said that \$350 billion in tax cuts would be enough to get the economy and the stock market moving then and now, and it worked. In other words, what we did is we front-end loaded that \$350 billion tax cut to really give us some oomph so we would kick this

economy into gear. And it worked. The economy and the stock market have moved.

I can still remember people saying: The market is never going to recover. I heard, several years ago: It is never going to get back to where it was. And the fact is, it has. The Nation's GDP grew by over 4 percent in both 2003 and 2004, and 3.5 percent in 2005, and unemployment has dropped since we enacted tax cuts from 6.6 percent to the current 4.7 percent. And we just announced that in the first quarter of this year, our GDP growth is over 4 percent and more Americans are working. Unfortunately, we are not seeing this in the State of Ohio. We are still under a great deal of duress because of the loss of our manufacturing jobs.

However, the world does not stand still, and we now face different challenges. While this tax cut stimulation worked, making these tax cuts permanent should be subject to pay-go, as Alan Greenspan said, or "serious economic disruptions" will result. We need to cut expenses or pay for them with other tax increases.

Now, let's look at the costs of some of the tax cuts we passed. These are all going to be under consideration, and we will have people saying: We have to extend all of them.

The credit for research and experimentation, that is \$81.2 billion; deduction of State and local sales taxes is \$41.5 billion; increased AMT exemption amount, \$437.5 billion; hurricane relief—I will leave that one alone; subpart F for active financing income, \$45.2 billion; reduced tax rate on repatriated dividends, \$57 billion; section 179 expensing, \$15.9 billion; reduced tax rates on capital gains, \$63.4 billion; empowerment and renewal zones, \$11.7 billion; child tax credit, \$184.8 billion. Let's see. I won't hit them all. Estate and gift tax changes—estate and gift tax changes. Do you hear that? We are talking about killing the death tax? We are talking about \$357 billion—\$357 billion. And the income tax rates of 25, 28, 33, and 35 percent, if we keep those, will cost us \$384.8 billion.

All I am saying is, if you add up all of the things that are going to come to us during the next couple of years, we are talking about—what is that—\$2.353 trillion. Do you hear that? It is \$2.353 trillion. It just does not make sense.

As we see on the chart, according to CBO, the dividend and capital gains tax cuts will result in roughly about \$193.1 billion in revenue loss to the Treasury. If we were to permanently repeal the estate tax—I have already mentioned that. Consider that the alternative minimum tax will cost us \$511 billion. I support recent statements from the White House that AMT should be considered as part of tax reform, but until that happens, we are forced to confront this issue every year.

Everybody is complaining about the AMT. They want the AMT. They want the dividend tax reduction to continue, the capital gains. You name it. They

want it all. And just these tax items on this chart—to repeat—\$2.35 trillion over 10 years. Are we willing to add to our deficit and debt to continue these cuts?

Let's list the numbers again, look at them again: unbalanced budgets since 2001 last year's deficit was \$318 billion; a rising national debt of \$8.4 trillion—and that has increased, as I have said, by 50 percent since 1999—the war on terror has cost us \$450 billion, plus \$160 billion on homeland security since 9/11.

One of the things people do not understand is that Homeland Security has 22 agencies, 180,000 employees. They have doubled the budget of those 22 agencies since 9/11. As a matter of fact, if you look at other money we spent on homeland security, they have actually tripled the budget since that time.

Katrina has cost us over \$100 billion and continues to rise, and the Medicare Part D plan is now projected to cost over \$1 trillion from 2006 to 2015.

With significant unmet domestic needs and the looming cost to the Treasury of the baby boomers' retirement programs—which by conservative estimates from the administration will consume 70 percent of the entire Federal budget by 2030—what kind of economy is lurking around the corner in 2011?

Instead of making the tax cuts permanent, we should be leveling with the American people about the fiscally shaky ground we are on. What we should be doing is spending our time on tax reform. We all know that fundamental tax reform is critical, and as we consider the tax provisions, such as the AMT, as I just mentioned, it becomes clearer and clearer we need to overhaul our Tax Code. So I simply cannot understand why some of my colleagues want to make so many provisions of the current Tax Code permanent or add new tax cuts when we very well may be eliminating precisely the same provisions as part of fundamental tax reform. No homeowner would remodel their kitchen and bathroom right before tearing down the house to build a newer and better one.

As the one who amended and pushed for the creation of the task force on tax reform in 2003 and 2004, I was delighted when the President, in his convention acceptance speech, said he would move forward with tax reform. In fact, 2 days after the convention—Ohio was sitting right in front of the President when he was giving his acceptance speech. He said: When I mentioned tax reform, I watched you, Voinovich. He said: You jumped out of your seat, and I thought you were going to run up and hug me because you were so happy we were going to do the tax reform.

I have to say that I am disappointed. I feel bad that the administration has backed away from tax reform as a priority, since simplifying the Code to make it more fair and honest could, by some estimates, save taxpayers over

\$265 billion in costs associated with preparing their taxes. That would be a real tax reduction. And do you know what. It would not cost the Treasury one darn dime. It would be a tax cut that would guarantee that people are paying their fair share and would bring more money into the Federal Treasury.

According to the Tax Foundation, we lose about 22 cents of every dollar of income tax collected in compliance costs. It adds up to the combined budgets of the Departments of Education, Homeland Security, Justice, Treasury, Labor, Transportation, Veterans Affairs, Health and Human Services, and NASA.

In a recent conversation with Rob Portman, a longtime friend of mine, who is our new OMB Director, I communicated my call for Tax Code reform. I said if the President wanted to leave a real lasting legacy, a real lasting legacy to the American people, something he could point back to and be very proud of, he would keep his promise to the American people to undertake tax reform.

If we keep going the way we are, his legacy may be a big tax increase in 2009 or 2010 or 2011, one like his father was forced to make in 1991. I believe—and I have the greatest respect for the President and his father—his father was a profile in courage. He bit the bullet and did what was right for the country and, in the process, probably lost an election.

If we are going to provide the American people a clear picture of the shape of our fiscal house, we should be honest about the long-term problems underneath the facade of our fiscal house. Currently, we are distorting our Federal financial statements by borrowing from hundreds of Federal trust funds. In addition to the \$1.6 trillion we have borrowed from the Social Security trust fund, we have borrowed over \$660 billion from the Civil Service Retirement and Disability Fund, \$177 billion from the military retirement fund, and smaller amounts from almost 130 Federal trust funds. In all, we have borrowed almost \$3.3 trillion of funds intended for other purposes. All of this has added to our \$8.4 trillion national debt.

I believe we should keep the shrinking Social Security surplus separate. It is important to set these funds so that the Federal Government will have real assets that can be used to redeem existing special issue Treasury bills when Social Security stops generating surpluses in 2017. When we were looking at Social Security reform, it occurred to some of us that it would be useless to reform the program if the surplus money still went to general revenues. If we shore up the system without keeping the funding for it separate, the benefit of Social Security reform could simply be spent on other related programs. In other words, if we bite the bullet, reform Social Security, take in more money and don't put it aside so we can't touch it, we will just use it.

We will be back where we were before. So we have to figure out, if we are going to do this, how we put the money aside.

One of the things I have worked on—and I have introduced a bill with Senator CONRAD—is that we would stop the raid on Government trust funds. It not only holds revenues designated for Social Security programs separate from general revenues, it also would make Federal financing more transparent. People would know what the public debt is. In other words, we would fundamentally borrow from the public the money that we have been taking from the trust funds, and we would know that the money in the trust funds would be there because it would not be in Federal investments.

At this time we need reliable financial and performance information to make sound policy decisions. If we were in business, we would be in subchapter 11, absolutely. We need to bring transparency to our budget so that all the American people have a better understanding of the hard choices we have to make.

Typically the American people have not tolerated a tax level of any more than 20 percent of GDP. We reached that level of almost 21 percent when the tax cuts we enacted made revenues decrease quickly. The real danger is the divide between our revenue and spending once the baby boomers start to retire. This dotted line is going to rise to levels not given on this chart. In other words, this dotted line is going to go way up in terms of dealing with our outlays. The revenues, as you can see, they were up pretty high. This is 1980. They went up. Then we got over here when we were flush, and they went up to here. Now the revenues are down here and then coming here. This line of spending is going to go right off the chart, as I mentioned before, because of Medicare, Medicaid, and Social Security.

The American people should understand what this is about. We are really in trouble. The question is, if we don't have enough revenue to pay our current bills, how in the world are we going to prepare to cover much larger future promises? How are we going to take care of this? In the big picture of where the United States stands, it is clear to me that the economic framework of our Nation needs to be refurbished. There are certain investments and responsibilities that this Senator believes we can no longer ignore and must address.

We should be rebuilding an infrastructure of competitiveness so that future generations at least have the same opportunity that we had for the standard of living and quality of life we have. We need to build what I referred to earlier. We are in a competitive global marketplace. What we have to understand is, if we don't build the infrastructure of competitiveness to compete in that marketplace, our children's standard of living is going to be less than what ours is today.

One of the things I also think we need to understand is the fact that our infrastructure has been ignored for too long. It is a critical piece to making America more competitive. I have introduced the National Infrastructure Improvement Act with Senators CLINTON and COCHRAN. The bill establishes the National Commission on the Infrastructure of the United States which would study infrastructure throughout the Nation, including surface transportation facilities such as roads, bridges, mass transit facilities, freight and passenger rail, airports, wastewater collection, and treatment facilities, waterways and levees. I was a cosponsor of the highway bill, but I thought the legislation was modest given the need.

Frankly, it falls far short of the level that would improve or even maintain our Nation's highway system. According to the Federal Highway Administration, \$107 billion is needed annually to maintain and improve our highways and bridges. The enacted highway bill provides \$70.4 billion below what is needed to improve and \$38.8 billion below what is needed to maintain our highway system. We also desperately need to provide increased funding for the Army Corps of Engineers, including funding for levees and funding for additional civil engineers. This Nation has an aging national water resources infrastructure. We saw it with Katrina. If we continue to ignore the upkeep, the deterioration of our locks and dams, flood control projects and navigation channels, we risk destruction of waterborne commerce, decreased protection against floods, as we saw in Katrina, and other environmental damage.

I have been concerned about the backlog of unfunded Corps projects since I was chairman of the Subcommittee on Transportation and Infrastructure in 1999. When I arrived in the Senate in 1999, I was chairman of that committee. The backlog of unfunded Corps projects for operation and maintenance was \$250 million. Today the backlog is \$1.2 billion. In 2001, there was \$38 billion in active water resource projects waiting for Federal funding. Today it is \$41 billion in active construction and general projects that need Federal funding. This budget is only going to increase this backlog. Our budget proposes a 33-percent cut in the Corps construction budget. Can you imagine? After Katrina and what we saw in New Orleans in terms of not spending the money to maintain the levees and build them the right way, we are cutting the construction budget 33 percent, and a 42-percent cut in the Corps investigations budget.

Currently, the Corps is able to function only at 50 percent capacity at the rate of funding proposed by the budget. Can you believe this? It is incredible. We also cannot remain competitive without a workforce full of educated and motivated young Americans.

As a Nation, we have to invest in our children and enable them to fully develop their God-given talents in order



to compete in a knowledge-based global economy. We have to have knowledge-based jobs if our people are going to work. This means we have to place more emphasis on careers in science, engineering, and math. Right now we are not getting the job done.

Globally, the United States ranks 17th in the proportion of the college population earning science and engineering degrees, down from third place several decades ago. In fact, the percentage of 24-year-olds with science or engineering degrees is now higher in many industrialized nations. Countries such as England, South Korea, Germany, Australia, Singapore, Japan, and Canada all produce a higher percentage of science and engineering graduates than we.

The National Academy of Sciences released a report this fall, entitled "Rising Above the Gathering Storm," that recommends action the Federal Government should take to enhance our ability to compete in a global marketplace. The recommendations range from those that will improve our Nation's math and science course work and establish a workforce of qualified teachers who will prepare our students for futures in highly innovative careers to the critical need for energy independence and investment in research. It is hard for me to believe the statistics that came out of the report. Half the teachers who teach math and science today are not qualified to teach the subjects.

I did a survey of our State universities to find out how many people graduated to teach physics. Thirteen was the number. How in the world can we keep going with that kind of record?

I am encouraged that the President recognized that America needs to wake up and build a new infrastructure for competitiveness, and I applaud his American competitiveness agenda. Also, I joined a number of my colleagues as an original cosponsor of the Protecting America's Competitive Edge Act, or PACE. This legislation is aimed at improving our Nation's competitiveness through advancement and emphasis on math and science education. Like the President's initiative, this legislation is comprehensive and it is aimed to increase our Nation's research capacities and emphasize strong science and math education. However, it will require a larger national commitment to reengage our Nation's youth in science and math, similar to our response in the late 1950s to Russia's launch of Sputnik and the ensuing space race.

Here the President's budget falls far short of what is necessary to fulfill the recommendations of the report. In other words, if we are going to really do something about this crisis that we have in terms of math and science, we are going to have to fund the recommendations from the National Academy of Sciences. The only thing that is being funded right now in the Presi-

dent's competitiveness agenda is retraining of teachers in high school, making the research and development credit permanent, and doing some work in research that will help us deal with our energy crisis. The portion of the report that talks about scholarships from the Department of Energy is not funded. The report calls for 25,000 scholarships out of the Department of Energy at \$20,000 a year to encourage people to study engineering.

It also provides out of the Department of Education \$20,000 a year for students to take math, science, information technology, and education courses. And they commit that after 5 years they will teach for 5 years. In other words, they will get their undergraduate degree and teach for 5 years. During those 5 years, the National Science Foundation will pay them \$10,000 more than what the local school district pays them. So it is a real comprehensive effort to deal with the crisis that we have today in terms of providing the scientists we need to get the job done.

The bottom line is, we don't need less revenue; we need more revenue. As a Wall Street Journal article states:

Federal taxes amounted to 17.5 percent of gross domestic product, up from a modern low of 16.3 percent in 2004.

That is one of the reasons the debt has gone up so much, like a rocket. It is because in 2004, we were only taking in 16.3 percent of our GDP in revenue. But it was well below the high of 21 percent that we had in 2000. That was too much.

Continuing from the Wall Street Journal:

Keeping the tax burden low is going to be difficult. Last year, the federal government's spending exceeded its tax take by about \$318 billion. And the retirement of the baby-boom generation starting in 2011 could cause spending on big-ticket federal retirement programs to jump.

That is the quote from the Wall Street Journal. The only thing that bothers me about the quote is that they reported the debt last year of \$318 billion. That is what they reported. The fact is, from an accrual basis—it comes out of the Department of the Treasury—we increased the debt by \$740 billion. But we only report to the American people \$318 billion. Several weeks ago, we were talking about the fact that the Treasury announced that on an accrual basis we increased our debt by that amount of money. Someone said, why don't we keep our books on the accrual basis? Somebody said, for goodness sakes, we cannot do that because they will find out how much in debt we are and how much our budgets are not balanced.

So I think that with the baby boom generation starting to retire in 2011, we will have some real problems. The simple fact is we cannot have it all. We need to set priorities and make hard choices; otherwise, our children will end up paying for it. Our forefathers recognized the inequity of passing on

debt to future generations. George Washington in his Farewell Address stated:

[Avoid] the accumulation of debt, not only by shutting occasions of expense, but by vigorous exertion in time of peace to discharge the debts which unavoidable wars may have occasioned, not ungenerously throwing upon posterity the burden which we ourselves ought to bear.

Again, he said "not ungenerously throwing upon posterity the burden which we ourselves ought to bear."

I have to say this, and I know it is controversial, but if you look at the extraordinary costs that we had with the war and homeland security and Katrina, the logical thing that one would think about is to ask for a temporary tax increase to pay for them. Did you hear that? Ask for a temporary tax to pay for it, instead of saying we will let our kids take care of it; we will let our grandchildren take care of it. No, we are not doing it. The people who are sacrificing today in this country are the ones who have lost men and women in our wars. The people who have sacrificed today are the ones who have come back without their arms and legs—thousands of them. They are making the sacrifice.

The question I ask is, what sacrifice are we making?

Anyone in the know who is watching us has to wonder about our character, our intellectual honesty, our concern about our national security, our Nation's competitiveness in the global marketplace now and in the future and, last but not least, our don't-give-a-darn attitude about the standard of living and quality of life of our children and grandchildren.

The question is, are we willing to be honest with ourselves and the American people and make these tough decisions? My two models when I was mayor and Governor were "together we can do it," and our State motto, "With God All Things Are Possible."

I am prayerful that the Holy Spirit will inspire us to make those tough decisions and do what is right for our country.

I yield the floor.

#### GUN TRAFFICKING: A NATIONAL ISSUE REQUIRING NATIONAL ATTENTION

Mr. LEVIN. Mr. President, last Tuesday, 15 mayors from a diverse group of cities around the country gathered in New York City for a mayors' summit on illegal guns. This summit provided an excellent opportunity to share gun violence prevention strategies, engage experts, and coordinate future national outreach and lobbying efforts for the safety of their cities. I commend those who participated for their willingness to work together to address the gun violence issues that plague communities across our country.

One of the major issues discussed by the mayors last week was the buying and selling of guns by "straw purchasers." Straw purchasers play a critical role in the illegal trafficking of

guns by purchasing with the intention of reselling them to prohibited buyers. These straw purchases are often made in States with lax gun safety laws and trafficked to cities where they may later be used in violent crimes. New York City Police Commissioner Raymond Kelly refers to this as the "iron pipeline" of illegal firearms. According to published reports citing New York Police Department statistics, 8 of every 10 guns used in crimes in New York City come from other States. In fact, only 18 percent of the illegal guns recovered in New York City in 2005 were originally sold in New York State, while 61 percent were traced to just five other States.

According to several of the mayors in attendance, the lack of leadership by the President and Congress on the issue of illegal gun trafficking was the impetus for the summit. As New York Mayor Michael Bloomberg pointed out, "There's very little that an individual city can do to halt the sale of guns to criminals. This is a national issue that requires national attention." In the absence of adequate Federal attention, the 15 attending mayors signed a statement of principles resolving, among other things, to work together in the prosecution of gun traffickers, irresponsible gun dealers, and violent criminals.

In their statement of principles, the mayors vow to oppose all Federal efforts to restrict the ability of cities to access, use, and share firearms trace data that can be critical to law enforcement personnel working to stop the flow of guns from reckless gun dealers into the hands of criminals. This statement refers to amendments that have been inserted in the Commerce-Justice-Science Appropriations Act each of the last 4 years that prohibit the Bureau of Alcohol, Tobacco, Firearms and Explosives, ATF, from disclosing important information from the national Firearms Trace System Database to local law enforcement and government officials. Unfortunately, legislation has recently been introduced in the House of Representatives which would make these restrictions on ATF firearms trace data permanent.

It is time that Congress work with, instead of against, our Nation's mayors to solve the gun violence issues which our communities face. The mayors are right. The gun violence epidemic across the country requires national attention, and I urge my colleagues to join me in working to enact common-sense gun safety laws that will help keep guns out of the hands of criminals.

I ask unanimous consent that the text of this statement of principles be printed in the RECORD.

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

#### MAYORS' SUMMIT ON ILLEGAL GUNS

Whereas: 30,000 Americans across the country are killed every year as a result of gun violence, destroying families and communities in big cities and small towns; and

Whereas: As Mayors, we are duty-bound to do everything in our power to protect our residents, especially our children, from harm and there is no greater threat to public safety than the threat of illegal guns;

Now, therefore, we resolve to work together to find innovative new ways to advance the following principles:

Punish to the maximum extent of the law—criminals who possess, use, and traffic in illegal guns.

Target and hold accountable irresponsible gun dealers who break the law by knowingly selling guns to straw purchasers.

Oppose all federal efforts to restrict cities' right to access, use, and share trace data that is so essential to effective enforcement, or to interfere with the ability of the Bureau of Alcohol, Tobacco, and Firearms to combat illegal gun trafficking.

Work to develop and use technologies that aid in the detection and tracing of illegal guns.

Support all local, state, and federal legislation that targets illegal guns; coordinate legislative, enforcement, and litigation strategies; and share information and best practices.

Invite other cities to join us in this new national effort.

#### IN CELEBRATION OF ASIAN PACIFIC AMERICAN HERITAGE MONTH

Mrs. BOXER. Mr. President, I take this opportunity to recognize Asian Pacific American Heritage Month.

Please join me as we celebrate the outstanding contributions of Asian Pacific Americans to our Nation during Asian Pacific American Heritage Month. Since 1977, when Congressman Norman Mineta of San Jose, along with Senators DANIEL INOUE and Spark Matsunaga of Hawaii, introduced a joint congressional resolution, we have celebrated Asian Pacific American—APA—cultures and traditions each May. They chose May for the observance because the first Japanese settlers had come to mainland America in May 1843, and the Nation's first transcontinental railroad was completed, with the help of Chinese American labor, in May 1869. This year, the theme is "Celebrating Decades of Pride, Partnerships and Progress."

More than 14 million APAs live in the United States. Nearly 5 million APAs live in California, making it home to the largest population of Asian Pacific Americans in the Nation. It is no wonder, then, that the APA community in California has made tremendous strides by working together to bring about positive change and growth. I am so proud of my State of California for being a leader on Asian Pacific American issues.

Earlier this year, the California State Legislature's Asian Pacific Islander Legislative Caucus held its 6th Annual APA Legislative Briefing, "Partnering for Community Empowerment." The conference brought together statewide APA community leaders—from organizations such as the Asian Pacific Islanders California Action Network, Asian & Pacific Islander American Health Forum, and Asian

Americans for Civil Rights and Equality—to create unique partnerships to advance civil rights, education, health care and community development. I commend the Asian Pacific Islander Caucus and California's APA community leaders for their tireless and innovative efforts to empower Asian Pacific Americans in California.

In addition to reflecting on the many accomplishments of the APA community, Asian Pacific American Heritage Month also allows us to honor the memory and contributions of notable Asian Pacific Americans. This year, sadly, we have lost many APA leaders: Dave Tatsuno, a courageous man who secretly documented life in a Japanese American internment camp during World War II; Sam Chu Lin, one of the first Asian American journalists in the United States; Judge Delbert Wong, the first Chinese American judge in the continental United States; and Jade Snow Wong, a world-renowned author and ceramicist.

All four of these APA leaders were undeterred in their efforts to make America a better place to live, and they will be missed by all who knew them. In remembering the accomplishments of Dave Tatsuno, Sam Chu Lin, Judge Delbert Wong, and Jade Snow Wong, I hope that future APAs will be inspired to become leaders who will fight for this great Nation and for the rights of all Asian Pacific Americans.

As we celebrate Asian Pacific American Heritage Month this May, let us remember that Asian Pacific Americans are constantly contributing to every aspect of American life, from business and government to sports, science, and the arts. As we note their many contributions, let us celebrate diversity and recommit ourselves to working together toward a better future for us all.

Ms. MIKULSKI. Mr. President, this month marks the anniversary of two milestones in Asian Pacific American history.

The first-ever Japanese Americans made their home in this country starting on May 7, 1843. And in this same month in 1869, the Transcontinental Railroad, which had a tremendous impact on settling the West, was completed largely due to the hard labor of hundreds of Chinese Americans.

These landmarks in Asian Pacific American history inspired Congress in 1977 to pass legislation establishing a week in May as Asian/Pacific Heritage Week. In 1990, it was expanded into a month-long observation.

So this May, in recognition of Asian Pacific American Heritage Month, I honor the diverse cultures and heritages that make up the Asian and Pacific Islander American communities in my own home State of Maryland and across the Nation. I recognize the adversity and discrimination so many have faced and continue to face in America, and I vow to continue to fight

to make sure all Asian Pacific Americans receive the equality they deserve in all aspects of their lives.

Asian and Pacific Islander American communities come from all different countries of origin from China, Japan, Laos and the Philippines to Pakistan, Vietnam, Korea, and many others. They have brought with them unique cultural traditions, religions and languages. And they make major contributions to all facets of our society from small businesses to giant corporations, from the government to the front lines of battlefields, schools, athletics, law firms, hospitals, and countless other arenas. For centuries, they have helped make America what it is today, and they continue to be an integral part of the diverse American tapestry.

That is why I support comprehensive immigration reform and accessible, efficient immigration services to keep our borders open to the immigrants that continue to make their homes in America and contribute to our culture and economy.

Asian Pacific American Heritage Month is a reminder of the contributions this community makes to our society all year round. I will continue to fight in the Senate for the needs of the millions of Asian Pacific Americans that have made their home in this country.

#### THE HAMILTON PROJECT

Mr. BAUCUS. Mr. President, America has never lacked challenges, nor has it lacked the determination and ingenuity to resolve them.

In our Nation's very first hours, we faced stark realities. Revolutionary War debts put the Treasury \$79 million in the red. States could not retire their debt. Our young Nation had no public credit. We also had no source of revenue—much less a means to collect it. And many Americans were as indebted as their Government. The future held promise, but the present was bleak.

America's first Treasury Secretary, Alexander Hamilton, embraced these challenges. The day after his appointment—a Saturday—he put in motion a plan to get our economy on its feet. In his first weeks, he created a customs service to generate income, established a rudimentary coast guard for enforcement, and laid the foundation for fruitful trade relations with Britain.

These first weeks in office proved Hamilton a man of action. The years that followed showed him a man of vision. The Treasury Secretary authored the legendary Report on Public Credit, the blueprint for America's fiscal system. Not without controversy, his plan consolidated debt and issued new bonds. He raised taxes and set up a national central bank. The legacy of Hamilton's plan endures today.

Hamilton's action and vision launched our Nation's early prosperity. But today, we again face mounting challenges.

Using accrual accounting, the 2005 Financial Report of the United States Government reported that the Government is running a net operating deficit of \$760 billion—more than 6 percent of our economy. Our foreign debt to GDP ratio has not been this high since Grover Cleveland was President in the late 19th century.

We face the largest current account deficit in history—more than \$800 billion. A rising China and India are testing our innovative capacity and the robustness of our manufacturing sector.

We are also neglecting education and the young minds that will define our future successes. We have forgotten our research institutions that generate ideas and spur innovation. We are abandoning the basic infrastructure that buttresses our economic growth. We have let health care become a burden rather than an asset. We have emptied our saving accounts and neglected investment.

Like newly independent America, the United States today demands vision and action.

I have put forward a comprehensive competitiveness initiative to address these challenges. I have introduced trade competitiveness legislation to make sure our trading partners play by the rules and give our companies and workers a fair shot at success. I have introduced energy competitiveness legislation to promote innovation and research and reduce our dependence on fossil fuels.

I have also proposed savings competitiveness legislation to close the fiscal gap and encourage Americans to save. Savings boosts investment and innovation. This week I will introduce legislation to boost innovation by revamping and making permanent the R&D tax credit. In the coming weeks, I will introduce ambitious legislation on education, health care, and international tax competitiveness.

But I do not pretend to have all of the answers. That is why today I would like to recognize another initiative that embraces these competitiveness challenges. It is an initiative that invokes the vision and action of Alexander Hamilton. This namesake initiative—the Hamilton Project—led by some of America's brightest minds, is clear in its vision and bold in the action it promises.

Based on principles—not politics—the Hamilton Project recognizes that broad-based economic growth in America is stronger and more sustainable than growth that accrues to a small segment of the population. The Hamilton Project recognizes that our Nation can pursue economic security for American workers and economic growth simultaneously—and that both can be mutually reinforcing. The Hamilton Project recognizes that effective government plays a critical role in facilitating our Nation's prosperity and enhancing economic growth.

These principles inform four pillars of action: education and work, innova-

tion and infrastructure, savings and insurance, and effective government. Under each pillar, the project promises innovative ideas and a clear blueprint to realize them. Already, the project has proposed reducing the skills gap of underprivileged school children and improving the effectiveness of our teachers. They have put forward clear proposals to boost savings in America and simplify taxes for the majority of Americans.

In the coming months, the Hamilton Project will continue to roll out specific policy proposals in each pillar. The project's work so far promises clear-eyed, detailed plans for our most pressing challenges. I look forward to evaluating each proposal. I recommend that my colleagues take the time to do the same.

Once again, I applaud those at the Hamilton Project for their initiative. Our challenges may be daunting, but we must all welcome the challenge.

Upon accepting his nomination as Treasury Secretary centuries ago, Hamilton understood the hugeness of his task, saying: "I conceived myself to be under an obligation to lend my aid towards putting the machine in some regular motion." Let us follow his lead. And let us lend our aid, and keep this great machine in motion.

Mr. President, I ask unanimous consent to have printed in the RECORD the Executive Summary of the Hamilton Project's strategy paper.

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

#### EXECUTIVE SUMMARY

We believe in America's promise: that education and hard work can provide each individual with the opportunity to advance and allow each generation to do better than the one before. Today, however, that promise is in jeopardy because our nation is neither paying its way nor investing adequately in its future. Our nation has failed to make the tough decisions required to advance opportunity, prosperity, and growth over the years and decades ahead.

The Hamilton Project's economic strategy reflects a judgment that long-term prosperity is best achieved by making economic growth broad-based, by enhancing individual economic security, and by embracing a role for effective government in making needed public investments. The Project's strategy—strikingly different from the theories driving current economic policy—calls for fiscal discipline and for increased public investment in key growth-enhancing areas. The Project will put forward innovative policy ideas from leading economic thinkers throughout the United States—ideas based on experience and evidence, not ideology and doctrine—to introduce new, sometimes controversial, policy options into the national debate with the goal of improving our country's economic policy.

Many options for addressing the fiscal problem have been identified; the most pressing need now is not new ideas, but greater political will and a bipartisan political process. The president and the leaders of both parties in both houses need to come together in a special process that recognizes the critical importance of these issues, acknowledges differences in views, and works to reach common ground with joint political accountability.

The failure to invest wisely in sound policies to promote economic growth is particularly problematic in light of the growing competition U.S. workers and firms face as the people of China, India, and other nations rapidly enter the global economy. Significant new intellectual work is needed to identify evidence- and experience-based policies to promote individual opportunity and strengthen America's economy.

The Project will therefore reach across the country to encourage many of the nation's leading thinkers to put forward new proposals and will help bring those ideas to bear on policy debates in a relevant and effective way.

Economic evidence and experience suggest three principles on which the Project's economic strategy is premised:

Broad-based economic growth is stronger and more sustainable: Broad-based growth will be stronger and more sustainable than growth accruing disproportionately to a small segment of the population. When public policy excessively favors relatively few, the economy misses out on opportunities for innovation and productivity by the many.

Economic security and economic growth can be mutually reinforcing: Not only does economic growth increase economic security, but economic security in turn can increase economic growth—by enabling people to take the risks that promote growth (such as starting a new business or investing in their own education), by getting families back on their feet quickly after unexpected shocks, and by lessening calls for growth-diminishing policies like closing our markets to competition.

Effective government can enhance economic growth: Markets are the cornerstone of economic growth, but government must invest in critical needs that market forces will not adequately meet—such as education, infrastructure, and basic research. Government must rigorously seek efficiency, increased productivity, and internal reform so that it can most effectively target its policies to provide necessary services.

To achieve the goal of strong, sustainable, and broad-based economic growth, the Project will identify and advance sound policy ideas that rest upon four pillars:

Education and work: The productive power of the U.S. economy lies heavily with its people. The Project will explore ways to improve education—from prekindergarten through graduate school—to equip America's youth to succeed in the knowledge-based economy; reform the nation's job training and vocational education system; and increase work incentives for low-skilled workers.

Innovation and infrastructure: Innovation fuels growth, creates jobs, and expands economic opportunity. With global economic activity becoming increasingly dependent on technology, the Project will propose ways of making more workers literate in science and engineering; adopting smarter incentives for private firms to undertake R&D and removing barriers to private-sector innovation; increasing the federal commitment to fundamental scientific research; achieving energy independence; and improving our nation's physical infrastructure.

Savings and insurance: The more security that people can achieve in their personal finances—through both savings and social insurance—the more confidence they can place in the future, making them more likely to seize opportunities and bounce back from adverse events. The Project will be examining topics such as shoring up health-care coverage and reducing health-care costs; cushioning the economic shocks of job dislocation; and increasing retirement security—all in an effort to provide people with the eco-

nomic security they need to be entrepreneurial and invest in their own skills.

Effective government: Government has a limited but essential role in creating the conditions for growth in which all Americans can share. The Project will propose ways to increase government productivity and efficiency; realign government's activities in response to changing circumstances; reform government regulation so that it efficiently guides private firms when necessary without unduly hampering them; and take measures to make the Project's proposals budget-neutral.

#### FREE INTERNET FILING ACT

Mr. AKAKA. Mr. President, I continue to advocate for the ability of taxpayers to file their taxes directly through the Internal Revenue Service Web site without depending on commercial tax preparers. If a taxpayer has taken the time to fill out their taxes on their own, they should be provided with the opportunity to file electronically through the IRS Web site without exposing their personal financial information to a tax preparer or be subjected to solicitations for other services or tax products. A bill that I introduced with my friend from New Mexico, Senator BINGAMAN, S. 2550, the Free Internet Filing Act, requires that taxpayers be provided with the option to directly e-file via the IRS Web site without using commercial tax preparers. I will continue to work with my colleagues to enact this needed legislation. Electronic returns help taxpayers receive their refunds faster than mailing them in. This would also save the IRS resources and reduce possible errors that can occur when the mailed-in returns are transcribed.

Mr. President, I ask unanimous consent that an additional letter of support for S. 2550 from the National Consumer Law Center, Consumer Federation of America, Consumers Union, U.S. Public Interest Research Group, and Consumer Action be printed in the RECORD.

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

APRIL 21, 2006.

Hon. DANIEL K. AKAKA,  
U.S. Senate,  
Washington, DC.

DEAR SENATOR AKAKA: The National Consumer Law Center (on behalf of its low-income clients), Consumer Federation of America, Consumers Union, the U.S. Public Interest Research Group and Consumer Action write to support S. 2550, the "Free Internet Filing Act." Consumer groups have long advocated for what S. 2550 would provide—the ability of taxpayers to electronically file their returns without the need for a third party intermediary.

Enabling taxpayers to file electronically directly with the Internal Revenue Service will benefit taxpayers tremendously. It will save taxpayers the fees charged by some commercial preparers for electronic filing. Unlike the current Free File program established by the IRS, S. 2550 will provide taxpayers with free electronic filing without being subject to cross-marketing pitches for refund anticipation loans, mortgages and other financial products which may not be in their best interests.

S. 2550 will also help taxpayers to keep their information private. By allowing free direct electronic filing with the IRS, taxpayers will have the ability to bypass commercial preparers that might exploit or share their personal, confidential tax information for non-tax purposes.

We believe the IRS should have been required a long time ago to establish free direct electronic filing. For many years, Americans have been able to apply for federal student financial aid on [www.fafsa.ed.gov](http://www.fafsa.ed.gov) and Social Security retirement benefits at [www.ssa.gov](http://www.ssa.gov). A free direct electronic filing program at [www.irs.gov](http://www.irs.gov) is long overdue.

If you have any questions about this letter, please contact Chi Chi Wu. Thank you again for all your efforts to protect taxpayer rights.

Sincerely,

CHI CHI WU,  
Staff Attorney, National Consumer Law Center.

JEAN ANN FOX,  
Director of Consumer Protection, Consumer Federation of America.

EDMUND MIERZWINSKI,  
Consumer Program Director, U.S. Public Interest Research Group.

SUSANNA MONTEZEMOLO,  
Policy Analyst, Consumers Union.

LINDA SHERRY,  
Director, National Priorities, Consumer Action.

#### REMEMBERING J.A. TIBERTI

Mr. ENSIGN. Mr. President, I pay tribute to a great Nevadan whose passing has saddened me and countless others in my State. I hope my colleagues will join me in offering their thoughts and prayers to the family of J.A. Tiberti.

Mr. Tiberti died yesterday. He had called Nevada home since 1941.

I'm very proud to say J.A. Tiberti was my friend. But he was more than that. J.A. Tiberti was nothing less than a deep personal inspiration. He embodied a bold, energetic, upbeat entrepreneurial spirit. The type of spirit that built Nevada, the West, and this country. The type of spirit that inspires and energizes brave thinkers and dreamers throughout America, and has done so since our Nation was formed.

Mr. Tiberti leaves behind not only one of the most proud and prominent families in Nevada but also a legacy of vision and dreams for his community that will last, literally, for generations.

If you drive anywhere in southern Nevada today, you will see homes, businesses, office buildings, and resorts rising out of the desert and forming the fastest growing communities in America. These are all testaments to the allure of Nevada and the spirit of the people who call it home. And on many of those rising structures you will see the Tiberti name. It is a testament to a man who dedicated his life to helping build his community.

Tiberti Construction is one of the most successful and thriving businesses in the country. At this moment, hundreds of students are pursuing higher education at the University of Nevada Las Vegas within walls and under roofs built by Tiberti Construction. The men and women of our military are training to defend our country at Nellis Air Force Base inside buildings erected by J.A. Tiberti's company.

J.A. Tiberti's generosity and philanthropic efforts are well known and talked about by all who knew him, but never by Mr. Tiberti himself. His willingness to donate to causes close to his heart was matched by his reluctance to speak of them or try to gain publicity for himself. It is remarkable that a man of such success and generosity was also blessed with a humility that prevented him from boasting of his accomplishments and contributions. I will tell you, as a small example, that the alumni center and engineering complex at UNLV exist today because of J.A. Tiberti.

His humble nature was inherited from his parents, hardworking immigrants from Italy who lived and worked in a coal mining camp. His father went off to work in the mines at 2 a.m., checking for dangerous gasses that could put the other workers' lives in danger.

When J.A. Tiberti began having success in the construction business his values never left him. An interviewer once asked him how he had achieved success early on and, instead of citing business plans or wise investments, J.A. Tiberti said it was honesty and sincerity that laid the groundwork for his business.

Two years ago, J.A. Tiberti was inducted into the Nevada Business Hall of Fame. He has served on too many planning commissions, advisory boards, finance committees, and professional societies to name here, and his commitment to community service was recognized in 1987 when he was named Most Distinguished Nevadan.

Today the Tiberti family is also grounded in those values, and their success reflects the hard work and generosity of their patriarch. J.A. Tiberti leaves behind six children, 21 grandchildren, and six great-grandchildren.

I know they are proud to carry on the Tiberti name and, through our sadness over his passing, we Nevadans are proud that he chose our state to raise his family and to call home.

#### ADDITIONAL STATEMENTS

##### TRIBUTE TO PAUL SCAPICCHIO

• Mr. KERRY. Mr. President, I am proud to join Massachusetts State Senate President Travaglini, Speaker of the House of Representatives DiMasi, Mayor Thomas Menino, the members and staff of the Boston City Council in celebrating the exemplary public service performed by City Councilman Paul Scapicchio over the last 8 years.

Paul's time in office has been defined by a sustained love for the people of

East Boston, Charlestown, and the historic North End. His constituents and colleagues regard him as a friend, as does everyone who gathered together last night in Boston to mark this important milestone in Paul's career. A native of Boston's North End, Paul has always been involved in his community. He spent much of his youth playing and coaching in various sports, including Babe Ruth baseball, youth hockey, and basketball. After college, it was natural that this connection to his neighbors and their lives would lead him to seek public office. As Councilman, Paul focused on issues such as affordable housing, improved public education, and increased economic opportunities for all of Boston's residents. He proposed incentives for Boston drivers to purchase hybrid vehicles, reached out to the seniors of his district by participating in Seniors Count, and helped countless constituents address the day-to-day problems that surface throughout Boston's neighborhoods.

Mr. President, while a chapter of Paul's public service will come to a close with his departure from the Boston City Council, I am thrilled that he will continue to be part of Boston's future through his work at ML Strategies. I extend to him my gratitude for his service and my best wishes as he, Kate, and their children move on to these new challenges.●

##### LOS ANGELES COUNTY SHERIFF MARIA CECILIA ROSA: IN MEMORIAM

• Mrs. BOXER. Mr. President, today I rise to honor the memory of a dedicated public servant, Sheriff Deputy Maria Cecilia Rosa. Deputy Rosa spent nearly 6 years with the Los Angeles County Sheriff's Department, providing the citizens of California with safety and service. On the morning of March 28, 2006, Deputy Rosa was shot while in the city of Long Beach as she prepared to leave for work at the Inmate Reception Center in downtown Los Angeles. She subsequently died from her injuries.

Deputy Maria Rosa was well respected by her peers and received numerous outstanding evaluations by her supervisors who described her as "a self starter" and an "outstanding Training Officer." Her attitude and performance were always top rate, and she was always fair and courteous to everyone with whom she came in contact. Many describe her "wonderful sense of humor with an electric smile." Colleagues note that she was affable, yet tough, and approached even the most mundane tasks with energy and enthusiasm.

Deputy Rosa is survived by her sister Luz Maria Yanez and brothers Eduardo and Maricelo Yanez. When she was not on duty, Deputy Rosa loved to dance, especially Salsa. She was extremely caring and always available to a friend. Deputy Maria Rosa served the State of California with honor and distinction and honorably fulfilled her oath as an

officer of the law. Her contributions and dedication to law enforcement are greatly appreciated and will serve as a shining example of her legacy.

Californians are grateful for Deputy Rosa's heroic service and the sacrifices she made while serving the community and protecting the people she loved.●

##### TRIBUTE TO RHONDA SMITH

• Mr. BUNNING. Mr. President, today I pay tribute to Rhonda Smith of Paducah, KY, for being recognized as one of Kentucky's most generous volunteers. I congratulate her for recently being awarded the President's Volunteer Service Award by the Department of Energy.

The President's Volunteer Service Award is issued by the President's Council on Service and Civic Participation on behalf of the President of the United States to recognize the best in American spirit and to encourage all Americans to improve their communities through volunteer service and civic participation. The award is given to individuals, families, and groups that have demonstrated outstanding volunteer service and civic participation over the course of a 12-month period.

Ms. Smith has served on the Paducah Site-Specific Advisory Board since 2003, was elected chair in 2005, and will begin serving her term later in 2006. During her tenure on the board, she has devoted over 100 hours of community service to the advisory board by tirelessly providing help with DOE's environmental restoration and waste management activities at the Paducah site.

I now ask my fellow colleagues to join me in thanking Ms. Smith for her dedication and commitment to DOE and Kentucky. In order for our society to continue to advance in the right direction, we must have volunteers like Rhonda Smith in our communities and in our lives. She is Kentucky at its finest.●

##### RECOGNIZING CALIFORNIA STATE UNIVERSITY, SAN BERNARDINO ON ITS 40TH ANNIVERSARY

• Mrs. BOXER. Mr. President, I rise today to recognize California State University, San Bernardino, CSUSB. This academic year, the campus celebrates its 40th anniversary.

San Bernardino-Riverside State College was founded in 1960 and was named California State College at San Bernardino when it opened on September 28, 1965. At that time, only 293 students were enrolled. In 1984, the campus gained university status and became California State University, San Bernardino.

Today, CSUSB can look back on 40 years of growth as a successful university that has graduated more than 55,000 students, with an enrollment of over 16,400, with about 3,500 annual graduates. Additionally, Cal State San Bernardino boasts of 5 academic colleges, offering more than 70 degree and certificate programs.

Cal State San Bernardino is an asset to the local economy as well. The university provides direct and indirect employment to approximately 10,000 people in the local region, supporting healthy economic growth in the Inland Empire.

CSUSB is a leader in student diversity, with one of the most diverse student bodies in the California State University system. The Robert V. Fullerton Art Museum, which is located on campus, is a significant cultural institution throughout all of southern California, bringing an important cultural contribution with its impressive ancient and contemporary collections.

CSUSB faculty and staff also provide important research in the Inland Empire. The university has many research and service facilities that include the Water Resources Institute, Developmental Disabilities Center, Institute of Applied Research, Diversity Institute, Inland Empire Center for Entrepreneurship, International Institute, Arrowhead Laboratory for Securities Analysis, Center for the Study of Hate and Extremism, Institute for Child Development and Family Relations, Office for the Commercialization of Advanced Technology, Office of National Excellence in Distance Learning, and the Community-University Partnership.

While located in San Bernardino, the university is working to provide higher education in the Coachella Valley, a traditionally underserved area. The university has built a branch campus in Palm Desert, which provides much needed access to higher education in this rapidly growing region.

I applaud the service and dedication of the staff and students of California State University, San Bernardino as they celebrate 40 years of improving the education and lives of the people of the Inland Empire and desert region of southern California.●

#### MESSAGES FROM THE PRESIDENT

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

#### EXECUTIVE MESSAGES REFERRED

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

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

#### MESSAGES FROM THE HOUSE

At 3:05 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 2720. An act to further the purposes of the Reclamation Projects Authorization and Adjustment Act of 1992 by directing the Secretary of the Interior, acting through the Commissioner of Reclamation, to carry out an assessment and demonstration program to control salt cedar and Russian olive, and for other purposes.

H.R. 3418. An act to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the Central Texas Water Recycling and Reuse Project, and for other purposes.

H.R. 3929. An act to amend the Water Desalination Act of 1996 to authorize the Secretary of the Interior to assist in research and development, environmental and feasibility studies, and preliminary engineering for the Municipal Water District of Orange County, California, Dana Point Desalination Project located at Dana Point, California.

H.R. 4101. An act to designate the facility of the United States Postal Service located at 170 East Main Street in Patchogue, New York, as the "Lieutenant Michael P. Murphy Post Office Building".

H.R. 4674. An act to designate the facility of the United States Postal Service located at 110 North Chestnut Street in Olathe, Kansas, as the "Governor John Anderson, Jr. Post Office Building".

H.R. 4811. An act to designate the facility of the United States Postal Service located at 215 West Industrial Park Road in Harrison, Arkansas, as the "John Paul Hamerschmidt Post Office Building".

H.R. 4995. An act to designate the facility of the United States Postal Service located at 7 Columbus Avenue in Tuckahoe, New York, as the "Ronald Bucca Post Office".

H.R. 5107. An act to designate the facility of the United States Postal Service located at 1400 West Jordan Street in Pensacola, Florida, as the "Earl D. Hutto Post Office Building".

The message also announced that the House has passed the following bill, without amendment:

S. 584. An act to require the Secretary of the Interior to allow the continued occupancy and use of certain land and improvements within Rocky Mountain National Park.

The message further announced that the House has agreed to the following concurrent resolutions, in which it requests the concurrence of the Senate:

H. Con. Res. 90. Concurrent resolution conveying the sympathy of Congress to the families of the young women murdered in the State of Chihuahua, Mexico, and encouraging increased United States involvement in bringing an end to these crimes.

H. Con. Res. 392. Concurrent resolution recognizing the 58th anniversary of the independence of the State of Israel.

The message also announced that the House agree to the amendment to the Senate to the bill (H.R. 3351) to make technical corrections to laws relating to Native Americans, and for other purposes.

#### MEASURES REFERRED

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

H.R. 3418. An act to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the Central Texas Water Recycling and Reuse Project,

and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 3929. An act to amend the Water Desalination Act of 1996 to authorize the Secretary of the Interior to assist in research and development, environmental and feasibility studies, and preliminary engineering for the Municipal Water District of Orange County, California, Dana Point Desalination Project located at Dana Point, California; to the Committee on Environment and Public Works.

H.R. 4101. An act to designate the facility of the United States Postal Service located at 170 East Main Street in Patchogue, New York, as the "Lieutenant Michael P. Murphy Post Office Building"; to the Committee on Homeland Security and Governmental Affairs.

H.R. 4674. An act to designate the facility of the United States Postal Service located at 110 North Chestnut Street in Olathe, Kansas, as the "Governor John Anderson, Jr. Post Office Building"; to the Committee on Homeland Security and Governmental Affairs.

H.R. 4811. An act to designate the facility of the United States Postal Service located at 215 West Industrial Park Road in Harrison, Arkansas, as the "John Paul Hamerschmidt Post Office Building"; to the Committee on Homeland Security and Governmental Affairs.

H.R. 4995. An act to designate the facility of the United States Postal Service located at 7 Columbus Avenue in Tuckahoe, New York, as the "Ronald Bucca Post Office"; to the Committee on Homeland Security and Governmental Affairs.

H.R. 5107. An act to designate the facility of the United States Postal Service located at 1400 West Jordan Street in Pensacola, Florida, as the "Earl D. Hutto Post Office Building"; to the Committee on Homeland Security and Governmental Affairs.

The following concurrent resolution was read, and referred as indicated:

H. Con. Res. 392. Concurrent resolution recognizing the 58th anniversary of the independence of the State of Israel; to the Committee on Foreign Relations.

#### MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

S. 2700. A bill to amend the Clean Air Act to provide for a Federal Fuels List, and for other purposes.

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 2720. An act to further the purposes of the Reclamation Projects Authorization and Adjustment Act of 1992 by directing the Secretary of the Interior, acting through the Commissioner of Reclamation, to carry out an assessment and demonstration program to control salt cedar and Russian olive, and for other purposes.

#### MEASURES READ THE FIRST TIME

The following bills were read the first time:

S. 22. A bill to improve patient access to health care services and provide improved medical care by reducing the excessive burden the liability system places on the health care delivery system.

S. 23. A bill to improve women's access to health care services and provide improved medical care by reducing the excessive burden the liability system places on the delivery of obstetrical and gynecological services.



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-6652. A communication from the Secretary of the Navy, transmitting, pursuant to law, the report of increases in the Program Acquisition Unit Cost or Average Procurement Unit Cost of at least 30 percent to the "Original" Acquisition Program Baseline in the following programs: Expeditionary Fighting Vehicle, F/A-18E/F, MH-60S, and Virginia Class submarine. Additionally, the report of the cancellation of the Advanced Seal Delivery System Major Defense Acquisition Program; to the Committee on Armed Services.

EC-6653. A communication from the Under Secretary of Defense (Comptroller), transmitting, pursuant to law, the quarterly report entitled "Acceptance of Contributions for Defense Programs, Projects, and Activities; Defense Cooperation Account for the Period Ending March 31, 2006"; to the Committee on Armed Services.

EC-6654. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting, the report of (2) officers authorized to wear the insignia of the next higher grade in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

EC-6655. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting, the report of (2) officers authorized 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-6656. A communication from the Assistant Secretary of Defense (Health Affairs), transmitting, pursuant to law, the Department of Defense Evaluation of the TRICARE Program Fiscal Year (FY) 2006 Report; to the Committee on Armed Services.

EC-6657. A communication from the General Counsel of the Department of Defense, transmitting, a report of proposed legislation as part of the National Defense Authorization Bill for Fiscal Year 2007; to the Committee on Armed Services.

EC-6658. A communication from the Acting Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Incremental Funding of Fixed-Price Contracts" (DFARS Case 1990-037) received on May 1, 2006; to the Committee on Armed Services.

EC-6659. A communication from the Acting Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Prohibition of Foreign Taxation on U.S. Assistance Programs" (DFARS Case 2004-D012) received on May 1, 2006; to the Committee on Armed Services.

EC-6660. A communication from the Acting Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Labor Laws" (DFARS Case 2003-D019) received on May 1, 2006; to the Committee on Armed Services.

EC-6661. A communication from the Acting Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Transition of Weapons-Related Prototype Projects to Follow-On Contracts" (DFARS Case 2003-D106) received on May 1, 2006; to the Committee on Armed Services.

EC-6662. A communication from the Director, Office of Management, Department of

Energy, transmitting, pursuant to law, the Department's Buy American Act Report for Fiscal Year 2005; to the Committee on Energy and Natural Resources.

EC-6663. A communication from the Administrator, Energy Information Administration, Department of Energy, transmitting, pursuant to law, the Executive Summary to the Energy Information Administration's report entitled "Emissions of Greenhouse Gases in the United States 2004"; to the Committee on Energy and Natural Resources.

EC-6664. A communication from the Administrator, Energy Information Administration, Department of Energy, transmitting, pursuant to law, the Summary to the Energy Information Administration's report entitled "Voluntary Reporting of Greenhouse Gases 2004"; to the Committee on Energy and Natural Resources.

EC-6665. A communication from the Administrator, Energy Information Administration, Department of Energy, transmitting, pursuant to law, the Energy Information Administration's report entitled "Performance Profiles of Major Energy Producers 2004"; to the Committee on Energy and Natural Resources.

EC-6666. A communication from the Secretary of Energy, transmitting, a report of proposed legislation to repeal subtitle J, Ultra-Deepwater and Unconventional Natural Gas and Other Petroleum Resources, of title IX of the Energy Policy Act of 2005; to the Committee on Energy and Natural Resources.

EC-6667. A communication from the Secretary of Energy, transmitting, a report of proposed legislation to amend section 161k of the Atomic Energy Act of 1954 to provide executive protection authorities for the Department of Energy (DOE) Federal Executive Protection Detail; to the Committee on Energy and Natural Resources.

EC-6668. A communication from the Secretary of Energy, transmitting, pursuant to law, a report entitled "Cost and Performance Goals for the Office of Fossil Energy Coal-Based Technologies"; to the Committee on Energy and Natural Resources.

EC-6669. A communication from the Secretary of Energy, transmitting, pursuant to law, the Annual Report for calendar year 2005, entitled "Department of Energy Activities Relating to the Defense Nuclear Facilities Safety Board"; to the Committee on Energy and Natural Resources.

EC-6670. A communication from the Acting Secretary of the Interior, transmitting, pursuant to law, a report entitled "Compacts of Free Association with the Federated States of Micronesia and the Republic of the Marshall Islands for Fiscal Year 2005"; to the Committee on Energy and Natural Resources.

EC-6671. A communication from the Assistant Secretary, Fish and Wildlife and Parks, Department of the Interior, transmitting, the report of a draft bill entitled "National Park System Uniform Penalty Amendment Act"; to the Committee on Energy and Natural Resources.

EC-6672. A communication from the Deputy CHCO/Director, OHCM, Department of Energy, transmitting, pursuant to law, the report of a vacancy and the designation of an acting officer for the position of Chief Financial Officer, received on May 1, 2006; to the Committee on Energy and Natural Resources.

EC-6673. A communication from the Attorney, Office of Assistant General Counsel for Legislation and Regulatory Law, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "Energy Conservation Program: Test Procedures for Distribution Transformers" (RIN1904-AA85)

received on April 28, 2006; to the Committee on Energy and Natural Resources.

EC-6674. A communication from the Assistant Secretary of the Army (Civil Works), transmitting, a report of proposed legislation to improve hurricane and storm protection in the greater New Orleans metropolitan area; to the Committee on Environment and Public Works.

EC-6675. A communication from the Assistant Administrator, OARM, Environmental Protection Agency, transmitting, pursuant to law, (3) reports relative to vacancy announcements within the Agency, received on May 1, 2006; to the Committee on Environment and Public Works.

EC-6676. A communication from the Federal Co-Chairman, Delta Regional Authority (DRA), transmitting, pursuant to law, the DRA's Fiscal Year 2005 (FY05) Activities and Projects Report; to the Committee on Environment and Public Works.

EC-6677. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans: Revisions to the Tennessee Nitrogen Oxides Budget and Allowance Trading Program" (FRL No. 8163-3) received on May 1, 2006; to the Committee on Environment and Public Works.

EC-6678. 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 "Implementation of the Great Lakes Legacy Act of 2002" (FRL No. 8163-8) received on May 1, 2006; to the Committee on Environment and Public Works.

EC-6679. 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 "Missouri: Final Authorization of State Hazardous Waste Management Program Revisions" (FRL No. 8163-4) received on May 1, 2006; to the Committee on Environment and Public Works.

EC-6680. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "National Emission Standards for Hazardous Air Pollutants; Delegation of Authority to Texas" (FRL No. 8164-6) received on May 1, 2006; to the Committee on Environment and Public Works.

EC-6681. 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 "Protection of Stratospheric Ozone: The 2006 Critical Use Exemption from the Phaseout of Methyl Bromide" (FRL No. 8163-1) received on May 1, 2006; to the Committee on Environment and Public Works.

EC-6682. A communication from the Director, Office of Legislative Affairs, Federal Deposit Insurance Corporation (FDIC), transmitting, pursuant to law, the report of a rule entitled "Deposit Insurance Regulations; Inflation Index; Certain Retirement Accounts and Employee Benefit Accounts" (RIN3064-AD01) received on May 1, 2006; to the Committee on Banking, Housing, and Urban Affairs.

EC-6683. A communication from the Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, a report relative to Sections 1807 and 1862 of the Foreign Intelligence Surveillance Act of 1978 (the "Act"),

as amended, and Sections 106 and 118 of the USA PATRIOT Improvement and Reauthorization Act, Pub. L. No. 109-177 (2006); to the Committee on the Judiciary.

EC-6684. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, the Department's Buy American Act Report for Fiscal Year 2005; to the Committee on Homeland Security and Governmental Affairs.

EC-6685. A communication from the Director of Selective Service, transmitting, pursuant to law, the Agency's Buy American Act Report for Fiscal Year 2005; to the Committee on Homeland Security and Governmental Affairs.

EC-6686. A communication from the Director, Financial Management, Government Accountability Office, transmitting, pursuant to law, the fiscal year 2005 annual report of the Comptrollers' General Retirement System; to the Committee on Homeland Security and Governmental Affairs.

EC-6687. A communication from the Director, Office of Personnel Management, transmitting, pursuant to law, a report relative to extended assignment incentives for the period (May 2, 2003, through December 31, 2005); to the Committee on Homeland Security and Governmental Affairs.

EC-6688. A communication from the Chief Clinical Officer, Department of Mental Health, District of Columbia, and the Professor and Chairman, Department of Psychiatry, Director, Center for the Study of Traumatic Stress, Uniformed Services University of the Health Sciences, transmitting, a cdrom entitled "Code Yellow Code Orange: How Will We Respond?"; to the Committee on Homeland Security and Governmental Affairs.

EC-6689. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16-342, "Closing of a Portion of a Public Alley in Square 1030, S.O. 02-2103, Act of 2006" received on May 1, 2006; to the Committee on Homeland Security and Governmental Affairs.

EC-6690. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16-343, "Financial Institutions Deposit and Investment Act of 2006" received on May 1, 2006; to the Committee on Homeland Security and Governmental Affairs.

EC-6691. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16-344, "Advisory Commission on Sentencing Amendment Act of 2006" received on May 1, 2006; to the Committee on Homeland Security and Governmental Affairs.

EC-6692. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16-345, "Government Facility Security Amendment Act of 2006" received on May 1, 2006; to the Committee on Homeland Security and Governmental Affairs.

EC-6693. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16-346, "Closing of a Portion of a Public Alley in Square 5230, S.O. 04-9922, Act of 2006" received on May 1, 2006; to the Committee on Homeland Security and Governmental Affairs.

EC-6694. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16-347, "Low-Emissions Motor Vehicle Tax Exemption Amendment Act of 2006" received on May 1, 2006; to the Committee on Homeland Security and Governmental Affairs.

EC-6695. A communication from the Chairman of the Council of the District of Colum-

bia, transmitting, pursuant to law, a report on D.C. Act 16-348, "Non-Health Related Occupations and Professions Licensure Amendment Act of 2006" received on May 1, 2006; to the Committee on Homeland Security and Governmental Affairs.

EC-6696. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16-349, "New Columbia Community Land Trust 20th and Channing Streets, N.E. Tax Exemption Act of 2006" received on May 1, 2006; to the Committee on Homeland Security and Governmental Affairs.

EC-6697. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16-350, "Washington Metropolitan Area Transit Authority Fund Act of 2006" received on May 1, 2006; to the Committee on Homeland Security and Governmental Affairs.

EC-6698. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16-351, "Closing of Public Alleys in Square 743N, S.O. 04-12457, Act of 2006" received on May 1, 2006; to the Committee on Homeland Security and Governmental Affairs.

EC-6699. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16-352, "District Department of Transportation DC Circulator Temporary Amendment Act of 2006" received on May 1, 2006; to the Committee on Homeland Security and Governmental Affairs.

EC-6700. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16-354, "Oak Hill Construction Streamlining Temporary Amendment Act of 2006" received on May 1, 2006; to the Committee on Homeland Security and Governmental Affairs.

## REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. MCCAIN, from the Committee on Indian Affairs, with amendments:

S. 1773. A bill to resolve certain Native American claims in New Mexico, and for other purposes (Rept. No. 109-252).

## 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. ENSIGN (for himself, Mr. FRIST, Mr. GREGG, Mr. McCONNELL, Mr. HATCH, Mr. SANTORUM, Mr. DEMINT, Mr. INHOFE, Mr. BURNS, Mrs. DOLE, Mr. CORNYN, Mr. VOINOVICH, Mr. BURR, Mr. ALLARD, Mr. COBURN, and Mr. VITTER):

S. 22. A bill to improve patient access to health care services and provide improved medical care by reducing the excessive burden the liability system places on the health care delivery system; read the first time.

By Mr. SANTORUM (for himself, Mr. GREGG, Mr. FRIST, Mr. McCONNELL, Mr. ENSIGN, Mr. HATCH, Mr. INHOFE, Mrs. DOLE, Mr. BURNS, Mr. TALENT, Mr. VOINOVICH, Mr. BURR, Mr. CORNYN, Mr. ALLARD, Mr. DEMINT, and Mr. VITTER):

S. 23. A bill to improve women's access to health care services and provide improved

medical care by reducing the excessive burden the liability system places on the delivery of obstetrical and gynecological services; read the first time.

By Mr. SANTORUM (for himself, Mrs. DOLE, and Ms. MURKOWSKI):

S. 2701. A bill to amend the Internal Revenue Code of 1986 to provide a refundable credit for high deductible health plans for uninsured individuals; to the Committee on Finance.

By Mr. ALLARD (for himself and Mr. JOHNSON):

S. 2702. A bill to require the Secretary of Defense to carry out a program on the provision of assistance to certain military families; to the Committee on Armed Services.

By Mr. SPECTER (for himself, Mr. LEAHY, Mr. FRIST, Mr. REID, Mr. GRASSLEY, Mr. KENNEDY, Mr. DEWINE, Mrs. FEINSTEIN, Mr. BROWNBACK, Mr. DURBIN, Mr. SCHUMER, Mr. WARNER, Mr. INOUE, Mr. HAGEL, Mr. KERRY, Mr. CHAFEE, Mr. AKAKA, Mr. ALLEN, Ms. LANDRIEU, Mr. OBAMA, Mr. SALAZAR, and Mr. MENENDEZ):

S. 2703. A bill to amend the Voting Rights Act of 1965; to the Committee on the Judiciary.

By Mr. DEWINE (for himself, Mr. SPECTER, Mrs. FEINSTEIN, Mr. BIDEN, Mr. KERRY, Mrs. BOXER, Mr. SCHUMER, Mr. NELSON of Florida, Mr. MENENDEZ, Mr. DODD, Mr. KENNEDY, Mr. LAUTENBERG, Mr. DURBIN, and Mr. LIEBERMAN):

S. 2704. A bill to revise and extend the National Police Athletic League Youth Enrichment Act of 2000; to the Committee on the Judiciary.

By Mr. KYL:

S. 2705. A bill to suspend temporarily the duty on Hexythiazox Technical; to the Committee on Finance.

By Mr. SANTORUM:

S. 2706. A bill to suspend temporarily the duty on Dimethyl Disulfide (DMDS); to the Committee on Finance.

By Mr. SUNUNU (for himself and Mrs. DOLE):

S. 2707. A bill to amend the United States Housing Act of 1937 to exempt qualified public housing agencies from the requirement of preparing an annual public housing agency plan; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. AKAKA:

S. 2708. A bill to amend title 38, United States Code, to provide an enrollment priority for veterans, who are recipients of certain medals for valor, in health care services provided by the Department of Veterans Affairs; to the Committee on Veterans' Affairs.

## SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. GRASSLEY (for himself, Mr. BIDEN, and Mr. TALENT):

S. Res. 462. A resolution designating June 8, 2006, as the day of a National Vigil for Lost Promise; to the Committee on the Judiciary.

By Mr. FRIST (for himself, Mr. REID, Mr. VOINOVICH, Mr. COCHRAN, Mr. VITTER, Mr. COLEMAN, Mr. SANTORUM, Mr. KYL, Mr. LEVIN, Mr. LAUTENBERG, Mr. NELSON of Florida, and Mr. BIDEN):

S. Res. 463. A resolution recognizing the 58th anniversary of the independence of the State of Israel; considered and agreed to.

By Mr. SMITH (for himself, Mrs. LINCOLN, Mrs. DOLE, Mr. DURBIN, Mr.

BROWNBACK, Mr. KOHL, Mr. LAUTENBERG, and Mr. WYDEN):

S. Res. 464. A resolution designating June 7, 2006, as "National Hunger Awareness Day", and authorizing the Senate offices of Senators Gordon H. Smith, Blance L. Lincoln, Elizabeth Dole, and Richard J. Durbin to collect donations of food during the period beginning May 8, 2006, and ending June 7, 2006, from concerned Members of Congress and staff to assist families suffering from hunger and food insecurity in the Washington, D.C., metropolitan area; considered and agreed to.

By Mr. HARKIN:

S. Con. Res. 93. A concurrent resolution expressing the sense of Congress with respect to accomplishing the mission in Iraq; to the Committee on Foreign Relations.

#### ADDITIONAL COSPONSORS

S. 558

At the request of Mr. REID, the name of the Senator from Ohio (Mr. DEWINE) was added as a cosponsor of S. 558, a bill to amend title 10, United States Code, to permit certain additional retired members of the Armed Forces who have a service-connected disability to receive both disability compensation from the Department of Veterans Affairs for their disability and either retired pay by reason of their years of military service or Combat-Related Special compensation and to eliminate the phase-in period under current law with respect to such concurrent receipt.

S. 828

At the request of Mr. HARKIN, the names of the Senator from California (Mrs. FEINSTEIN) and the Senator from Michigan (Mr. LEVIN) were added as cosponsors of S. 828, a bill to enhance and further research into paralysis and to improve rehabilitation and the quality of life for persons living with paralysis and other physical disabilities, and for other purposes.

S. 1060

At the request of Mr. COLEMAN, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1060, a bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax for the purchase of hearing aids.

S. 1086

At the request of Mr. HATCH, the names of the Senator from North Dakota (Mr. CONRAD) and the Senator from Minnesota (Mr. DAYTON) were added as cosponsors of S. 1086, a bill to improve the national program to register and monitor individuals who commit crimes against children or sex offenses.

S. 1272

At the request of Mr. NELSON of Nebraska, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 1272, a bill to amend title 46, United States Code, and title II of the Social Security Act to provide benefits to certain individuals who served in the United States merchant marine (including the Army Transport Service and the Naval Transport Service) during World War II.

S. 1330

At the request of Mrs. CLINTON, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 1330, a bill to amend the Internal Revenue Code of 1986 to provide incentives for employer-provided employee housing assistance, and for other purposes.

S. 1508

At the request of Mr. FEINGOLD, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 1508, a bill to require Senate candidates to file designations, statements, and reports in electronic form.

S. 1741

At the request of Mr. VOINOVICH, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 1741, a bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to authorize the President to carry out a program for the protection of the health and safety of residents, workers, volunteers, and others in a disaster area.

S. 1862

At the request of Mr. SMITH, the name of the Senator from Illinois (Mr. OBAMA) was added as a cosponsor of S. 1862, a bill to establish a joint energy cooperation program within the Department of Energy to fund eligible ventures between United States and Israeli businesses and academic persons in the national interest, and for other purposes.

S. 1864

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

S. 1948

At the request of Mrs. CLINTON, the names of the Senator from Massachusetts (Mr. KERRY) and the Senator from Virginia (Mr. WARNER) were added as cosponsors of S. 1948, a bill to direct the Secretary of Transportation to issue regulations to reduce the incidence of child injury and death occurring inside or outside of passenger motor vehicles, and for other purposes.

S. 2019

At the request of Mr. SMITH, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 2019, a bill to provide for a research program for remediation of closed methamphetamine production laboratories, and for other purposes.

S. 2025

At the request of Mr. BAYH, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 2025, a bill to promote the national security and stability of the United States economy by reducing the dependence of the United States on oil through the use of alternative fuels and new technology, and for other purposes.

S. 2039

At the request of Mr. DURBIN, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 2039, a bill to provide for loan repayment for prosecutors and public defenders.

S. 2140

At the request of Mr. HATCH, the names of the Senator from Colorado (Mr. ALLARD) and the Senator from Louisiana (Ms. LANDRIEU) were added as cosponsors of S. 2140, a bill to enhance protection of children from sexual exploitation by strengthening section 2257 of title 18, United States Code, requiring producers of sexually explicit material to keep and permit inspection of records regarding the age of performers, and for other purposes.

S. 2201

At the request of Mr. OBAMA, the names of the Senator from West Virginia (Mr. BYRD) and the Senator from Delaware (Mr. BIDEN) 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. 2250

At the request of Mr. GRASSLEY, the name of the Senator from Idaho (Mr. CRAIG) was added as a cosponsor of S. 2250, a bill to award a congressional gold medal to Dr. Norman E. Borlaug.

S. 2339

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

S. 2385

At the request of Mr. REID, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 2385, a bill to amend title 10, United States Code, to expand eligibility for Combat-Related Special Compensation paid by the uniformed services in order to permit certain additional retired members who have a service-connected disability to receive both disability compensation from the Department of Veterans Affairs for that disability and Combat-Related Special Compensation by reason of that disability.

S. 2465

At the request of Mrs. BOXER, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 2465, a bill to amend the Foreign Assistance Act of 1961 to provide increased assistance for the prevention, treatment, and control of tuberculosis, and for other purposes.

S. 2480

At the request of Mr. BENNETT, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 2480, a bill to amend the Fairness to Contact Lens Consumers Act

with respect to the availability of contact lenses.

S. 2510

At the request of Mr. DURBIN, the name of the Senator from Illinois (Mr. OBAMA) was added as a cosponsor of S. 2510, a bill to establish a national health program administered by the Office of Personnel Management to offer health benefits plans to individuals who are not Federal employees, and for other purposes.

S. 2554

At the request of Mr. ENSIGN, the name of the Senator from Colorado (Mr. ALLARD) was added as a cosponsor of S. 2554, a bill to amend the Internal Revenue Code of 1986 to expand the permissible use of health savings accounts to include premiums for non-group high deductible health plan coverage.

S. 2653

At the request of Mr. STEVENS, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 2653, a bill to direct the Federal Communications Commission to make efforts to reduce telephone rates for Armed Forces personnel deployed overseas.

S. 2658

At the request of Mr. BOND, the names of the Senator from Alaska (Mr. STEVENS) and the Senator from Iowa (Mr. GRASSLEY) were added as cosponsors of S. 2658, a bill to amend title 10, United States Code, to enhance the national defense through empowerment of the Chief of the National Guard Bureau and the enhancement of the functions of the National Guard Bureau, and for other purposes.

At the request of Mr. LEAHY, the names of the Senator from Hawaii (Mr. INOUE), the Senator from Montana (Mr. BAUCUS), the Senator from Illinois (Mr. DURBIN), the Senator from Maryland (Ms. MIKULSKI), the Senator from Iowa (Mr. HARKIN), and the Senator from Hawaii (Mr. AKAKA) were added as cosponsors of S. 2658, *supra*.

S. CON. RES. 91

At the request of Mr. REID, his name was added as a cosponsor of S. Con. Res. 91, a concurrent resolution expressing the sense of Congress that the President should posthumously award the Presidential Medal of Freedom to Leroy Robert "Satchel" Paige.

S. RES. 458

At the request of Mr. ALEXANDER, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. Res. 458, a resolution affirming that statements of national unity, including the National Anthem, should be recited or sung in English.

AMENDMENT NO. 3592

At the request of Mr. REED, the name of the Senator from Rhode Island (Mr. CHAFEE) was added as a cosponsor of amendment No. 3592 intended to be proposed to H.R. 4939, a bill making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 3597

At the request of Mr. LUGAR, the name of the Senator from Florida (Mr. MARTINEZ) was added as a cosponsor of amendment No. 3597 proposed to H.R. 4939, a bill making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 3688

At the request of Mr. BIDEN, his name was added as a cosponsor of amendment No. 3688 proposed to H.R. 4939, a bill making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes.

At the request of Mr. DODD, his name was added as a cosponsor of amendment No. 3688 proposed to H.R. 4939, *supra*.

AMENDMENT NO. 3717

At the request of Mr. BIDEN, the names of the Senator from Vermont (Mr. LEAHY), the Senator from New Mexico (Mr. BINGAMAN) and the Senator from Illinois (Mr. OBAMA) were added as cosponsors of amendment No. 3717 proposed to H.R. 4939, a bill making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 3719

At the request of Mr. BIDEN, the names of the Senator from Kansas (Mr. BROWNBACK), the Senator from Vermont (Mr. LEAHY), the Senator from Massachusetts (Mr. KENNEDY) and the Senator from New Jersey (Mr. MENENDEZ) were added as cosponsors of amendment No. 3719 proposed to H.R. 4939, a bill making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 3777

At the request of Mr. MENENDEZ, the names of the Senator from Kansas (Mr. BROWNBACK), the Senator from California (Mrs. FEINSTEIN) and the Senator from Wisconsin (Mr. FEINGOLD) were added as cosponsors of amendment No. 3777 proposed to H.R. 4939, a bill making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 3805

At the request of Mr. BENNETT, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of amendment No. 3805 intended to be proposed to H.R. 4939, a bill making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SANTORUM (for himself, Mrs. DOLE, and Ms. MURKOWSKI):

S. 2701. A bill to amend the Internal Revenue Code of 1986 to provide a refundable credit for high deductible health plans for uninsured individuals; to the Committee on Finance.

Ms. MURKOWSKI. Mr. President, this week, the first week of May, is National Cover the Uninsured Week. Now in its fourth year, it is the largest non-partisan effort in our Nation's history to raise awareness on the staggering numbers of Americans who do not have health insurance.

Forty-six million Americans have no health insurance—including more than 8 million children. In Alaska, 110,000 people do not have health insurance—that is nearly 17 percent of our population. One-half of Alaska's uninsured live in a household with a least one child.

Being uninsured too often means going without needed care—and minor illnesses can become major ones simply because health care is delayed. Over a third of Alaska's uninsured reported that they didn't seek medical care for themselves or their family when it was needed. Why? Because they couldn't afford it. An estimated 18,000 uninsured Americans die each year because they received too little care, too late.

Most of these individuals and families are hard-working Americans—just making it from paycheck to paycheck. In fact, 8 out of 10 of uninsured Americans either work or are in working families.

To help those working families, I join Senator SANTORUM and Senator DOLE in introducing the Helping Working Americans Afford Health Coverage Act of 2006. The goal of this bill is to make health coverage more affordable and accessible to the working populations with the greatest needs.

This bill creates a progressive, refundable health care tax credit targeted toward low- and moderate-income individuals and families which can be used for health savings account-eligible health insurance. Recent studies show that low- and moderate-income Americans and those previously uninsured are enrolling in health savings accounts or HSAs. More than one-third of HSA purchasers last year had incomes under \$50,000 per year, and one-third of individual HSA purchasers last year were previously uninsured.

Specifically, the refundable tax credit would provide a subsidy of up to 90 percent of the cost of health care coverage, up to a maximum credit of \$1,000 per adult and up to \$3,000 for a family. Additionally, the credit will be advanceable so that an individual or family would not have to wait to be reimbursed to purchase coverage.

This bill also contains an important provision to address the higher health care costs and higher poverty levels in the noncontiguous States of Alaska and Hawaii. In Alaska, the qualifying income thresholds for both individual Alaskans and Alaskan families are increased by 25 percent.

Though the Helping Working Americans Afford Health Coverage Act is not as comprehensive as S. 160, the SAVE Act, Securing Access, Value and Equality Act—legislation that I introduced

earlier in the Congress—it is still an important first step in addressing the needs of the uninsured.

The National Association of Health Underwriters states that this bill “will provide much needed relief by providing a refundable tax credit that can be used for both their health insurance policy premiums and as a deposit into their HSA account. This (bill) will provide individuals with ready access to health care while encouraging them to become more engaged in the process of obtaining health care.”

Mr. President, helping Americans afford insurance saves money in the long run. Between \$65 billion and \$130 billion of public health dollars are spent on treating acute patients. Much of this could be saved if only those individuals received preventative care.

Making health insurance more affordable will make a real difference to the Nation’s physical and economic health. I am proud of Alaskans and all Americans who have united during National Cover the Uninsured Week and are bringing attention to this national health care crisis. I ask my colleagues to take an important step in helping the uninsured by supporting the Helping Working Americans Afford Health Insurance Act of 2006.

By Mr. SPECTER (for himself, Mr. LEAHY, Mr. FRIST, Mr. REID, Mr. GRASSLEY, Mr. KENNEDY, Mr. DEWINE, Mrs. FEINSTEIN, Mr. BROWNBACK, Mr. DURBIN, Mr. SCHUMER, Mr. WARNER, Mr. INOUE, Mr. HAGEL, Mr. KERRY, Mr. CHAFEE, Mr. AKAKA, Mr. ALLEN, Ms. LANDRIEU, Mr. OBAMA, Mr. SALAZAR, and Mr. MENENDEZ):

S. 2703. A bill to amend the Voting Rights Act of 1965; to the Committee on the Judiciary.

Mr. LEAHY. Mr. President, I am pleased to join the chairmen of both the Senate and House Judiciary Committees, the ranking member of the House Judiciary Committee, the Democratic and Republican leaders of both the Senate and the House of Representatives, and members of Congress from both parties to introduce a bill to reauthorize and reinvigorate the temporary provisions of the Voting Rights Act of 1965. The bicameral, bipartisan introduction of this bill reflects not only its historic importance as a guarantor of the right to vote for all Americans, but also the broad consensus that the expiring provisions must be extended this year without delay.

There are few things as critical to our Nation, and to American citizenship, as voting. Like the rights guaranteed by the First Amendment, the right to vote is foundational because it secures the effective exercise of all other rights. As people are able to register, vote, and elect candidates of their choice, their interests and rights get attention. The very legitimacy of our government is dependent on the access all Americans have to the political process.

The Voting Rights Act of 1965 was the result of an historic struggle for civil rights led by such American heroes as Dr. Martin Luther King, Jr., Coretta Scott King and Rosa Parks, who refused to be treated as second-class citizens. That struggle reached a crucial turning point on March 7, 1965, on the Edmund Pettis Bridge in Selma, AL, when State troopers brutally attacked JOHN LEWIS and his fellow civil rights marchers who were fighting for their right to vote.

The events of that day, now known as “Bloody Sunday,” were captured in newspapers and on televisions across the country, and those powerful images marked a crucial turning point in securing the right to vote for all Americans. A few days after the violence of Bloody Sunday, President Lyndon Johnson outlined the proposed Voting Rights Act of 1965, before a joint session of Congress. Within months, Congress passed it so that the Constitution’s guarantees of equal access to the electoral process, regardless of race, would not be undermined by discriminatory practices.

The enactment of the Voting Rights Act in 1965 transformed the landscape of political inclusion. Prior to the Act, minorities of all races faced major barriers to participation in the political process, through the use of such devices as poll taxes, exclusionary primaries, intimidation by voting officials, language barriers, and systematic vote dilution. We have made great gains since that time, but our work is not finished. The record established in 10 hearings in the House of Representatives indicates that the tools provided by the expiring provisions of the Voting Rights Act remain necessary for protecting the voting rights of minority Americans in this country.

Among the Act’s most critical protections are the pre-clearance provisions of Section 5, which prevent discriminatory laws from going into practice. The Voting Rights Act Reauthorization and Amendments Act of 2006 would extend these protections for 25 years, retaining the most effective measures to fight certain kinds of pervasive and recurring discrimination.

The insidious discriminatory tactics that led to the original Voting Rights Act were deeply rooted. In the annals of our Nation, this fight dates back almost 100 years, to the ratification of the 15th Amendment in 1870, the last of the post-Civil War Reconstruction amendments. It took implementation of the Voting Rights Act of 1965 for people of all races in many parts of our country to gain the effective exercise of rights guaranteed 95 years earlier by the 15th Amendment. The pre-clearance provisions were one of the primary reasons this Act succeeded where earlier attempts had failed. Section 5 requires certain covered jurisdictions with a history of discrimination to pre-clear all voting changes with either the Department of Justice or the U.S. District Court for the District of Colum-

bia. In doing so, Section 5 combats the practices in these jurisdictions of shifting from one invalidated discriminatory tactic to another, which had undermined earlier efforts to enforce 15th Amendment guarantees.

We have made significant progress toward a more inclusive democracy over the past four decades since the enactment of the Voting Rights Act in 1965. However, I fear that if we fail to reauthorize the expiring provisions of the Voting Rights Act, our country is likely to backslide. We must make sure those gains do not suffer the same fate as the gains in voting rights made during Reconstruction.

After the Civil War, the Reconstruction Act promised that the guarantees of the 15th Amendment would be realized. Between 1870 and 1900, 22 African Americans served in the United States Congress. In 1868, Louisiana elected an African-American Lieutenant Governor, Oscar Dunn, and 87 African Americans held seats in the South Carolina legislature. However, these Reconstruction-era gains in African-American voting and representation proved to be short-lived. Following the end of Reconstruction, the rights of African Americans to vote and to hold office were virtually eliminated in many areas through discriminatory legal barriers, intimidation, and violence. The changes were swift, systematic and severe. By 1896, Representative George White of North Carolina was the only African American remaining in the U.S. Congress, and it would take 72 years after Representative White left Congress for African-American voters in the South to elect another candidate of their choice to Congress.

In Mississippi, the percentage of African-American voting-age men registered to vote fell from more than 90 percent during Reconstruction to less than 6 percent in 1892. Between 1896 and 1900, the number of African-American voters in Louisiana was reduced from 130,000 to a mere 5,000. Unlike their short-lived gains made during Reconstruction, African-American voters’ exclusion from the ballot box was persistent. Only 3 percent of voting-age African-American men and women in the South were registered to vote in 1940, only 1 percent in Mississippi—just 1 percent. These numbers are staggering, and they provide a history lesson we should not ignore.

As part of the Voting Rights Act reauthorization in 1975, Congress added Section 203, which requires bilingual voting assistance for certain language minority groups. This provision was enacted pursuant to congressional power to enforce the 14th and 15th Amendments. Section 203 has been a key factor to expanding the inclusiveness of democracy to all citizens and has led to extraordinary gains in representation and participation made by Asian-American and Hispanic-American citizens. Like Section 5, Section 203 is expiring in 2007. The Voting Rights Act Reauthorization and

Amendments Act of 2006 would extend these critical protections for 25 years.

Hispanic-American populations have been one of the primary minority language groups to benefit from the protections of the bilingual provisions of the Voting Rights Act. For example effective implementation of the bilingual provisions in San Diego County, CA, helped increase voter registration by more than 20 percent. And voter turnout among Hispanic Americans in New Mexico rose 26 percent between 2000 and 2004 after television and radio spots in Spanish educated listeners about voter registration and absentee ballots.

Voting rights belong to people who are American citizens. They are trying to vote but many of them are struggling with the English language due to disparities in education and the incremental process of learning. It is imperative that all citizens be able to fully exercise their rights as citizens, particularly a right as fundamental as the right to vote. Renewing the expiring language provisions of the Voting Rights Act will continue to help make that a reality.

Rather than merely extending the Voting Rights Act, Congress now has an opportunity to reinvigorate the Act, strengthening and improving its remedies. The Voting Rights Act Reauthorization and Amendments Act of 2006 does so by clarifying certain parts of Section 5 to give clear guidance to the Courts and to restore the original understanding of the Act. Two recent Supreme Court decisions have significantly narrowed Section 5's effectiveness and undermined the purposes of the Act.

The Voting Rights Act Reauthorization and Amendments Act of 2006 remedies the Supreme Court's holding in *Reno v. Bossier Parish*, by making clear that a voting rule change motivated by any discriminatory purpose violates Section 5. Under the holding in *Reno v. Bossier Parish*, certain voting rule changes passed with the intent to discriminate against minorities could pass Section 5 muster. Because such an interpretation is inconsistent with purposes of the Voting Rights Act to eliminate discriminatory tactics that undermine the guarantees of the 15th Amendment, the Voting Rights Act Reauthorization and Amendments Act fixes this inconsistency by clarifying that a voting rule change motivated by any discriminatory purpose also cannot be pre-cleared.

The Voting Rights Act Reauthorization and Amendments Act of 2006 also remedies the Supreme Court's holding in *Georgia v. Ashcroft*. Under the test established in *Georgia* for assessing a jurisdiction's challenge to denial of Section 5 pre-clearance, the court can give greater weight to numerous undefined considerations than to the ability of a minority community to elect a candidate of its choice. This test is as difficult to administer as it is contrary to the purposes of the Act. This act

fixes both of these problems by restoring the original understanding that the purpose of the Voting Rights Act is to protect the minority community's ability to elect their preferred candidates of choice and by setting forth defined factors.

In addition to restoring the Act's original meaning, this Act makes changes to the expiring Federal examiners and observers provisions to better allocate resources for combating discrimination in voting. The Voting Rights Act provides for Federal examiners to ensure that legally qualified persons are free to register for Federal, State, and local elections and that observers to observe whether citizens who are eligible to vote are able to exercise the right to vote. Federal observers are the most frequently used federal oversight tool in voting and the only Federal officials authorized to enter polls and places where votes are tabulated. This Act eliminates Federal examiners because they have not been appointed to jurisdictions certified for coverage in more than 20 years, and other laws such as the Help America Vote Act now address the concern of voting rolls. At the same time, the bill strengthens the observers provisions to allow the assignment of federal observers upon finding that there is a reasonable belief that a violation of the 14th or 15th Amendments will occur, without having to first certify federal examiners.

The Voting Rights Act Reauthorization and Amendment Act also removes an impediment to effective protection of voting rights by authorizing the prevailing party in a lawsuit brought under Section 2 to recover expert costs as part of the attorney fees already authorized. This will have a significant impact on the ability of litigants to successfully combat discrimination in court.

The process of reauthorization began in the House of Representatives, where Representatives NADLER, CHABOT and WATT presided over 10 hearings on the effectiveness and continuing need for the expiring provisions of the Voting Rights Act. Last week, the distinguished House Judiciary chairman and ranking member appeared before the Senate Judiciary Committee and introduced the extensive record from those hearings. I am grateful for the hard work that has been done in the House, and I want to thank Chairman SPECTER for agreeing to move forward promptly with Senate Judiciary Committee hearings on the expiring provisions.

Congress has reauthorized and revitalized the Act four times, each time with overwhelmingly bipartisan support. As I noted last week in welcoming the House Judiciary chairman and ranking member, we are repeating the bicameral and bipartisan process of the 1982 reauthorization. In 1982, Chairman SPECTER and I were both Members of the Judiciary Committee, along with Senators KENNEDY, BIDEN, HATCH and GRASSLEY. Under the chairmanship of Senator Strom Thurmond, reauthoriza-

tion was reported by the Judiciary Committee and passed both houses of Congress. I am hopeful that our Committee can accomplish the work that needs to be done and report this bill to the full Senate before the Memorial Day recess.

The Voting Rights Act of 1965 is one of the most important laws Congress has ever passed, helping to usher the country out of a history of discrimination and into the greater inclusion of all Americans in the decisions about our Nation's future. Our democracy and our Nation have been better and richer for it. While I hope some day these extraordinary remedies are not needed, I urge the Senate to build on the work done in the House of Representatives to extend the expiring provisions so that we can eliminate recurring discrimination and make sure that the gains we have made are not lost. I am heartened that this is not a partisan issue benefiting one party or another. Rather, as demonstrated by the bicameral and bipartisan process we continue for reauthorizing and revitalizing the Act's expiring provisions, this is about making our democracy reflect the will of all of the American people.

By Mr. DEWINE (for himself, Mr. SPECTER, Mrs. FEINSTEIN, Mr. BIDEN, Mr. KERRY, Mrs. BOXER, Mr. SCHUMER, Mr. NELSON of Florida, Mr. MENENDEZ, Mr. DODD, Mr. KENNEDY, Mr. LAUTENBERG, Mr. DURBIN, and Mr. LIEBERMAN):

S. 2704. A bill to revise and extend the National Police Athletic League Youth Enrichment Act of 2000; to the Committee on the Judiciary.

Mr. DEWINE. Mr. President, today I join Senators SPECTER, FEINSTEIN, BIDEN, KERRY, BOXER, SCHUMER, NELSON of Florida, MENENDEZ, DODD, KENNEDY, LAUTENBERG, DURBIN, and LIEBERMAN to introduce a bill to reauthorize the Police Athletic/Activities League, better known as PAL. These local youth crime prevention programs, run by police officers nationwide, provide after-school educational, athletic, and recreational opportunities for the communities they serve.

The first PAL chapter was founded in the 1910s in New York. The growth since then has been tremendous, and there are now over 330 PAL chapters in 38 States, DC, the Virgin Islands, Canada, and Nigeria, serving approximately 2 million children between the ages of 5 and 18. In my own home State of Ohio, we are fortunate enough to have 28 of these outstanding organizations.

Studies conducted in Eastlake, OH, and Portland, OR, have shown a substantial drop in the juvenile crime rate in those two cities upon the creation of a PAL chapter. These chapters make a point to serve those most in need. For example, 50 percent of the kids involved in the 28 Ohio chapters come from families with a median income of less than \$20,000.



PAL chapters provide kids with a wide range of activities. One chapter in Ohio, for instance—the Chillicothe-Ross County Police Athletic League—has offered dances, films, rap contests, and programs in archery, art, basketball, bowling, boxing, computers, cooking, CPR, fishing, fitness, lacrosse, nutrition, paint ball, running, tumbling, volleyball, and weightlifting. Other chapters around the country have offered programs like chess, flag football, junior golf, homework clubs and hydroponic gardening. In addition—through their Youth Leadership Council—PALs provide a setting for kids to learn important skills to assist them in becoming the leaders of tomorrow.

But, the Police Athletic/Activities League does more than merely provide after-school activities to kids who may not otherwise have access to tutoring or athletic facilities. PAL provides them with mentors and positive role models. In addition, PAL programs help teach kids that their relationship with law enforcement need not be one that is “us vs. them;” instead, to quote National PAL, itself, the relationship can be one of “cops and kids together—providing solutions through sports and education.”

The money provided by this reauthorization bill would enable PAL programs to continue their current programs and also expand—at a rate of 50 chapters per year—into areas where kids can truly benefit from the good work of the PAL.

The PAL has been a success for over 90 years, and the Senate consistently has supported this outstanding organization. We passed the National Police Athletic League Youth Enrichment Act of 2000 by unanimous consent, and I urge my colleagues to continue to support the PAL with this reauthorization.

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

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

S. 2704

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

#### SECTION 1. SHORT TITLE.

This Act may be cited as the “National Police Athletic League Youth Enrichment Reauthorization Act of 2006”.

#### SEC. 2. FINDINGS.

Section 2 of the National Police Athletic League Youth Enrichment Act of 2000 (42 U.S.C. 13751 note) is amended—

(1) in paragraph (1)—  
(A) by redesignating subparagraphs (C) through (G) as subparagraphs (D) through (H), respectively; and

(B) by inserting after subparagraph (B) the following:

“(C) develop life enhancing character and leadership skills in young people;”;

(2) in paragraph (2) by striking “55-year” and inserting “90-year”;

(3) in paragraph (3)—

(A) by striking “320 PAL chapters” and inserting “350 PAL chapters”; and

(B) by striking “1,500,000 youth” and inserting “2,000,000 youth”;

(4) in paragraph (4), by striking “82 percent” and inserting “85 percent”;

(5) in paragraph (5), in the second sentence, by striking “receive no” and inserting “rarely receive”;

(6) in paragraph (6), by striking “17 are at risk” and inserting “18 are at risk”; and

(7) in paragraph (7), by striking “1999” and inserting “2005”.

#### SEC. 3. PURPOSE.

Section 3 of the National Police Athletic League Youth Enrichment Act of 2000 (42 U.S.C. 13751 note) is amended—

(1) in paragraph (1)—

(A) by striking “320 established PAL chapters” and inserting “342 established PAL chapters”; and

(B) by striking “and” at the end;

(2) in paragraph (2), by striking “2006.” and inserting “2010; and”; and

(3) by adding at the end the following:

“(3) support of an annual gathering of PAL chapters and designated youth leaders from such chapters to participate in a 3-day conference that addresses national and local issues impacting the youth of America and includes educational sessions to advance character and leadership skills.”.

#### SEC. 4. GRANTS AUTHORIZED.

Section 5 of the National Police Athletic League Youth Enrichment Act of 2000 (42 U.S.C. 13751 note) is amended—

(1) in subsection (a), by striking “2001 through 2005” and inserting “2006 through 2010”; and

(2) in subsection (b)(1)(B), by striking “not less than 570 PAL chapters in operation before January 1, 2004” and inserting “not fewer than 500 PAL chapters in operation before January 1, 2010”.

#### SEC. 5. USE OF FUNDS.

Section 6(a)(2) of the National Police Athletic League Youth Enrichment Act of 2000 (42 U.S.C. 13751 note) is amended—

(1) in the matter preceding subparagraph (A), by striking “four” and inserting “two”; and

(2) in subparagraph (A)—

(A) in the matter preceding clause (i), by striking “two programs” and inserting “one program”; and

(B) in clause (iii), by striking “or”;

(C) in clause (iv), by striking “and” and inserting “or”; and

(D) by inserting after clause (iv) the following:

“(v) character development and leadership training; and”.

#### SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

Section 8(a) of the National Police Athletic League Youth Enrichment Act of 2000 (42 U.S.C. 13751 note) is amended by striking “2001 through 2005” and inserting “2006 through 2010”.

#### SEC. 7. NAME OF LEAGUE.

(a) DEFINITIONS.—Section 4(4) of the National Police Athletic League Youth Enrichment Act of 2000 (42 U.S.C. 13751 note) is amended in the paragraph heading, by striking “ATHLETIC” and inserting “ATHLETIC/ACTIVITIES”.

(b) TEXT.—The National Police Athletic League Youth Enrichment Act of 2000 (42 U.S.C. 13751 note) is amended by striking “Police Athletic League” each place such term appears and inserting “Police Athletic/Activities League”.

By Mr. AKAKA:

S. 2708. A bill to amend title 38, United States Code, to provide an enrollment priority for veterans, who are recipients of certain medals of valor, in health care services provided by the Department of Veterans Affairs; to the Committee on Veterans' Affairs.

Mr. AKAKA. Mr. President, I rise today on behalf of our Nation's veterans and military heroes to introduce the “Heroes Healthcare Eligibility Act of 2006.” This legislation would recognize the sacrifices and contributions of our Nation's military heroes by ensuring that our military heroes have full access to VA health care.

Since January 2003, the Secretary of Veterans Affairs has used his authority under current law to prohibit Priority 8 veterans from enrolling in the VA health care system. Priority 8 veterans are those with no service-connected disability and have an income of over \$26,902. To date, more than 260,000 of these supposed “middle-income” veterans have been turned away from the VA health care system.

I was dismayed to learn that the group of Priority 8 veterans may include thousands of war heroes, who were awarded medals for valor in combat but are ineligible for health care because of income limitations. Lou Green, a Korean war veteran and veterans advocate, brought a case to my attention where a multiple Silver Star award winner was denied access to care. This particular veteran had income just slightly above the means test limit but was told that his award “meant nothing” for getting VA health care.

This bill would recognize those veterans who have been awarded the Silver Star Medal or higher for valor and give them access to VA health care on par with former POWs; service connected veterans rated 10 percent or 20 percent disabled and all those who have received a Purple Heart. From World War II to present, more than 134,000 servicemembers have been awarded either the Silver Star, Air Force Cross, Navy Cross, Distinguished Service Cross or the Medal of Honor.

I would tell my colleagues that there is precedent for establishing priority eligibility for a veteran's benefit as a result of being awarded a military decoration. As I mentioned before, today combat veterans in receipt of a Purple Heart are eligible for VA health care, as they fall into the third priority group. Also, current policy at Arlington National Cemetery gives eligibility for full-body burial to those who have been awarded the Silver Star or higher for valor or are in receipt of the Purple Heart.

As much as I would like to reopen the doors to VA health care for all Priority 8 veterans, this legislation to recognize our Nation's military heroes is a step in the right direction. It is time our decorated military heroes receive the recognition they so richly deserve. I urge my colleagues to join me in making this needed change to VA's health eligibility for our military heroes a reality.

## SUBMITTED RESOLUTIONS

## SENATE RESOLUTION 462—DESIGNATING JUNE 8, 2006, AS THE DAY OF A NATIONAL VIGIL FOR LOST PROMISE

Mr. GRASSLEY (for himself, Mr. BIDEN, and Mr. TALENT) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 462

Whereas over 26,000 citizens die from the effects of drug abuse each year;

Whereas the damage from drugs is not limited to drug abusers, the collateral damage from drugs is enormous, and drug abuse costs society over \$60,000,000,000 in social costs and lost productivity;

Whereas drugs rob users, their families, and all the people of the United States of dreams, promises, ambitions, talents, and lives;

Whereas drug abuse affects millions of families in the United States;

Whereas the stigma of drug abuse and the cloak of denial keep many individuals and families from dealing with the impact of drugs;

Whereas many friends and families are ashamed to acknowledge the death of their loved ones caused by drug abuse;

Whereas all the people of the United States can benefit from illuminating the problem of drug abuse and its impact on families, communities, and society;

Whereas the futures of thousands of youth of the United States have been cut short because of drug abuse, including the life of—

(1) Irma Perez, who suffered and died of an Ecstasy overdose at age 14;

(2) David Manlove, who wanted to be a doctor, but died from inhalant abuse at age 16;

(3) David Pease, an articulate debater, who died of a heroin overdose at age 23;

(4) Ian Eaccarino, a college student who died of a heroin overdose at age 20;

(5) Jason Surks, who was studying to be a pharmacist, but died of prescription drug abuse at age 19;

(6) Kelley McEnery Baker, who died of an overdose of Ecstasy at age 23;

(7) Ryan Haight, who died of an overdose of prescription drugs he had purchased over the Internet at age 18; and

(8) Taylor Hooton, a high school baseball star whose life was cut short by steroids at age 16;

Whereas these deaths represent only a small sample of the lost promise that drug abuse has cost the future of the United States;

Whereas law enforcement, public health and research organizations, community coalitions, drug prevention outreach organizations, individual parents, siblings, friends, and concerned citizens are joining together on June 8, 2006, in a Vigil for Lost Promise, to call public attention to the tremendous promise which has been lost with the deaths of those affected by drugs: Now, therefore, be it

*Resolved*, That the Senate—

(1) supports the goals of the Vigil for Lost Promise;

(2) encourages any families who have been affected by a death due to drugs to visit [www.nationalparentvigil.com](http://www.nationalparentvigil.com);

(3) encourages all young people to choose to live a drug-free life;

(4) encourages all people of the United States to work to stop drug abuse before it starts and remain vigilant against the far reaching loss of promise caused by deaths from drug abuse;

(5) designates June 8, 2006, as the day of a National Vigil for Lost Promise; and

(6) encourages all citizens of the United States to remember the lost promise of youth caused by drug abuse on this day.

Mr. GRASSLEY. Mr. President, sadly, every year over 26,000 people die in this country from the effects of drug abuse. This is a staggering and sobering statistic. Still, millions more have been devastated by this tragic loss of life and promise. Ordinary people like you and I, are left to cope with the loss of a loved one senselessly taken at the hands of drugs.

Over the years, families and friends have individually found ways to remember and honor their memory. But to date, there has been no national event to bring people together to call attention to the nature and extent of the drug problem in this country.

Now, eight families who have personally suffered the loss of a loved one because of drugs have joined together to plan a remembrance. On June 8, 2006, the first annual Vigil for Lost Promise: Remembering Those Who Have Died From Drugs will be held in Washington, DC.

This national event finally gives these and other families the opportunity to remember and honor the memory of those who have died from drugs. This event will illuminate for everyone just how pervasive and dangerous this problem is in our society.

Others sharing similar stories of loss will be joined by leaders in the drug prevention, treatment and education fields, community leaders, clergy from all faith, educators, legislators and concerned citizens as well as the Drug Enforcement Administration, the National Institute on Drug Abuse and the Partnership for a Drug Free America to raise public awareness about the terrible toll that drugs take on families, friends and society.

Today, I am pleased to submit along with my colleagues, Senator BIDEN and Senator TALENT, a resolution to support the goals of the Vigil for Lost Promise and to designate June 8, 2006, as the day of a National Vigil for Lost Promise. It is important that these and other families who have lost of a loved one to drugs know that they are not alone. Many wonderful people have had to endure the same nightmare and this event lets everyone know that there is hope and there is help.

I encourage all my colleagues to visit [www.nationalparentvigil.com](http://www.nationalparentvigil.com) to learn more about this very important event. I also want to urge my colleagues to join us in passing this resolution to demonstrate our commitment to raising awareness about drugs and to lend our support to those who have lost a loved one to drugs.

## SENATE RESOLUTION 463—RECOGNIZING THE 58TH ANNIVERSARY OF THE INDEPENDENCE OF THE STATE OF ISRAEL

Mr. FRIST (for himself, Mr. REID, Mr. VOINOVICH, Mr. COCHRAN, Mr. VIT-

TER, Mr. COLEMAN, Mr. SANTORUM, Mr. KYL, Mr. LEVIN, Mr. LAUTENBERG, Mr. NELSON of Florida, and Mr. BIDEN) submitted the following resolution; which was considered and agreed to:

S. RES. 463

Whereas, on May 14, 1948, the State of Israel was established as a sovereign and independent country;

Whereas the United States was 1 of the first countries to recognize Israel, only 11 minutes after its creation;

Whereas Israel has provided Jews from all over the world with an opportunity to reestablish their ancient homeland;

Whereas Israel is home to many religious sites that are sacred to Judaism, Christianity, and Islam;

Whereas Israel provided a refuge to Jews who survived the horrors of the Holocaust, which were unprecedented in human history;

Whereas the people of Israel have established a unique, pluralistic democracy that incorporates the freedoms cherished by the people of the United States, including—

(1) the freedom of speech;

(2) the freedom of religion;

(3) the freedom of association;

(4) the freedom of the press; and

(5) government by the consent of the governed;

Whereas Israel continues to serve as a shining model of democratic values by—

(1) regularly holding free and fair elections;

(2) promoting the free exchange of ideas; and

(3) vigorously exercising in its Parliament, the Knesset, a democratic government that is fully representative of its citizens;

Whereas Israel has bravely defended itself from terrorist and military attacks repeatedly since it declared its independence;

Whereas the Government of Israel has successfully worked with the neighboring Governments of Egypt and Jordan to establish peaceful and bilateral relations;

Whereas, despite the deaths of over 1,000 innocent Israelis at the hands of murderous suicide bombers and other terrorists during the last 5 years, the people of Israel continue to seek peace with their Palestinian neighbors;

Whereas visionary Israeli leaders like Yitzhak Rabin and Ariel Sharon were at the forefront of creating conditions for peace in the Middle East;

Whereas the United States and Israel enjoy a strategic partnership based on shared democratic values, friendship, and respect;

Whereas the people of the United States share an affinity with the people of Israel and view Israel as a strong and trusted ally;

Whereas Israel has made significant global contributions in the fields of science, medicine, and technology; and

Whereas the Independence Day of Israel on the Jewish calendar coincides this year with May 3, 2006: Now, therefore, be it

*Resolved*, That the Senate—

(1) recognizes the independence of the State of Israel as a significant event for providing refuge and a national homeland for the Jewish people;

(2) commends the bipartisan commitment of all administrations and Congresses of the United States since 1948 that stood by Israel and worked for its security and well-being;

(3) congratulates the United States and Israel for strengthening their bilateral relations during the last year in the fields of defense, diplomacy, and homeland security, and encourages both countries to continue their cooperation in resolving future mutual challenges; and

(4) extends warm congratulations and best wishes to the people of Israel as they celebrate the 58th anniversary of the independence of Israel.

**SENATE RESOLUTION 464—DESIGNATING JUNE 7, 2006, AS “NATIONAL HUNGER AWARENESS DAY,” AND AUTHORIZING THE SENATE OFFICES OF SENATORS GORDON H. SMITH, BLANCHE L. LINCOLN, ELIZABETH DOLE, AND RICHARD J. DURBIN TO COLLECT DONATIONS OF FOOD DURING THE PERIOD BEGINNING MAY 8, 2006, AND ENDING JUNE 7, 2006, FROM CONCERNED MEMBERS OF CONGRESS AND STAFF TO ASSIST FAMILIES SUFFERING FROM HUNGER AND FOOD INSECURITY IN THE WASHINGTON, D.C., METROPOLITAN AREA**

Mr. SMITH (for himself, Mrs. LINCOLN, Mrs. DOLE, Mr. DURBIN, Mr. BROWNBACK, Mr. KOHL, Mr. LAUTENBERG, and Mr. WYDEN) submitted the following resolution; which was considered and agreed to:

S. RES. 464

Whereas food insecurity and hunger are a fact of life for millions of low-income citizens of the United States and can produce physical, mental, and social impairments;

Whereas recent data published by the Department of Agriculture show that almost 38,200,000 people in the United States live in households experiencing hunger or food insecurity;

Whereas the problem of hunger and food insecurity can be found in rural, suburban, and urban portions of the United States, touching nearly every community of the Nation;

Whereas, although substantial progress has been made in reducing the incidence of hunger and food insecurity in the United States, certain groups remain vulnerable to hunger and the negative effects of food deprivation, including the working poor, the elderly, homeless people, children, migrant workers, and Native Americans;

Whereas the people of the United States have a long tradition of providing food assistance to hungry people through acts of private generosity and public support programs;

Whereas the Federal Government provides essential nutritional support to millions of low-income people through numerous Federal food assistance programs, including—

(1) the federal food stamp program, as established by the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.);

(2) child nutrition programs; and

(3) food donation programs;

Whereas there is a growing awareness of the important public and private partnership role that community-based organizations, institutions of faith, and charities provide in assisting hungry and food-insecure people;

Whereas more than 50,000 local community-based organizations rely on the support and efforts of more than 1,000,000 volunteers to provide food assistance and services to millions of vulnerable people;

Whereas a diverse group of organizations have documented substantial increases in requests for emergency food assistance during the last year; and

Whereas all citizens of the United States can help participate in hunger relief efforts in their communities by—

(1) donating food and money;

(2) volunteering; and

(3) supporting public policies aimed at reducing hunger: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates June 7, 2006, as “National Hunger Awareness Day”;

(2) calls on the people of the United States to observe National Hunger Awareness Day with—

(A) appropriate ceremonies, volunteer activities, and other support for local anti-hunger advocacy efforts and hunger relief charities, including food banks, food rescue organizations, food pantries, soup kitchens, and emergency shelters; and

(B) the continued support of programs and public policies that reduce hunger and food insecurity in the United States; and

(3) authorizes the offices of Senators Gordon H. Smith, Blanche L. Lincoln, Elizabeth Dole, and Richard J. Durbin to collect donations of food during the period beginning May 8, 2006, and ending June 7, 2006, from concerned Members of Congress and staff to assist families suffering from hunger and food insecurity in the Washington, D.C., metropolitan area.

**SENATE CONCURRENT RESOLUTION 93—EXPRESSING THE SENSE OF CONGRESS WITH RESPECT TO ACCOMPLISHING THE MISSION IN IRAQ**

Mr. HARKIN submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 93

Whereas the members of the United States Armed Forces have served honorably and courageously in Iraq;

Whereas Congress and the people of the United States owe a debt of gratitude to those members of the Armed Forces who have died fighting for their country; and

Whereas Iraq will have established a free and democratic government once it completes its constitution-making process: Now, therefore, be it

*Resolved by the Senate (the House of Representatives concurring)*, That it is the sense of Congress that—

(1) the United States should not maintain a permanent military presence or military bases in Iraq;

(2) the United States should not attempt to control the flow of Iraqi oil; and

(3) United States Armed Forces should be redeployed from Iraq as soon as practicable after the completion of Iraq's constitution-making process or December 31, 2006, whichever occurs first.

Mr. HARKIN. Mr. President, Monday, May 1, marked the 3rd anniversary of President Bush's speech on the flight deck of the USS *Abraham Lincoln*. On that occasion, with a giant banner behind him proclaiming “Mission Accomplished,” the President said triumphantly that “major combat operations in Iraq have ended.” But, 3 years later, 133,000 troops remain on the ground, and the President has signaled that the U.S. military occupation in Iraq is open-ended and of indefinite duration.

This has given rise to suspicions that the United States has long-term designs on Iraq and its oil. And it has deprived the Iraqi government of incentive to resolve its internal divisions and stand on its own feet. With the war

in Iraq now in its 4th year, it is clear that the President's course is not a strategy for success; it is a strategy for continued stalemate and stagnation.

It is time to chart new course. To that end, today, I am offering a concurrent resolution that does three things: 1. It states that “the United States should not maintain a permanent military presence or military bases in Iraq. 2. It states that “the United States should not attempt to control the flow of Iraqi oil. And 3. It states that the “United States Armed Forces should be redeployed from Iraq as soon as practicable after the completion of Iraq's constitution-making process or December 31, 2006, whichever comes first.” A companion to this concurrent resolution has been offered in the other body by Representative MIKE THOMPSON of California.

The capable and courageous men and women of our Armed Forces have completed the tasks they were sent to Iraq to accomplish: Saddam Hussein's dictatorship has been deposed; we are certain that Iraq does not possess weapons of mass destruction; and the Iraqi people have a constitution and a democratically elected government. To our troops' great credit, they have achieved these things despite a series of disastrous decisions by their civilian leaders in Washington.

Today, the question is: Why are U.S. forces still in Iraq? Our commanders have acknowledged that Iraq's remaining challenges cannot be resolved by the U.S. military, as they are mostly political. As GEN John Abizaid, head of U.S. Central Command, said recently, the situation in Iraq is “changing in its nature from insurgency toward sectarian violence”—I would add, with U.S. troops caught in the crossfire.

Given these realities, President Bush's call to “stay the course” is a slogan, not a strategy for success. Indeed, I fear that “stay the course” really means “stay forever,” and this sends exactly the wrong message. It stokes the insurgents, who believe that the U.S. wants a permanent military presence in Iraq. And it takes away any incentive for the Iraqi government to resolve its internal divisions and stand on its own feet.

As GEN George Casey, our commander in Iraq, told the Senate last September, “Increased coalition presence feeds the notion of occupation, contributes to the dependency of Iraqi security forces on the coalition, [and] extends the amount of time that it will take for Iraqi security forces to become self-reliant.”

BG Donald Alston, the chief U.S. military spokesman in Iraq, put it this way: “I think the more accurate way to approach this right now is to concede that . . . this insurgency is not going to be settled . . . through military options or military operations. It's going to be settled in the political process.”

I would add that the Iraqi people also believe that a redeployment of U.S.

forces would give a boost to political progress. According to a recent poll conducted by the University of Maryland, more than 80 percent of Iraqis want U.S. forces to leave Iraq. When asked what the impact of a withdrawal of U.S. troops would be, large majorities of Iraqis believe that insurgent attacks will decrease, sectarian violence will decline, and the sectarian factions in parliament will be more willing to cooperate.

We all hope that the Sunni, Shiite, and Kurdish leaders are sincere in their stated desire to avoid an all-out civil war. Last week, they agreed on a new prime minister, Nuri Kamal al-Maliki. And Mr. al-Maliki has pledged to announce a national-unity cabinet as quickly as possible. As President Bush said on Monday, the creation of a new Iraqi government is "a turning point." We hope that is the case. But whether or not Mr. al-Maliki makes good on his pledges, it is certainly time for a turning point in U.S. policy in Iraq.

The remainder of the year 2006 must be a period of transition to full Iraqi sovereignty, with the goal of deploying U.S. forces out of Iraq by the end of this calendar year. It is time to hand off security responsibilities to the Iraqi army and police, and to redeploy our U.S. armed forces from Iraq by Dec. 31.

This strategic redeployment must involve converting our vast military presence on the ground in Iraq to a quick-reaction force staged in countries bordering Iraq—countries that share our interest in a stable Iraq and view our military presence in the region as a stabilizing force. This force could be used to respond to threats to our national security in Iraq or elsewhere. I believe the vast number of National Guard units should be redeployed to their states to shore up gaps and vulnerabilities in our own homeland security.

I would expect that, as our troops withdraw from Iraq, this would free up U.S. forces to combat the resurgence of the Taliban in Afghanistan. Other troops would be available to help respond to emerging terrorist threats in countries such as Somalia, Sudan, and Yemen, which threaten to become major breeding grounds for terrorists.

At the same time that we are redeploying our Armed Forces, we need to foster sustained diplomatic engagement—working with Middle Eastern nations—to facilitate rival Iraqi factions in reaching a political settlement. Iraq's neighbors have a profound stake in its stability, but they currently have no incentive to get involved. Once it is clear that the U.S. is leaving, those nations will be highly motivated to broker a deal within Iraq.

Some say that the U.S. forces in Iraq are the only thing that stands between the Sunnis and Shiites, and all-out civil war. I disagree. It is the ongoing presence of U.S. forces—and the prospect that we will be in Iraq as a babysitter for years to come—that has delayed progress on the political front. It

allowed Iraqi leaders to quarrel and dither for more than four months before finally choosing an acceptable prime minister.

In addition, our continuing presence—in fact, our apparently growing presence in Iraq—is a propaganda victory and recruiting tool for the insurgency in Iraq, and for Islamic extremists around the world. The insurgents and jihadists are strengthened by the overwhelming perception among Iraqis that the United States military is an occupying force, that we are building what appear to be permanent bases, and that our continuing presence in Iraq is all about oil.

Meanwhile, the Congressional Research Service reports that we are now spending \$6.4 billion a month in Iraq—up sharply from last year. Including funds committed by the emergency supplemental bill currently being debated in the Senate, we have spent a grand total of \$320 billion in Iraq. More than 2,400 American troops have been killed, and nearly 18,000 have been wounded. We are in the process of building a gigantic new U.S. embassy in Baghdad that will span 104 acres, the size of nearly 80 football fields. This does not look like a U.S. mission that plans on winding down or relinquishing its grip on Iraq. To the contrary, it is easy to see how ordinary Iraqis view this as the behavior of a conquering power that has no intention of leaving. And this perception continues to give powerful fuel to the insurgency.

There is another important reason for redeploying our forces from Iraq. Iraq did not attack us on 9/11, nor did Saddam Hussein's government have any operational links to al Qaeda. By preemptively attacking Iraq, we committed a major strategic error in the larger war on terror. Simply put: We took our eyes off the ball. We diverted our military and intelligence resources away from Afghanistan, away from the hunt for Osama Bin Laden. And the consequences are plain to see. It is no coincidence that, today, the Taliban is resurgent in Afghanistan. Nor is it a coincidence that Bin Laden is still at large, still directing al Qaeda operations, still threatening us.

Indeed, by invading Iraq and getting bogged down in a guerilla war, there, the United States has given a huge gift to Bin Laden and al Qaeda. Not only has it taken the heat off of the terrorists who attacked us on 9/11, it has given them a propaganda victory and, as I said, a major recruiting tool. The sooner we acknowledge this strategic blunder and take steps to reverse it, the sooner we redeploy our military and strategic assets to confront our real enemies, the better off we will be.

This resolution is not only about the future of Iraq as a sovereign, independent nation; it is also about the unity and security of the American people. This misbegotten, misguided, mismanaged war is dividing our nation and distracting our government from urgent priorities, including health

care, education, law enforcement, and, yes, a smarter approach to the very real terrorist threats of today and tomorrow.

The men and women of our Armed Forces have sacrificed greatly. It is time to allow the political process to go forward, and to demand that Iraq's new leaders take responsibility for their country's future. And it is time to bring home as many troops as possible, consistent with force-protection requirements, and to redeploy as many as necessary to successfully pursue Bin Laden and al Qaeda, and to protect our vital interests around the world.

President Bush tells us to be patient. He says we will succeed in Iraq. He says Iraq will become a flourishing democracy that will spread the flame of freedom across the entire Middle East. But, with due respect to President Bush, Vice President CHENEY, and Defense Secretary Rumsfeld, they have been consistently wrong—disastrously wrong—in their predictions with regard to Iraq. Before the invasion, Vice President Cheney said that Iraq had "reconstituted nuclear weapons." Secretary Rumsfeld said he knew exactly where Saddam was storing his weapons of mass destruction. As I noted, 3 long years ago, President Bush said that major combat operations were over, mission accomplished. They assured us that the war would be self-financed thanks to Iraq's oil (in fact, Iraqi oil production has declined by 700,000 barrels a day since the invasion). They said, a year ago, that the insurgency was "in its last throes." I could go on and on with this litany of false assertions—some would call them lies—and predictions that turned out to be 100 percent wrong.

So, at this point, President Bush has not only spent his political capital, he has squandered the last shred of his credibility when it comes to Iraq. Specifically with regard to America's departure from Iraq, President Bush has it backwards. He says that our army will stand down only as the Iraqi army stands up. The truth is that the Iraqi army—and government—will stand up only when it is clear that the American military is committed to standing down by the end of this year. We can send that message loudly and clearly by passing this-concurrent resolution. I urge my colleagues to support this measure.

#### NOTICES OF HEARINGS/MEETINGS

##### SUBCOMMITTEE ON PUBLIC LANDS AND FORESTS

Mr. CRAIG. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Subcommittee on Public Lands and Forests of the Committee on Energy and Natural Resources.

The hearing will be held on Wednesday, May 10, at 2:30 p.m. in room SD-366 of the Dirksen Senate Office Building.

The purpose of the hearing is to receive testimony on the following bills:

S. 906, to promote wildland firefighter safety; S. 2003, to make permanent the authorization for watershed restoration and enhancement agreements; H.R. 585, to require Federal land managers to support, and to communicate, coordinate, and cooperate with, designated gateway communities, to improve the ability of gateway communities to participate in Federal land management planning conducted by the Forest Service and agencies of the Department of the Interior, and to respond to the impacts of the public use of the Federal lands administered by these agencies, and for other purposes; and H.R. 3981, to authorize the Secretary of Agriculture to carry out certain land exchanges involving small parcels of National Forest System land in the Tahoe National Forest in the State of California, and for other purposes.

Because of the limited time available for the hearing; witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510-6150.

For further information, please contact Frank Gladics at 202-224-2878 or Sara Zecher 202-224-8276.

#### AUTHORITY FOR COMMITTEES TO MEET

##### COMMITTEE ON ARMED SERVICES

Mr. COCHRAN. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Wednesday, May 3, 2006 at 3:30 p.m. in closed session to mark up the national defense authorization act for fiscal year 2007.

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

##### COMMITTEE ON FOREIGN RELATIONS

Mr. COCHRAN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, May 3, 2006, at 3:30 p.m. to hold a hearing on Nominations.

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

##### SELECT COMMITTEE ON INTELLIGENCE

Mr. COCHRAN. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on May 3, 2006 at 2:30 p.m. to hold a closed business meeting.

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

##### SPECIAL COMMITTEE ON AGING

Mr. COCHRAN. Mr. President, I ask unanimous consent that the Special Committee on Aging be authorized to meet tomorrow, May 3, 2006 from 10 a.m.–12 p.m. in Dirksen 106 for the purpose of conducting a hearing.

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

##### SUBCOMMITTEE ON AIRLAND

Mr. COCHRAN. Mr. President, I ask unanimous consent that the Subcommittee on Airland be authorized to meet during the session of the Senate on Wednesday, May 3, 2006, at 10 a.m. in closed session to mark up the Airland Programs and provisions contained in the National Defense Authorization Act for fiscal year 2007.

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

##### SUBCOMMITTEE ON CONSUMER AFFAIRS, PRODUCT SAFETY, AND INSURANCE

Mr. COCHRAN. Mr. President, I ask unanimous consent that the Subcommittee on Consumer Affairs, Product Safety, and Insurance be authorized to meet on Wednesday, May 3, 2006, at 2:30 p.m., on Pool Safety.

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

##### SUBCOMMITTEE ON SEAPOWERS

Mr. COCHRAN. Mr. President, I ask unanimous consent that the Subcommittee on Seapower be authorized to meet during the session of the Senate on Wednesday, May 3, 2006, at 9 a.m. in closed session to mark up the Seapower programs and provisions contained in the National Defense Authorization Act for fiscal year 2007.

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

##### SUBCOMMITTEE ON STRATEGIC FORCES

Mr. COCHRAN. Mr. President, I ask unanimous consent that the Subcommittee on Strategic Forces be authorized to meet during the session of the Senate on Wednesday, May 3, 2006 at 11:30 a.m. in closed session to mark up the Strategic Forces programs and provisions contained in the National Defense Authorization Act for fiscal year 2007.

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

#### 58TH ANNIVERSARY OF THE INDEPENDENCE OF THE STATE OF ISRAEL

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 463, 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. 463) recognizing the 58th anniversary of the independence of the State of Israel.

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

Mr. LAUTENBERG. Mr. President, I acknowledge three significant days of commemoration that fall around this time each year. Today is the 58th anniversary of David Ben Gurion's declaration of Israel's Independence and the end of the British Mandate in Israel. As a Jewish American, I am proud to be one of the cosponsors of the concurrent resolution the Senate will pass celebrating Yom Haatzmaut, Israel's Independence Day.

Yom Haatzmaut is usually observed on the 5th of the Jewish month Iyyar; this year it falls on May 3rd. In Israel, Yom Haatzmaut is always preceded by Yom Hazikaron, Israel's Memorial Day for fallen soldiers. The proximity of the dates is a reminder that Israelis owe their independence to the soldiers who sacrificed their lives for it. The official switch from Yom Hazikaron to Yom Haatzmaut is signaled when the flag is raised from half staff to the top of the pole in a ceremony on Mount Herzl in Jerusalem after sundown.

Last week, the Senate commemorated Yom Hashoa, Holocaust Remembrance Day, with S. Res. 445, which I also cosponsored. Yom Hashoa is when the Jewish community solemnly remembers the suffering caused by the Nazi Holocaust led by Adolph Hitler during World War II. During the Holocaust, over six million Jews perished, along with Gypsies, homosexuals, and other victims of Nazi genocide.

Yom Hashoa is observed every year on the 27th of Nisan in the Jewish calendar, a week after the seventh day of Passover, and a week before Yom Hazikaron and Yom Haatzmaut. Yom Hashoa became a national holiday in the State of Israel in 1959. Each year, throughout the streets of Israel, the sound of sirens on Yom Hashoa stops traffic and pedestrians for 2 minutes of silent devotion.

Mr. President, I am pleased that the U.S. Senate is adopting these important measures.

Mr. FRIST. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

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

The resolution (S. Res. 463) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

##### S. RES. 463

Whereas, on May 14, 1948, the State of Israel was established as a sovereign and independent country;

Whereas the United States was 1 of the first countries to recognize Israel, only 11 minutes after its creation;

Whereas Israel has provided Jews from all over the world with an opportunity to reestablish their ancient homeland;

Whereas Israel is home to many religious sites that are sacred to Judaism, Christianity, and Islam;

Whereas Israel provided a refuge to Jews who survived the horrors of the Holocaust, which were unprecedented in human history;

Whereas the people of Israel have established a unique, pluralistic democracy that incorporates the freedoms cherished by the people of the United States, including—

- (1) the freedom of speech;
- (2) the freedom of religion;
- (3) the freedom of association;
- (4) the freedom of the press; and
- (5) government by the consent of the governed;

Whereas Israel continues to serve as a shining model of democratic values by—

- (1) regularly holding free and fair elections;

(2) promoting the free exchange of ideas; and

(3) vigorously exercising in its Parliament, the Knesset, a democratic government that is fully representative of its citizens;

Whereas Israel has bravely defended itself from terrorist and military attacks repeatedly since it declared its independence;

Whereas the Government of Israel has successfully worked with the neighboring Governments of Egypt and Jordan to establish peaceful and bilateral relations;

Whereas, despite the deaths of over 1,000 innocent Israelis at the hands of murderous suicide bombers and other terrorists during the last 5 years, the people of Israel continue to seek peace with their Palestinian neighbors;

Whereas visionary Israeli leaders like Yitzhak Rabin and Ariel Sharon were at the forefront of creating conditions for peace in the Middle East;

Whereas the United States and Israel enjoy a strategic partnership based on shared democratic values, friendship, and respect;

Whereas the people of the United States share an affinity with the people of Israel and view Israel as a strong and trusted ally;

Whereas Israel has made significant global contributions in the fields of science, medicine, and technology; and

Whereas the Independence Day of Israel on the Jewish calendar coincides this year with May 3, 2006: Now, therefore, be it

*Resolved*, That the Senate—

(1) recognizes the independence of the State of Israel as a significant event for providing refuge and a national homeland for the Jewish people;

(2) commends the bipartisan commitment of all administrations and Congresses of the United States since 1948 that stood by Israel and worked for its security and well-being;

(3) congratulates the United States and Israel for strengthening their bilateral relations during the last year in the fields of defense, diplomacy, and homeland security, and encourages both countries to continue their cooperation in resolving future mutual challenges; and

(4) extends warm congratulations and best wishes to the people of Israel as they celebrate the 58th anniversary of the independence of Israel.

Mr. FRIST. Mr. President, this resolution we addressed is a resolution recognizing the 58th anniversary of the independence of the State of Israel. I am proud to be the sponsor of this resolution and appreciate my colleagues for joining me on this resolution.

#### NATIONAL HUNGER AWARENESS DAY

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 464, 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. 464) designating June 7, 2006, as "National Hunger Awareness Day" and authorizing the Senate offices of Senators Gordon H. Smith, Blanche L. Lincoln, Elizabeth Dole, and Richard J. Durbin to collect donations of food during the period beginning May 9, 2006, and ending June 7, 2006, from concerned Members of Congress and staff to assist families suffering from hunger and food insecurity in the Washington, D.C., metropolitan area.

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

Mr. FRIST. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

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

The resolution (S. Res. 464) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

#### S. RES. 464

Whereas food insecurity and hunger are a fact of life for millions of low-income citizens of the United States and can produce physical, mental, and social impairments;

Whereas recent data published by the Department of Agriculture show that almost 38,200,000 people in the United States live in households experiencing hunger or food insecurity;

Whereas the problem of hunger and food insecurity can be found in rural, suburban, and urban portions of the United States, touching nearly every community of the Nation;

Whereas, although substantial progress has been made in reducing the incidence of hunger and food insecurity in the United States, certain groups remain vulnerable to hunger and the negative effects of food deprivation, including the working poor, the elderly, homeless people, children, migrant workers, and Native Americans;

Whereas the people of the United States have a long tradition of providing food assistance to hungry people through acts of private generosity and public support programs;

Whereas the Federal Government provides essential nutritional support to millions of low-income people through numerous Federal food assistance programs, including—

(1) the federal food stamp program, as established by the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.);

(2) child nutrition programs; and

(3) food donation programs;

Whereas there is a growing awareness of the important public and private partnership role that community-based organizations, institutions of faith, and charities provide in assisting hungry and food-insecure people;

Whereas more than 50,000 local community-based organizations rely on the support and efforts of more than 1,000,000 volunteers to provide food assistance and services to millions of vulnerable people;

Whereas a diverse group of organizations have documented substantial increases in requests for emergency food assistance during the last year; and

Whereas all citizens of the United States can help participate in hunger relief efforts in their communities by—

(1) donating food and money;

(2) volunteering; and

(3) supporting public policies aimed at reducing hunger: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates June 7, 2006, as "National Hunger Awareness Day";

(2) calls on the people of the United States to observe National Hunger Awareness Day with—

(A) appropriate ceremonies, volunteer activities, and other support for local anti-hunger advocacy efforts and hunger relief charities, including food banks, food rescue organizations, food pantries, soup kitchens, and emergency shelters; and

(B) the continued support of programs and public policies that reduce hunger and food insecurity in the United States; and

(3) authorizes the offices of Senators Gordon H. Smith, Blanche L. Lincoln, Elizabeth Dole, and Richard J. Durbin to collect donations of food during the period beginning May 8, 2006, and ending June 7, 2006, from concerned Members of Congress and staff to assist families suffering from hunger and food insecurity in the Washington, D.C., metropolitan area.

#### MEASURE PLACED ON THE CALENDAR—S. 2700

Mr. FRIST. Mr. President, I understand there is a bill at the desk that is due for a second reading.

The PRESIDING OFFICER. The clerk will read the title of the bill for the second time.

The legislative clerk read as follows:

A bill (S. 2700) to amend the Clean Air Act to provide for a Federal Fuels List, and for other purposes.

Mr. FRIST. Mr. President, in order to place the bill on the calendar under the provisions of rule XIV, I object to further proceeding.

The PRESIDING OFFICER. Objection is heard. The bill will be placed on the calendar.

#### MEASURES READ THE FIRST TIME—S. 22 AND S. 23

Mr. FRIST. Mr. President, I understand there are two bills at the desk, and I ask for their first reading en bloc.

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

The legislative clerk read as follows:

A bill (S. 22) to improve patient access to health care services and so forth, and for other purposes.

A bill (S. 23) to improve women's access to health care services and so forth, and for other purposes.

Mr. FRIST. Mr. President, I ask for a second reading, and in order to place the bills on the calendar under the provisions of rule XIV, I object to my own request, all en bloc.

The PRESIDING OFFICER. Objection is heard.

The bills will receive their second reading on the next legislative day.

Mr. FRIST. Mr. President, I will continue with our business, but I have to stop a moment and note that both of these bills, S. 22 and S. 23, address an issue that is very close to my heart because they focus on reform of a medical liability system, or a medical malpractice system that is just flat out broken. The sad thing about it is that the patients suffer. Future mothers—women who are pregnant—have to worry about whether an obstetrician will be available if they begin to have problems during their pregnancy. Over half the counties in America don't have an obstetrician. If you are so unfortunate as to have an accident driving home tonight or in to work tomorrow, you want to make sure there is a neurosurgeon on call to be at that hospital to treat you in the event of a traumatic accident.

The truth is neurosurgeons today are fleeing from taking trauma emergency



calls because of the likelihood—no matter how good they are, no matter what their past record is, or no matter what they do—of being sued by predatory personal injury trial lawyers who are after them because they can make a buck. That is the reality we are talking about. People should be able to depend on access to good quality of care, whether it is delivering a baby that future moms have to worry about—and in America it shouldn't happen—or having to worry about whether there is somebody appropriate to treat you in the event there is trauma.

That is where the vote is going to be when we debate these two bills, and hopefully we will be debating these bills sometimes in the next 3 or 4 days.

I do have to add the other component to it because the other issue, aside from the access issue, is the cost issue. Everyone knows that health care costs are skyrocketing, and they are out of reach for many, if not most, Americans today. As a physician, I can tell you that if you know you are going to be sued, no matter who you are, and almost all physicians are sued today—almost all physicians are sued—if you know you are going to be sued, you practice what we call defensive medicine. And since you know you can be sued sometime in the future, for every patient who comes in, to protect yourself when you are sued, no matter if you have done anything wrong, you end up ordering lots of extra tests to have a paper trail documented to show that you made the right decisions throughout.

It is estimated that so-called defensive medicine cost is anywhere from \$100 billion to \$125 billion a year. In my own State it is estimated to be about \$2 billion a year. That is wasted money, inefficient use, money that is thrown away. Who pays for it? The American people do. The premiums go up. The cost issue is a separate issue from the access of care. But the access of care issue and the cost issue, the higher you drive up the costs and the lower the access, quality falls. That is what is going to be debated when we address these two bills on medical liability by Senator ENSIGN and the second bill by Senator SANTORUM.

#### CONVEYING SYMPATHY OF CONGRESS TO THE WOMEN OF CHIHUAHUA

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H. Con. Res. 90 just received from the House and at the desk.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

A concurrent resolution (H. Con. Res. 90) conveying the sympathy of Congress to the young women murdered in the State of Chihuahua, Mexico, and encouraging increased United States involvement in bringing an end to these crimes.

The PRESIDING OFFICER. There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. FRIST. Mr. President, I ask unanimous consent that the current resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and any statements relating thereto be printed in the RECORD as if read without intervening action or debate.

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

The concurrent resolution (H. Con. Res. 90) was agreed to.

The preamble was agreed to.

#### ORDERS FOR THURSDAY, MAY 6, 2006

Mr. FRIST. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:30 a.m. on Thursday, May 4. I further ask that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved, there then be a period for the transaction of morning business for up to 60 minutes with the Democratic leader or his designee in control of the first 30 minutes, to be followed by 30 minutes under the control of the majority leader or his designee; provided further that the Senate then resume the consideration of H.R. 4939 as under the previous order; provided further that the chairman and ranking member be recognized for up to 10 minutes each.

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

#### PROGRAM

Mr. FRIST. Mr. President, for the information of our colleagues, all post-cloture time has been consumed on the supplemental appropriations bill. The only action remaining on the bill will be the two amendments pending, and then a vote on passage. I understand that we may not need a vote on both of the amendments, and therefore we will have two or three votes in the morning to conclude action on the supple-

mental. Other votes could occur on Thursday's session as we try to clear some executive nominations, including two district court judges.

#### ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. FRIST. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order until 9:30 a.m. tomorrow.

There being no objection, the Senate, at 7:50 p.m., recessed until Thursday, May 4, 2006, at 9:30 a.m.

#### NOMINATIONS

Executive nominations received by the Senate May 3, 2006:

##### DEPARTMENT OF THE INTERIOR

MARK MYERS, OF ALASKA, TO BE DIRECTOR OF THE UNITED STATES GEOLOGICAL SURVEY, VICE CHARLES G. GROAT, RESIGNED.

##### DEPARTMENT OF STATE

SUSAN C. SCHWAB, OF MARYLAND, TO BE UNITED STATES TRADE REPRESENTATIVE, WITH THE RANK OF AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY, VICE ROBERT J. PORTMAN.

##### IN THE COAST GUARD

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES COAST GUARD TO THE GRADE INDICATED UNDER TITLE 14, U.S.C., SECTION 271:

##### *To be rear admiral*

REAR ADM. (LH) GARY T. BLORE, 0000  
REAR ADM. (LH) JOHN P. CURRIER, 0000  
REAR ADM. (LH) JOEL R. WHITEHEAD, 0000

THE FOLLOWING NAMED INDIVIDUAL FOR APPOINTMENT AS PERMANENT COMMISSIONED REGULAR OFFICER IN THE UNITED STATES COAST GUARD IN THE GRADE INDICATED UNDER TITLE 14, U.S.C., SECTION 271:

##### *To be lieutenant (junior grade)*

THEA IACOMINO, 0000

##### IN THE AIR FORCE

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

##### *To be brigadier general*

COL. LINDA K. MCTAGUE, 0000

##### IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

##### *To be lieutenant general*

MAJ. GEN. LLOYD J. AUSTIN III, 0000

#### WITHDRAWAL

Executive Message transmitted by the President to the Senate on May 3, 2006 withdrawing from further Senate consideration the following nomination:

COAST GUARD NOMINATION OF THEA IACOMINO TO BE LIEUTENANT, WHICH WAS SENT TO THE SENATE ON OCTOBER 6, 2005.