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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 Spirit, the giver of every good and perfect gift, we rejoice in the mystery of Your power and grace. You overwhelm us with Your faithfulness, Your mercy, and Your love.

Today, remind our Senators that they are stewards of Your generous blessings. Empower them to seize the many opportunities to be used as instruments of Your will. Make their faithfulness inspire others to glorify You, the fountain of all that is holy and true.

Help each of us to be responsible managers of the different talents You have provided for the good of humanity.

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, the leadership time is reserved.

MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business for up to 30 minutes, with the first half of the time under the control of the Democratic leader or his designee, and the second half of the time under the control of the majority leader or his designee.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, we will begin today's session with 30 minutes allocated for morning business. At the conclusion of morning business, we will return to the pending supplemental appropriations bill. The order provides for debate to run equally in relation to Senator GREGG's border security amendment, along with Senator REID's amendment on border security. We will vote on both of those amendments beginning at 12 noon today. I encourage Senators to come forward with their amendments. If Senators are considering amendments, please notify the managers as soon as possible. They will then be able to line up an orderly process.

It is my intent to have votes throughout the day on amendments, and I hope Senators agree to reasonable time agreements to allow us to work through as many of these issues as we can during today's session.

SUPPLEMENTAL SPENDING REQUEST

Mr. FRIST. Mr. President, yesterday the President made clear that he will veto any supplemental spending bill that exceeds the administration's request. I thank and applaud the administration and recognize their determination to stick to true emergency spending. I will support the veto, if necessary, to keep Federal spending under control. Families live within their means; so should Washington.

The President has taken a strong stance on a necessary, must-pass piece of legislation that we know will bolster our national security, support hurricane recovery, and border security efforts as well. We need to work swiftly

and in good faith to meet the President's request, but we need to focus on the necessary spending.

The President submitted his request for \$92.2 billion in emergency spending in late February. The House passed the supplemental in March. This legislation needs to be on the President's desk before Memorial Day. We intend to do just that.

We need to support our troops who are currently in the field fighting to protect us, and we need to support our fellow citizens who are working hard to rebuild and recover their homes and communities on the gulf coast. Both are extraordinary responsibilities. We should not in any way, with either of these issues, play politics in succeeding on these critical efforts. Nor can we afford to encumber this must-pass legislation with unnecessary amendments. It is always tempting for people to come forward and get their own projects or interests attached to these must-pass spending bills. On this bill, we encourage people not to do that.

In order to keep within our spending limits, we are encouraging Senators who may have legitimate emergency spending requests to find offsets for those amendments in order not to drive the overall top line of this bill higher and higher.

For example, the amendment I co-sponsored with Senator JUDD GREGG increases emergency spending for border security, but it is offset within the bill, and I think that is how we should approach issues as much as possible.

Time is limited. We must finish this legislation, I hope within the week, so we can quickly get on to a conference with the House and get it to the President for signature. These are emergency funds and the troops need these funds overseas. By pulling together, I am confident we can move this legislation forward and get the critical work of the American people done.

I yield the floor.

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



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RECOGNITION OF THE MINORITY LEADER

The PRESIDENT pro tempore. The Democratic leader is recognized.

GASOLINE PRICES

Mr. REID. Mr. President, in Nevada, the average price of a gallon of gasoline is \$2.97. We know it is \$3.10 a gallon elsewhere. And in other places, it is higher than that. That 45-cent increase has caused tremendous pain in Nevada and around the rest of the country. The prices are going up and up and up. Talk to any Senator about the price of gasoline.

I watched the evening news last night and they had a segment where they talked about the booming business of pawnshops since the price of gas has gone up. It showed people there pawning antique watches. One man was pawning a watch he had that was 100 years old, which was his grandfather's. Why? He had no money to get back and forth to work. They are also pawning guitars and guns. One man even went in and pawned his car. He got to drive it away, but he gave the title to the pawnshop. That is the price of gasoline as reported on the national news.

It is not just Nevada, as indicated in the national news. Talk to any Senator; they have similar stories. The average price of gas in California is \$3.14. In New York, it is \$3.09. Here, in the District of Columbia, it is \$2.99. In Illinois, it is \$2.96. Those are average prices. Unfortunately, gas prices are expected to soar and increase at least another quarter by this summer—that is, if nothing goes wrong. There doesn't appear to be any relief in sight.

That is especially true if this President and this Republican Congress have their way. Yesterday, the President said he had a four-way plan. I don't come here to the floor every day just to say things about the President, that I don't agree with him, because there is nothing else to talk about. I come here because I believe I have an obligation to the people of Nevada and all the people in this country to call it the way I see it.

We went to the White House yesterday. I thought what the President did in dealing with immigration was significant. I heard myself on the morning news complimenting the President, as I should have. I cannot compliment the President today because he is wrong on this gas situation. What he did with his four-way plan is nothing. Most of it has already been done, thanks to Democratic amendments in the Senate. Other parts don't make a dent. For example, he talks about an investigation. In the bill we passed in Commerce, State, Justice last year, we passed what he says he wants done. It is the law of the land. They are going to report sometime next month on their investigation. The President said he is not going to pump 12 million barrels of oil this summer into our Strategic Pe-

troleum Reserve. Well, two things—one, we are not buying oil to put in it now. We are not doing that now.

We use 21 million barrels of oil every day. Twelve million barrels over the summer?

So what the President has done is not a serious attempt. What he provided in his speech was not a solution to the energy crisis but exactly what you would expect from a President who spent 5½ years standing side by side with big oil in his Oval Office. And next to big oil is an even bigger oil baron, the Vice President of the United States.

America needs a new direction on energy. Our dependency on oil is ruining our competitiveness, the balance of trade, damaging our national security, and limiting freedom and opportunity. It is time to change. We, the minority, want the American people to guide that change. We have a plan for a better future, and it doesn't involve Enron or the former CEO of Exxon.

I hope the Republican majority will work with us on this bill to give consumers relief and security to America's long-term energy future.

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

Mr. DURBIN. Mr. President, I salute my colleague, the leader on the Democratic side, Senator REID, for addressing the shortcomings of the President's message yesterday.

People across America get this. They understand that every morning when they go to fill up their tanks, it is costing them more money than they ever imagined. Senator REID, from Nevada, has referenced a situation in his State where people are going to pawnshops and taking valuable things they own, trying to come up with enough cash to keep going.

We find in Illinois that we have what are called "payday loans." I don't know if you have it across the country. It is not an industry I admire. It charges some of the highest interest rates to people who have low credit ratings. We find people going into these payday loan shops, borrowing against their next paycheck to buy gasoline for their cars to go to work. This is obviously a desperate move by people who have nowhere to turn.

We hear from the President that he is going to call on the Federal Trade Commission to get tough. As Senator REID said, we already included that in the last Energy bill in a Democratic amendment offered by Senator STABENOW of Michigan. It is in the bill. This is nothing new. To hold back 1 day's investment of oil into the Strategic Petroleum Reserve is not going to have a measurable impact on anything.

The simple fact is the President has to call the oil company executives into his office, stare them in the eye, and tell them they are destroying the American economy, they are killing jobs in America, they are making farming unprofitable, and they are causing a hardship to American families much

greater than any tax rebate check sent several years ago by this administration. Until the President stares them in the eye and tells them he is going to take action against them, they are going to continue to kite their profits at the expense of the American workers and businesses.

That is why ExxonMobil had the largest profit in the history of business in America in a quarter. It showed billions of dollars in profit and then rewarded its retiring CEO for his fine job in running up the price of gasoline and gave him a \$400 million going-away gift. That is some gold watch, isn't it? Mr. Raymond didn't even have to buy a Powerball ticket, and he got \$400 million. Why? Because we are paying outrageous sums for gasoline at the pump. The oil companies blame everybody—Hurricanes Katrina and Rita, OPEC—and they have all kinds of explanations. But the bottom line is their profits are going through the roof. Every morning in newspapers across America are full-page ads saying: Don't hold against us that we are profitable; we are going to do good things with the money you are sending us.

It doesn't work. They are crippling the economy. There are indications on Capitol Hill that the oil industry executives got the message yesterday.

Do you know what the announcement was this morning? The oil company executives have announced that because of this concern across America for rising gasoline prices, they have gotten the message. They are going to invest \$30 million in buying more lobbyists in Washington, DC. That's right. The Hill newspaper this morning reports that the American petroleum industry has decided they are going to buy \$30 million worth of lobbyists to roam and crawl through the Halls on Capitol Hill to find their friends and to tell them this really isn't a problem.

You know what. Unfortunately, they may be successful. Just yesterday, in the reconciliation bill, the House Republicans decided they did not want to have taxes imposed on the oil companies. They want to take these taxes off the oil companies. Why would you do that? The oil companies have record profits. The money coming back from those profits should be helping America and helping consumers. But with \$30 million more worth of lobbyists on Capitol Hill, I am afraid I know how this is going to end—the special interests will win again, and the consumers will lose.

I say to my colleague from Nevada, as we consider the issues that face us, we believe—I hope he shares in that belief—that energy is a critical issue. It is important not only to family budgets, it is important to economic growth in America. And unless and until we have the vision and leadership coming from the White House to stare down these oil company executives and to set an agenda for energy independence in America, it is my fear that we will continue to see these crippling gasoline prices in Nevada and across Illinois.

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

Mr. DURBIN. I will be happy to yield.

Mr. REID. Every day I get something called "A Look at Today's News," such as immigration and homeland security. But No. 1 on today's news is energy.

Is the Senator aware that the L.A. Times headline today reads, "Bush's Proposals Viewed as a Drop in the Oil Bucket"? Is the Senator aware that the Washington Post headline today is, "GOP Blocks Measures Boosting Taxes on Oil Companies' Profits," and the New York Daily News headline is, "Midterm Elections Fuel His"—meaning the President's—"Sudden Flip-Flop," and the Hill newspaper, about which the Senator has already commented, headline is, "Oil Industry Prepares \$30 Million Fight Back"? Is the Senator aware of these headlines?

Mr. DURBIN. I am aware of that. I know the Democratic leader is also aware that two of our colleagues came to the floor yesterday and asked for emergency consideration of measures to deal with this right now, things that could make a difference.

Senator MENENDEZ of New Jersey came to the floor and asked that we have a tax holiday so that the money can be given back to consumers across America that is being charged them now at the pump.

Senator CANTWELL of Washington came to the floor and asked for us to consider an antigouging amendment so we can say that if oil companies are found guilty of gouging, they will be asked to pay the price in the courts and through the regulatory agencies.

The Senator from Nevada realizes that despite the best efforts of our colleagues, both of them were ruled out of order. The obvious question is: If we can't consider those measures on this bill, how soon will the Republican leader of the Senate move to legislation that deals with this immediately? The idea that we will get to this in 2, 3, 4, 5 months is not acceptable where I live. Families I know and businesses I know cannot wait. They expect this Congress to respond.

I know the Senator from Nevada realizes within our caucus there will be many other proposals that might deal with this issue. Senator NELSON of Florida has come up with a proposal as well to deal with this issue. We had Senator STABENOW come to the floor. Why aren't we dealing with this on an emergency basis? It is truly an emergency across America when it comes to our economy.

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

Mr. DURBIN. I will be happy to yield.

Mr. REID. Mr. President, is the Senator aware that the profits these massive international companies that are controlling the cost of gasoline and fuel oil in this country are theirs only? If one goes to their corner service station or convenience store that pumps gas, does the Senator realize they only make about 4 cents a gallon on each

gallon of gas, even though the consumer may be paying \$3.20 for that gallon of gas?

This is all a gouge, an obscene gouge by these massive international corporations. Even the people who retail their product make no money. Is the Senator aware of that fact?

Mr. DURBIN. Mr. President, I am aware of it, and I feel sorry for the people who run these gas stations. One can imagine what their customers say when they come to the counter. They are outraged over the increase in gasoline prices, angry over this situation and the impact it is going to have on their lives. And, of course, they try to take it out on the first person they see, and that happens to be an innocent bystander, the person running the gasoline station.

What troubles me as well, instead of moving toward energy independence, we have resistance for putting in place facilities so that alternative fuels can be used by consumers across America.

Senator OBAMA of Illinois, my colleague, has introduced legislation to put E-85—that means it is a fuel you can use in your car that is 85 percent alcohol fuel, 85 percent ethanol, cheaper now than a gallon of petroleum-based gasoline. The oil companies have been very slow to put those facilities in the gas stations even across Illinois, the largest producer of ethanol in the Nation.

What Senator OBAMA has pushed for—and I agree—is that we need to have the oil companies opening up opportunities so that consumers can at least fight back.

If you have a car or a truck that can burn this environmentally friendly and energy-efficient ethanol, then you ought to have an option to fill your tank that way. Sadly, they don't. The oil companies have been very slow and dragging their feet in giving consumers that option. Why? Because they don't make the ethanol and, as a consequence, they don't want to promote a product from which they cannot profit. That day is over. We have to move toward alternative fuels.

Isn't it amazing that the country of Brazil decided more than 10 years ago they were not going to be held hostage to foreign oil and they would become energy independent. Making that decision with the right leadership at the top, they are moving soon to the day where they don't have to worry about foreign dictators pushing them around like chumps when it comes to oil supplies.

How did they do this? They went to alcohol fuel. They said: We can fuel an economy with home-grown energy.

We can do the same thing in America. How important is it? Take a look at the morning paper, the Washington Post, and you will see a story about Iran. The man who runs this country of Iran is a very strange man. He makes pronouncements about the world and history which are nothing short of bizarre. Yet he sits on top of 70 million

people and some of the largest oil reserves in the world.

What did he say about the pressure from the United States to stop him from building nuclear weapons?

Other Iranian officials said the Islamic republic would hide its nuclear program and curtail its oil production if foreign governments took harsh actions against Iran for failure to restrict its nuclear activities.

In most places, this is known as blackmail—blackmail—that the leader of Iran would say to us: If you put pressure on us to stop building nuclear weapons, we are going to hold back your oil. You think \$4 a gallon is expensive? How about \$5? That is the kind of showdown we face because these petro-dollar-based puppet dictators around the world have us over an oil barrel.

When are we going to change? When will we find leadership from this President and this administration to move us to energy independence? When will we have fuel efficiency for cars and trucks instead of seeing it go the wrong way—21 miles a gallon and lower? Why aren't we moving toward the day when it is 35 miles per gallon and more?

When I offered an amendment for CAFE standards in the last bill, I had very little support. I didn't even have everybody on my side of the aisle, to be perfectly honest with you. But I wonder what would happen if that amendment came back today. People need to understand we need fuel-efficient vehicles, we need alternative fuels, we need conservation.

To think we signed an energy bill last August creating a national energy policy and have had nothing but energy crises ever since is an indication we need to go back to the drawing board. We need to reassess where we are in this world economy, and we need to understand that the fault at the pump is not because of an addiction to oil by consumers. The fault at the pump is because of the greed of oil companies and the lack of vision and leadership at the top in our American Government.

We need to have a new direction, a significant change in direction if we are going to become energy independent in the near future and if we are going to see gasoline prices come down before they cripple the American economy.

I know of what I speak. If you go to O'Hare Airport, you will find it to be the home of United Airlines, now emerging from bankruptcy. It was a painful process. Workers and retirees gave up a lot to get through bankruptcy. And the major reason that airline went into bankruptcy? The cost of fuel. Other airlines face the same situation—reducing their workforce, reducing their pay, reducing retirement, reducing health benefits because the price of fuel went up. While they are suffering, ExxonMobile has record-breaking profits.

What is wrong with this picture? Where is the fairness? Where is the equity? Where is the President? We need

voices here that speak to these oil company executives about a new course of action.

Gasoline prices across America are intolerable. We can go through community after community, and you can see it when you go home, as I did this last work period, the Easter work period, back in the State of Illinois. People understand this one. They understand there is a failure in leadership. If we lament the fact that people don't get up and vote and don't seem to care about the state of our Government, it is because when they are in trouble, the Government is not there.

The simple speech made by the President yesterday is not the answer, but it is the beginning, I hope, of a dialog, a bipartisan dialog to move us in a new direction.

I hope the President not only invites the oil company executives in to tell them they are destroying the American economy but also invites people from both sides of the aisle in, in a bipartisan dialog, about a new direction. To give a speech on Earth Day about hydrogen-powered cars is an interesting, long-term concept. It is certainly not a near-term or medium-term answer to what we are faced with in America.

We have to have a new approach and a new direction when it comes to our energy. There are ways to do it. Lessening our dependence on foreign oil, an amendment offered by Senator CANTWELL of Washington to the Energy bill, was rejected on a partisan vote. It said: Why doesn't America set a goal of reducing our dependence on foreign oil by at least 50 percent over the next few years? It was rejected on a partisan basis. Everyone on the other side of the aisle voted against it. Why? In my mind, that is the beginning of energy independence and a stronger American economy.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. VITTER). Who yields time?

The Senator from New Mexico is recognized.

Mr. DOMENICI. Parliamentary inquiry: How much time do we have now?

The PRESIDING OFFICER. Fifteen minutes remain on the majority side.

Mr. DOMENICI. Mr. President, I understand I will get a part of that time, and I will yield part of that time to the Senator from Alaska when she arrives.

ENERGY

Mr. DOMENICI. Mr. President, I rise today to talk candidly about rising gasoline prices and what we can do about them. I have been deeply concerned about our reliance on foreign oil and the rising cost of energy for many years. That was one of the reasons I gave up my post as chairman of the Budget Committee in the Senate to become chairman of the Energy Committee. I saw energy dependence and rising energy prices as a big problem for this great Nation, and I wanted to help solve it.

Last year, we passed a bipartisan policy act called the Energy Policy Act of 2005. It was the first comprehensive Energy bill in 12 years. It took Republicans and Democrats 5 years and a lot of hard work to get this bill passed. It is an excellent bill and one I am proud of. This bill fixed a lot of our energy problems, and in a year or two from now, it will fix a lot more. Let me highlight a couple of the remarkable accomplishments which our Energy bill has put before the American people.

We create a pilot program in seven Western States that will streamline the permitting process so oil and oil developers won't have to wait years to develop their leases. Some people wonder: Are we doing anything to help America solve our problems? One thing we must do is develop our resources where we have them and where we can. We cannot sit by and be naysayers about developing what we have that we can use, so we don't have to buy it from others.

In this bill, we require 8 billion gallons of ethanol be included in the gasoline by 2012. This provision will help ethanol displace 2 billion barrels of foreign oil over the next 6 years.

There are those on the other side who say the President proposed nothing to help the farmers of the United States and the ranching community. I just discussed with you what the Energy bill will do with reference to ethanol, and all of that creates a new market for the products of our farmers, makes them wealthy, gives them alternatives to sell their product so they can be used to ultimately go into the tanks of our automobiles in lieu of crude-oil derivatives called gasoline. We provide several incentives in this bill for new nuclear power that have prompted nine utility consortia to plan at least 19 new nuclear powerplants in the immediate future. We had zero, we are already moving toward 19, and some think it is 22.

The bill encourages wind, solar, and geothermal sources. Our incentives will bring more than 14,000 megawatts of wind energy that could be on line by the end of next year, which is enough energy to power roughly 5 million homes for 1 year. Those are the things we did. Those are the things that would have all been front and center had Katrina not hit us and taken away all of the positives we were thinking of and put us in that tank that came as a result of that enormous hurricane which we are still recovering from. But all of the things I am discussing are there, actually taking place, as the United States changes because of that new energy bill.

The oil and gas prices continued to climb after the Energy bill was passed, and a lot of that was due to the hurricane I have described. We still have two refineries that are down because of the storm. That accounts for 5 percent of our refining capacity. We have lost about 1.5 million barrels of oil per day because of damaged oil rigs. That is a

whopping 22 percent of our domestic production.

So for all of those who wonder: Did anything happen that could have caused the problems we are having that might have been otherwise? Obviously we can look at Katrina and say something very bad happened. We didn't have to have that. Things could have been better.

Let me talk about the global unrest and the rising global demand that has driven up the prices of oil across the globe. Oil is a global commodity. Nobody knows what a barrel of oil is worth as it comes out of the ground. Nobody knows what it is inherently worth. Let me say to my fellow Americans, I regret to tell you, it is worth what somebody will pay for it. That sounds strange, but that is what it is. It comes out of the ground, it is gathered up, and when it finally gets on a ship, somebody buys it. And what do they buy it for? They buy it for what they think it is worth, and they bid it, and that is what it is worth. So oil is worth what people pay for it. Regrettably, they are paying more and more because they are worried about the world situation and whether oil supply is credible, whether it is going to remain reliable. So they bid it up higher and higher.

Problems in producing nations such as Venezuela, Nigeria, and Iran have sharply driven up this price, along with this great, new, voracious appetite on the part of China and India. They are entitled—they are entitled, just as we are—to use this oil, and they are buying it up, bidding it up, causing the supply and demand to have the impact I am describing with all of you here this morning.

There are some things we can do to try to ameliorate this problem, and, yes, some of them are very difficult. Most of it we can't do much about, unless we either wean ourselves off foreign oil, which will take several years to do, or dramatically increase our own production of oil. I regret to say there are too many on the other side of the aisle, not everyone but most on the other side of the aisle here in the Senate and in the House who refuse to acknowledge that we must produce more of our own wherever we can.

Let's talk about what we can do.

President Bush proposed four things yesterday, and I endorse every one of them. Every one of those is now out there for the market to look at, for everyone to look at, and they have already had a positive effect. He wants an aggressive investigation of fraud and manipulation. We mandated a similar investigation in the Energy bill, and I absolutely support what the President called for—an ongoing investigation into the manipulation or cheating that might be taking place. Let's get on with it. Let's put the resources in. Let's make sure the American people feel comfortable that it is taking place. We are doing it. Whether it proves anything, we will have to wait and see.

The President wants to do another thing. He wants to repeal certain tax breaks that are in the Energy bill. He says they are unnecessary for oil companies. I agree. Actually, I thought they would do some good, but the President has convinced me and many of us, under his leadership, to repeal those tax items that are in the bill. I am happy to take the lead, along with those who write the tax laws, and see if we can repeal and eliminate the deep-water drilling tax relief that is in the bill.

The President also recommended and announced that he will temporarily halt the filling of SPR, a move I hope will free up about 12 million barrels of oil this summer, meaning we won't use it for the Strategic Petroleum Reserve. So it will be available to those who are purchasing oil to be used as we have been describing it here: for the marketplace to put in refineries and be used by the great demand that is worldwide.

If we had developed ANWR—and I note the presence of the junior Senator from Alaska on the floor—if we had done that 10 years ago, if we had passed ANWR legislation—we did pass it. Had the President of the United States not vetoed it—and that was President Bill Clinton who vetoed it—then what we would have had available is at least 1 million barrels of oil—American owned—that we could use every day, and it would be added to the inventory that is out there for the world to use, and for the United States it would be a dramatic reduction in the amount of oil we would have to buy from others.

We have to wake up. There is nothing to be damaged. You can go look at ANWR and see what we would be doing with new drilling, new approaches to drilling, if we would get that done. It is regrettable that we won't produce our own and we will sit and talk and blame, and in particular, the other side will blame the President and blame Republicans. These Senators understand that today's gasoline prices are driven ever increasingly by long-term speculation on global production. They understand that a strong signal on supply can drive prices up today and down tomorrow. They know a vote to develop ANWR will have an immediate impact on oil prices, which in turn will have an immediate impact on gasoline prices.

Look at what happened to the energy markets yesterday after the President announced his four-prong plan. Energy prices fell. Yet these same Senators fought against ANWR, fought against OCS production, and have consistently fought against new energy production almost anywhere, production they know will ease our price and supply problems.

We have worked in the committee and marked up, gotten ready for a vote, Lease Sale 181 on natural gas, a bill that will develop oil and gas 100 miles off the coast of Florida. Democrats have threatened to filibuster the bill when it comes to the floor. It

shows there is no desire to produce even what is our own.

The Massachusetts delegation continues to block the Weaver Cove liquefied natural gas facility, a facility proposed for Fall River that would provide 400,000 mcf of natural gas per day. That is enough to ease the price and supply pressure for most of New England.

Another example is if you don't want to produce energy that is our own, then you ought not be complaining about the fact that the price continues to rise because of shortages in global markets. Instead, today some on the other side propose a tax holiday. I find it interesting that it is Democrats who want to temporarily repeal the gasoline taxes since it was they who voted over the years to increase that same tax.

I can support the idea of a holiday. I like the idea of helping American families keep some of their money they are spending at the gas pump. But we use that money to build roads and mass transit. The Federal Government is going to have to make up those revenues somewhere. So let me propose this idea: Let's let the oil companies make up the difference. That is what we ought to do.

Anyway, I suggest we are on the right track. The President's suggestions are good suggestions, and we can come up with some more. But in the meantime, we ought to tell the American people the truth: There is no quick fix, and it is easier to blame than it is to have solutions. Let's look for the solutions and then we will all get a chance to judge who is doing the most to help America move toward energy independence.

I believe I have some additional time, and I yield it to the distinguished Senator from Alaska.

THE PRESIDING OFFICER (Mr. VITTER). At this time all time has expired on the majority side.

Ms. MURKOWSKI. Mr. President, I ask unanimous consent for 5 additional minutes to be added on this side and on the other side as well.

THE PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Ms. MURKOWSKI. Mr. President, I commend the distinguished chairman of the Energy Committee who has taken such a leadership role on the issue of achieving energy independence for this country.

We all had an opportunity to go home over the past couple of weeks, and I think it is fair to say that without question, in every State across this country, the No. 1 issue our constituents are talking about is energy prices. With the crude oil prices passing an all-time high of \$75 a barrel last week, I think it is fair to say we can anticipate that the prices will go higher and higher.

It seems we all want to blame someone. Americans want to blame someone—anyone—for the high prices. They want to blame the oil industry companies that have been showing record

profits. They want to blame the filling station operators and accuse them of price gouging. They want to blame the oil commodities traders for bidding up the price of crude. They want to blame the Congress for allowing and perhaps encouraging these prices. Quite frankly, it is hard for us not to accept some of the blame. But what Americans don't want to accept is that these prices we are seeing are the result of nearly 20 years of incoherent energy policy.

The reasons for the price increases are many, and we have heard the chairman discuss many of them. But the biggest goes back to the lessons we learned in high school economics about the law of supply and demand. Today the world consumes 80 million barrels of oil a day. The U.S. is responsible for a quarter of that. Right now, our oil producers collectively around the world have the ability to produce at most 81 million barrels daily. So the demand is bumping dangerously close to maximum current supply, and that demand for the oil is booming.

We talked about China. China last week announced that its economy grew more than 10 percent last year, and its demand for fuel is rising an equivalent amount. Developing nations are outbidding industrial nations for oil, and the trend continues. Demand for fuel in the Asian Pacific region is likely to grow at over 3 percent annually for the next 25 years, nearly 5 times the growth rate of fuel use in North America and 4 times the rate in Europe.

In addition to the demand side of the picture, the supply side is down. Six percent of the Nation's oil production remains offline as a result of the damage from Hurricanes Katrina and Rita. We have often talked about the world's supply. The world's supply is uncertain, given the unrest we are seeing in Nigeria, the political events in Venezuela, rhetoric from Iran, supply disruptions that plague Iraq.

We here in Congress also have a place in this equation when we look to the supply side. It was 6 years ago that Congress passed the requirement that said by June 1 of this year the Nation's refineries must reduce the sulfur in diesel fuel from 500 parts per million to 15 parts per million, and refiners have spent the money, more than \$8 billion, to comply. The changes are this: They are going to cut the diesel exhaust pollution by 90 percent. But it does take more fuel to make a similar amount of diesel, and it is costing the refineries more money to comply with the ultralow sulfur diesel rules.

Last year we were talking about MTBE and what to do about it. We didn't provide for an organized phase-out of MTBE, which means the refineries are rushing to acquire ethanol to replace MTBE in gasoline. What this does is causes a host of different price pressures, from the added costs of building new tanks to store the ethanol to the crush of finding railroad tank

cars to move the ethanol from the Midwest to the Northeast and down into Texas, where it can be blended into the gasoline.

Since it requires a special base form of gasoline, the ethanol-to-MTBE switch makes it difficult for us to import gasoline from overseas to relieve these price pressures, because outside of Europe there are few foreign refineries that can actually make this base form. So that means tighter fuel supplies that cannot readily be remedied by imported product.

We talk about the cost to us as Americans. According to the Energy Information Administration, we are already paying about twice as much for fuel today as we did in the summer of 2002. On the whole, our country is spending \$212 million more per day for gasoline than we did last year, a half billion dollars more per day than 4 years ago. It is incredible.

What do we do about it? The chairman of the Energy Committee noted some of the steps, and noted some of the steps the President has advanced. But our first effort today is to conserve, to increase our conservation and efficiency efforts.

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

Ms. MURKOWSKI. Mr. President, I ask unanimous consent for 1 additional minute.

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

Ms. MURKOWSKI. We must do the simple things first. Conservation, efficiency, make sure the tires are inflated, our cars are in tune, drive less, reduce the air conditioning—those small things that will make a difference. We have to move quickly to increase our fuel efficiency, continue to expand the use of renewables such as wind, geothermal, biomass, oceans, solar—all of those that are available. But we must increase our domestic supplies of oil and natural gas, and the first place we start is up in ANWR. We have the ability to do it. We have demonstrated that we can. Opening ANWR would produce up to 1 million barrels a day of additional oil for 30 years to meet the world demand and drive the prices down.

People are saying it is not going to make a difference today, and they are correct. But we didn't get to this place in 1 day. What we are anticipating is the need down the road. Anyone who thinks in 5 or 10 years there are not going to be anymore hurricanes or supply disruptions or production impediments is fooling himself. So let's plan for the future. Let's plan for our own domestic energy security by doing what we can in this country. The first place to start is by opening ANWR to limited oil exploration and development, and doing it in an environmentally sensitive and balanced manner.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

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

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

Mr. ALEXANDER. Mr. President, I understand the remaining time on the Democratic side is not needed and may be yielded back.

Mrs. MURRAY. Mr. President, I yield back the remaining time on the Democratic side.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. At this time, morning business is closed.

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

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

The assistant legislative clerk read as follows:

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

Pending:

Gregg modified amendment No. 3594, to provide, with an offset, emergency funding for border security efforts.

Harkin/Grassley amendment No. 3600, to limit the compensation of employees funded through the Employment and Training Administration.

Reid amendment No. 3604, to provide, with an offset, emergency funding for border security efforts.

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

Mr. ALEXANDER. Mr. President, I yield to myself 15 minutes.

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

Mr. ALEXANDER. Mr. President, there will be a rare opportunity about noon on the Senate floor. There will be a chance for the American people to have for themselves a handy list of big spenders, something they can put on their blogs, something they can put in their newsletters, something they can speak about at the dinner table, something they can read to friends. There is always a lot of talk around here about who is responsible for the fact that the Federal Government is spending more money than it ought to. We are about to see a good example of who is responsible for that, if things go true to form, because we will have two amendments before us at noon. One is by the distinguished Senator from New Hampshire, Senator GREGG, and one by the distinguished Democratic leader, Senator

REID. Both of them are border security amendments.

There will not be very many votes in this body, I suspect, against border security. I want to speak about border security because the Gregg amendment takes very important steps to maintain our current level of security on the border, which is a minimum level of security. I am proud to cosponsor that. And the Gregg amendment pays for it by taking money from other parts of the President's budget. That is the Gregg amendment.

The Reid amendment, as I understand it, which we will be voting on side by side, does identically the same thing on border security the Gregg amendment does, except it pretends that money comes out of thin air, that it grows on trees, that it comes from nowhere. It is the thing we see time and time again around here, whereby someone comes up with an essential, good idea but with no way to pay for it. So we print the money, make it up, and the runaway spending goes on and on.

I wish to talk this morning a little bit about those two issues—first, border security, the subject of the Gregg amendment and why I believe it is essential that we adopt it as part of the supplemental appropriations bill that is before us. I also want to talk about the difference between how it is paid for so the American people can get ready to make their handy list of big spenders because those who vote for the Reid amendment will be on a handy list of big spenders because that amendment is not paid for.

Let me start with the Gregg amendment and the condition of border security. Americans are angry about border security, or the lack of it. They have a right to be angry about border security, or the lack of it. That is not the responsibility of the Governor of the State of Arizona or the Governor of Texas or the Governor of California. It is a Federal responsibility. Immigration is our job. Border security is our job. It is a Washington job and it is a job that has been neglected for a long period of time.

At least to the credit of the majority leader, he has forced this Senate to deal with this issue and we are in the middle of it and we ought not rest nor go home again until we deal with the issue of border security. There are a lot of other issues that do not have to deal with immigration. How many temporary students do we want here in the United States? We have 572,000 of them today. They are an important part of our country, contributing to our standard of living. When they go home, they usually spread our values and our good will better than any foreign aid ever has. We have about half a million people who are here each year and we give them new temporary worker status. It is important to have them here as well, because in a vibrant, growing economy, we need more workers. We have an important debate to have about what to do about the 10 to 12 million people

who are illegally here, and what I think is the most important part of the whole immigration debate and that is how do we make sure those who are not citizens of this country are, for the most part, becoming Americans so we do not leave this country a large enclave of people whose allegiance is to some other country.

We are a big country, 300 million people. We have about 30 million people, or 10 percent of us today, who are noncitizens—about two-thirds legally here and one-third of those illegally here. But we need to make sure that for the most part, people who are here who are not citizens are learning English, are learning the saga of American history, are learning about our founding documents and are willing to take the oath which foreswears allegiance to where they came from and adopts allegiance to this country.

There are many important debates about immigration, but there is nothing more important than border security. Border security is the first issue before us because it is based upon the bedrock principle of the American character which is the rule of law. Most families who have come to this country are immigrant families. Almost all of us descend from those. Most of those families, in addition to wanting to make a dollar, wanting to improve their lives, wanting to gain freedom, wanted to come to a country where there is the rule of law. They did not want to live in some other country where some potentate could snatch you out of your bed in the middle of the night and, based on the whim of that ruler, decide your fate. Or where a contract that you made would be decided by some person, not by the rule of law, and where some people are higher than the law and some people lower than the rule of law. They wanted to come to this country, the United States, which honors the rule of law and upholds the rule of law.

Yes, people came here because they wanted freedom. They wanted to be able to drive across State lines, but they expected to have to stop at stop signs. They wanted to come to a country where they were free to make contracts with whomever they wanted, but they expected the contracts would be enforced. They wanted to come to a country where they have second amendment rights to own a gun, but they expected they wouldn't be allowed to shoot people with that gun.

This has been a country with the rule of law, and we have been ignoring that for the last number of years by looking aside while millions and millions of people stream back and forth across our borders illegally while millions of other people patiently wait in line, attesting to their good character, learning at least eighth grade English, passing a test on American history, waiting for 5 years, and preparing themselves to take an oath where they foreswear their allegiance from where they came and pledge allegiance to the United States.

Those people are bypassed by these people running back and forth across the border. It is unfair to them. Principally, it is an offense to the principle of the rule of law. There may not be anyone in this Chamber who does not agree with the principle of the rule of law and that we ought to secure and control our borders. If we believe that, we ought to do it.

I am growing increasingly to think that Senator ISAKSON is right as he suggests that the first thing we ought to do in this immigration debate is secure our borders, perhaps allow the President to certify they are secured, and then begin to deal with temporary workers and other issues that come up.

In any event, we want to secure our borders. That is why the Gregg amendment is so important. Senator GREGG has proposed we provide \$1.9 billion in emergency funding as a critical investment in border security in this supplemental appropriations bill which is now before the Senate. This is an integral component of the war on terror.

Key critical capital improvements that are part of this bill include: No. 1, stemming the tide of illegal aliens entering the country; No. 2, ensuring that terrorists and weapons of mass destruction are not capable of slipping through our arguably porous borders; No. 3, decreasing the illegal drug flow.

The subject matter of the debate, the bill before the Senate, is an emergency appropriation for the war on terror. This is an integral part of the war on terror except that the border is on our southwest border and not somewhere in the Middle East. It is at home. It is part of what we ought to be talking about.

Here are a few examples of exactly what the Gregg amendment, which I am proud to cosponsor along with others, would do. These are improvements necessary to secure our borders. For example, we have an outdated fleet of aircraft. The P-3 fleet which serves as our border security's primary air surveillance is over 40 years old, 20 years beyond the average life of this type of plane. Last month, the entire fleet was grounded due to safety issues uncovered during a routine inspection. The entire fleet needs to be overhauled to extend its service life.

Example No. 2, outdated vehicles. Nearly 1,700 vehicles are virtually unusable due to the wear and tear of the desert, extreme environments and hard use, forcing border patrol agents and investigators to use vehicles with a high breakdown rate.

Example No. 3, lack of sufficient patrol boats. There are not enough patrol boats today, resulting in fewer patrol boat hours now than we had in 1998, about half the number of hours needed to meet the mission requirement.

Next example, lack of sufficient patrol aircraft. We currently detect 3 out of every 10 boats carrying smugglers. Of the boats detected by a patrol aircraft, we stop 75 percent of them. More aircraft are needed to act on intel-

ligence regarding human and drug smuggling activities.

Next, unmanned aerial vehicles. We have only one unmanned aerial vehicle operating along our southwest border. In 7 months it has assisted in the apprehension of over 1,000 aliens. Yesterday morning it crashed while surveying the Arizona border. The department has only begun to grapple with how to replace this surveillance capacity until the next unmanned aerial vehicle is delivered in August. The department indicates that up to 18 are needed.

Armed helicopters is another example. So the \$2 billion increase in border dollars will replace—or repair, when that is sufficient—outdated vehicles, aircraft, helicopters, and boats. The money will also be used to improve law enforcement communications.

The point I am seeking to make is that these essential capital improvements on border security, the \$1.9 billion this year, which is in addition to the amount of money that Senator GREGG and this Congress added to the budget in the last two budgets, will make capital improvements necessary to merely maintain our current capacity to enforce our borders. There is no need to pass any kind of immigration bill unless we have both the authority and the money to secure the borders. We should want to send a clear signal to the American people that before we establish a system of temporary workers and confirm our system of student visas and put into place other applications to help people legally here become American citizens, we should make sure we are doing our job of ensuring that border is secure.

Let me talk about the money. There are a great many urgent ideas expressed in the Senate. That is what we are for: Let ideas percolate, ideas that need resolution, debate them and solve them. It is a wonderful system. The more I travel and see the rest of the world, as I have over my lifetime, the more I admire the system we have, messy as it often is.

The No. 1 issue that might light up the switchboards would be border security. I judge No. 2 would be runaway Federal spending. That is why I say it is important for those paying attention to this debate to be ready to make a list of big spenders. For those who believe in voting for a good idea but then getting the money out of a tree or up off the ground or out of some imaginary printing press to pay for it, that is why we have a big Federal deficit. We vote for a big idea, and then we do not pay for it.

Senator GREGG pays for it. He does it by saying we will take the \$1.9 billion from the 2.775 percent reduction in the \$69 billion in funding provided for the Department of Defense in title I, chapter 3, and title II, excluding military construction money. Senators COCHRAN, STEVENS, and FRIST all believe that leaves the committees with sufficient flexibility to support our needs in Afghanistan, Iraq, as well as our needs along the border.

The President has said he will veto a supplemental appropriations bill that just balloons to the sky, that goes over \$92.2 billion. The letter came last night, and it does not say "advisors predict" or "someone said." It says the President will veto anything over \$92.2 billion. I intend to support the President if he does have to veto. I hope we will be fiscally responsible.

The Democratic amendment takes \$106 billion and adds another \$2 billion to it for this good idea, border security. The Gregg amendment says let's pay for it out of funds we have, keep it within the budget.

At noon today, we will have a chance, No. 1, to vote for border security. That is essential. Both amendments do the same thing. The second thing we have a chance to do is compile for the country a list of big spenders, those who believe in taking the money out of the air somewhere, printing it in a printing press. You can do a lot of talking, but if you do not offset the dollars, you are a big spender and you go on the list.

Perhaps one should be proud of being on such a list, but I would rather vote with Senator GREGG, which is why I am cosponsoring his amendment rather than the Democratic leader's amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mrs. MURRAY. I yield 15 minutes to the Senator from New York and 15 minutes to the Senator from Massachusetts.

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

The Senator from New York is recognized.

Mrs. CLINTON. Mr. President, sitting here listening to my colleague from Tennessee reminds me of that old story about the boy who kills his parents and then stood before the judge and asked for mercy because he was an orphan. This is an unbelievable narration we have just heard.

The other side of the aisle has been expert in running up the largest deficits we have ever had. We had a balanced budget, we had a surplus 5 years ago. We were on the right track economically. We were fiscally responsible. But the combination of this White House and this Republican majority has blown all of that to smithereens.

This President has never vetoed anything and now we finally get a veto threat on an emergency supplemental. This President has used emergency supplementals in order to avoid the budget realities that would confront anyone who knows elementary arithmetic about how much we are spending that we do not have.

With all due respect to my colleague, this is a rather strange argument to be making at this point in time as though none of the history of the previous 5 years had occurred.

The debate between these two amendments is a worthy debate; how-

ever, it is an unnecessary debate. The President sent a budget to this Congress just a few months ago. It could have had much of what is in this emergency supplemental in the budget. They chose not to do so because even they are getting a little embarrassed about the ocean of red ink we are all swimming in these days.

What this supplemental appropriations bill does is provide vital support for our men and women currently serving in Iraq, Afghanistan, and elsewhere. This emergency supplemental provides body armor, tools to defeat improvised explosive devices, the so-called IEDs that are killing and maiming young Americans every single day. This supplemental provides money for training for the Iraqi security forces. Maybe, finally, we will have a government in Iraq that knows how to do that. They certainly need to get the message that we are not there for the long term unless they start defending themselves and providing security for their own people.

These funds are to replenish the money we are spending in our military to make sure our young men and women who are bravely serving us have the resources, the equipment, the tools they need to do the job we sent them to do.

The bill also includes funds to continue the rebuilding from Hurricane Katrina. As we approach yet another month of debris, confused leadership, failure to supervise and monitor expenditures from this administration, we know how much more needs to be done to rebuild New Orleans and the gulf coast region.

Here we are, about to have a vote in a few hours on an amendment—really, two amendments—as to whether we are also going to face up to our responsibilities along our border, and how we are going to pay for that. Both the Gregg amendment and the Reid amendment recognize the critical need for increased border security.

I have long maintained it is unconscionable to think that in our post-September 11 world we still do not know the identities of people who enter our country, stay illegally in our country, and may or may not exit our country. Over the past several weeks, we have seen agreement in the Senate that securing our borders must be a top priority and a major component of whatever immigration reform we consider.

Now, there are those who are, frankly, misguided and demagogic in their claims that all we need is border security. We know that is not the case. Senator KENNEDY, who is in the Chamber at this moment, has been a leader on immigration reform for decades. He knows if you do not have comprehensive immigration reform, you do not deal with the challenges we confront.

We all are in agreement we have to do more to secure our porous borders. The Reid amendment is a step in the right direction because it does provide

\$1.9 billion to strengthen our borders. These funds would be used to replace and upgrade law enforcement communications, provide Border Patrol agents with air and land vehicles, expand air operations for Customs and border protection, invest \$100 million in sensor and surveillance technology that will help our Border Patrol agents be more effective.

If we can succeed in securing our borders, something that we have not yet succeeded in doing, then we can turn our attention as a nation and focus our energies and our resources on other credible threats against our homeland.

I commend Senator REID's efforts to direct resources to strengthening our borders. I know he would agree with me that obtaining these additional funds should not be mistaken for comprehensive immigration reform. We still need comprehensive immigration reform that secures our borders, creates a better set of agreements and understandings with our neighbors to the south as to what they are going to do to stop the flow of illegal immigrants through their countries, particularly Mexico, and imposes and enforces tough sanctions against employers who employ illegal immigrants. After all, these people would not be risking their lives if there wasn't a job waiting for them at the other end of their dangerous journey; make sure we don't disadvantage people who have waited legally for their opportunity to come here to join a family member and to get a job that has been promised.

We need to do something to help alleviate the financial burden on local communities—not just along the border but, frankly, in New York—that are paying health care and education and law enforcement costs because this Federal Government can't figure out how to run an immigration system.

Yes, we need an earned pass to citizenship to bring out of the shadows the 11 or 12 million hard-working immigrants who are here and give them a chance through paying back taxes, going through a background check, learning English, and waiting their turn to become legal. We know what comprehensive reform looks like. And border security is absolutely paramount, but passing the Gregg amendment is not the end of immigration reform. I hope everyone understands that.

My colleague from New Hampshire agrees that we need to increase border security, but he would cut needed funds for our troops in the name of border security. The Gregg amendment would take money from troop pay, body armor, and even from the joint improvised explosive device funds. That is a false choice, and it is a wrong choice.

I do not believe that we should be engage in deficit spending. That is why I have voted against many of the provisions that have come from the other side—tax cuts which we can't afford, spending that should be under control. But it is an odd moment indeed that all

of a sudden my friends have found a conversion experience and they want to take money from our troops to secure our borders. I will take that comparison any time. I will be on any list that says don't take money from our troops; don't cut the research which we finally have as to how we are going to defeat improvised explosive devices because you now decide you want to do border security when you have been presenting budgets for 5 years after 9/11.

We need to get serious about defending this country and the men and women who serve on its behalf. We shouldn't be cutting funds for our troops in the name of border security. It is wrong to cut funds for body armor or for efforts to defeat IEDs. It is wrong to cut money from Iraqi security force training when they are finally about to have an Iraqi Government, something we have all been waiting for. It is wrong to cut the defense health program which provides medical assistance to our troops on the battlefield. And it is wrong to cut the death gratuity which assists the families of fallen soldiers.

If I sound a little passionate about this, it is because I am. I find this a false, cheap choice to score political points. And I think it is wrong.

The most important obligation of our Government is to provide for the security of the American people. Border security is an urgent need. It should and must be addressed by this Congress. But our security and our values are not served by choosing between protecting our troops and protecting our homeland, nor by playing support for our men and women in uniform against our need for border security. The Gregg amendment undermines both. I urge my colleagues to support the Reid amendment.

Do we need to get back to fiscal responsibility? You bet we do. Let us talk about that when it comes to cutting even more taxes for people making more than \$1 million a year. Let us talk about that when we are spending \$10 billion a month in Iraq and Afghanistan. Let us talk about that when we borrow \$60 billion a month from foreign lenders, such as the Governments of China, Japan, South Korea, Saudi Arabia, and India.

How do we protect our security against an increasingly dangerous world? How do we stand up to the threats from unstable regimes and from competition from China and elsewhere for scarce natural resources when we can't even get our own fiscal house in order because the other side of the aisle and the other end of Pennsylvania Avenue are addicted to tax cuts for the wealthy regardless of the costs for anything else, regardless of the costs for our country?

We need an energy policy that moves us toward energy independence. We get rhetoric, we don't get budget priorities. We are living on borrowed time and borrowed money. We are one accident or one terrorist attack away from oil

at \$100 a barrel—not just \$75. We have no leadership. We are not asked to sacrifice anything. The only people who sacrifice on a daily basis are the young men and women wearing our uniform.

Now we are standing up here with a straight face saying we are going to cut funds for body armor, we are going to cut the IED research program, we are going to cut the death gratuity so we can score political points and act all of sudden as if we have become fiscally responsible. I am sorry, I find that a sad commentary about what should be expected from each and every one of us.

I hope we will begin to seek common ground and try to figure out how we get ourselves out of the dangerous situation we are in today. All one has to do is pick up the morning newspapers or turn on the news. It is beyond me why we would want to have a political debate pitting border security against the needs of our men and women in uniform.

There are other ways to pay for this. There is money for construction that could be postponed until a real budget emerges. There are other kinds of options. But, no, we are going to have a debate about two serious, urgent requirements that we should be stepping up to meet.

I hope we will support the Reid amendment and do what is right by our troops and our border needs, and then let's get down to a serious discussion that is long overdue in this Chamber about where this country is headed.

Thank you, Mr. President.

The PRESIDING OFFICER. Who yields time? The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I ask the Chair to let me know when there is 3 minutes remaining.

The PRESIDING OFFICER. The Chair will so notify the Senator.

Mr. KENNEDY. Mr. President, as she is exiting the Chamber, I wish to commend my friend and colleague, the Senator from New York, for an excellent statement and comment about what is really at play here at noontime in the Senate; that is, a choice between meeting our responsibilities to the service men and women who are serving bravely and gallantly in Iraq and Afghanistan and also meeting our responsibilities to protect our country at our border. I have listened to her on many different occasions, and she spelled out the choice as clearly and as passionately as I have ever heard the case made. I thank her for her excellent and eloquent comments.

Mr. President, we are getting close to decision time on this particular amendment. Just to review very briefly where we are on the issues that are before us, I think all of us in this Chamber understand that we are making progress on an extremely difficult and complex issue; that is, the issue on immigration reform.

There are strong emotions, strong feelings, and strong beliefs on a variety

of different aspects of immigration reform, but one which I believe has total support in this body is that what we do need to do is be able to control our borders, and to be able to do that, we have to be able to make the investment which is going to be necessary to secure our borders.

Many of us believe that just in and of itself trying to establish just a border or just a fence in one part of the country is not going to do it.

All we have to really do is look at history. We understand that 10 years ago, about 40,000 illegals were coming into the United States. Since that time, we have spent over \$10 billion on border security, we have increased the number of border guards by 300 percent, and now we have some 400,000 coming into the United States.

It is going to take tough border security, but it is going to take something more in terms of law enforcement in this country for those who are eligible to be able to work and separating out those who are ineligible and also to be able to develop a program of earned citizenship for individuals who are here because they want to provide for their families, to work hard, to play by the rules, and to serve in the Armed Forces. They are prepared to pay a penalty, and they are prepared to go to the back of the line and wait their turn for up to 11 years before they would even be eligible for citizenship.

The immigration debate will continue along, and we will get back to it here in the Senate, but there is broad agreement on doing more in terms of our border security. There is some difference in how that should be shaped, but we ought to recognize that we need the resources, we need the \$2 billion which is before the Senate. What is completely unacceptable is the tradeoff between trying to deal with and seal our borders and to see a reduction in the support for our military and the armed services in both Iraq and Afghanistan. A number of us have worked very hard to increase in more protective humvees and the up-armorings of the humvees over the last 3½ years.

I serve on the Armed Services Committee. We have had 12 different estimates from the Defense Department on the requirement for up-armor humvees, and after each and every time, they have raised the requirement in order to protect troops.

We have added resources, both in the Armed Services Committee and here on the floor, to ensure that we are going to provide the best protection that the humvees can provide when they are up-armed. Now we are faced with an amendment which would reduce the resources for up-armorings humvees, something I believe is completely unacceptable. The tradeoff is completely unacceptable. We need both.

We have read and Americans have understood that we need to do a great deal more on armor for our troops. We are all familiar with the stories of American servicemen going through

dumpsters in Iraq to get strips of steel and metal and strapping those onto their vehicles because we weren't providing sufficient body armor either to individuals or to the trucks that are used in convoys over there. Nonetheless, the proposal that is being offered by the Senator from New Hampshire would reduce the funds available for the kinds of protective armor which is so essential for individuals and for their vehicles.

The IED, as we have heard from General Casey, as we have heard from General Abizaid, and as we have heard from the commanders in the field, is the primary threat to American service men and women. Who of us has not watched the news virtually every single night and not seen the smoking ruins of some vehicle where young, brave, courageous American men have lost their lives? Those are primarily destroyed by IEDs.

We have not done the kind of research into IEDs necessary in order to master the technology so our servicemen will have a defense. In the very beginning, IEDs were being set off with simple signals, but we were unable to jam them because it interfered with our military's communications. We have an opportunity. We have sent men and women to the Moon and brought them back, but we are unable to develop the electronics to set off the IED before it can hurt our troops coming down the road. I don't understand it. But I know that we haven't utilized to the extent we should the entrepreneurship, the ideas, and the innovation in the private sector in terms of electronics to be able to advance this whole area of technology.

We have finally established a very interesting important task force to try to bring in the best minds in defense and the private sector together to solve this problem. But we are going to be cut back on that for border security. What possible sense does that make?

Those are a few of the very top priorities but there other priorities that will be affected, including training the Iraqi security forces to upgrade their skills so they can stand up and Americans can stand down. This amendment would cut that program, as well as training programs in Afghanistan.

Why in the world, if we have made assessments that these programs are justified, are necessary, that are included in the supplemental, is it possibly justified to say: Well, those weren't really accurate, those really didn't reflect the need? We can chip away at any number of those programs because we need border security. It is a bad choice. I would like to take note, particularly of some of the smaller dollar items but, nonetheless, items which are of enormous importance and consequence.

Family support counseling: We have read about the explosion in the number of divorces that have taken place among our service men and women who are returning from Iraq. It is now four

or five times the national average of those in their generation because of the stress experienced by these individuals, both those who go to Iraq and, sadly, those who are left behind. So we provide assistance in terms of family support counseling, which is so important, so necessary.

And all of us are familiar with the stories of children who are missing their father and may have difficulties in school. We also hear of the families who have difficulties in adjusting to the fact that parents are away for a long time, come home for a brief time, and then are sent back to Iraq; come home for a brief time, and then are sent back to Iraq again. This puts enormous pressure on families who see these enormous potential dangers to the lives and well-being of their loved ones. So the resources in here to help with support counseling are very important. This amendment would reduce those services.

This amendment would also reduce the help and assistance, particularly, for patient transportation, medical services, and rehabilitation services, particularly for those severely wounded. The fact is, we have made some progress in the advancement of technology for helmets, so we have less injuries to the brain and to the head than we have seen in previous wars. And we have also made improvements in body armor. But as a result we have seen the extraordinary trauma in the extremities, and many servicemen have lost their limbs—legs and arms. We have some special provisions in this legislation to give greater focus and attention, direction and support, to programs that deal with these injuries.

I do not understand why, if we are talking about getting \$2 billion for border security—which I strongly support—we ought to put at risk any of these programs. That is what this amendment will do. We know we have to do something to protect our borders. We know we need to make the improvements which are outlined in both the amendments of Senator REID and Senator GREGG, which are areas I certainly support, but we should not do it at the cost of these essential programs which are absolutely necessary for those individuals who are fighting on the front line and risking their lives every single day in a dangerous part of the world, and their families.

It is the wrong choice to make, to put any of these programs at risk in order to support the \$2 billion. We ought to be able to support that. We ought to add that and it should be a part of this Nation's obligation for the future.

I just remind ourselves of a recent excellent report by a Nobel laureate, Professor Stiglitz, at Columbia, whose estimate is that this war in Iraq—just in Iraq—is going to cost \$1 trillion—\$1 trillion—before the end of it. A Nobel laureate estimating it will cost \$1 trillion. We are being asked here for just about \$2 billion to provide vital sup-

port services to those men and women who fight this war. It seems to me we have seen extraordinary expenditures already to date. I had my reservations, and I opposed going to this war, and I still believe it has not enhanced our national security or the security of Americans, but, nonetheless, what I am sure of is that it does not make sense for us to see a reduction in these programs that are so vital for our service men and women.

Mr. President, I yield back.

The PRESIDING OFFICER (Mr. GRAHAM). The Senator from New Hampshire.

Mr. GREGG. Mr. President, I yield to the Senator from Tennessee 5 minutes.

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

Mr. ALEXANDER. Mr. President, I do not suppose there is a row of seats in the U.S. Senate that produces more passion and eloquence than the back row on the other side of the aisle. I enjoyed listening to the Senator from New York and the Senator from Massachusetts on this subject. I was especially struck by the Senator from New York, who spoke about budget deficits and talked about history and talked about an ocean of red ink and made a very impassioned speech. Then, when she got to the end of her speech, she volunteered to be on the list of big spenders that is going to be created at noon, which will be those who vote for the Reid amendment.

The Gregg amendment and the Reid amendment are identical. They are about border security. All the Reid amendment does is they took the Gregg amendment, which is a carefully structured approach to try to help maintain our border security on the southwest border, just at its present level, and they just struck out "Gregg" and they wrote in "Reid" and they did something else: they struck out the way to pay for it. So they are going to pay for it from thin air. They are going to pay for it with cotton candy.

There was talk about a brazen smokescreen. That is a brazen smokescreen. That goes on all the time here. I am on the Budget Committee. The Senator from New Hampshire is the chairman. We sat in the Budget Committee and voted down—I think it was 17 "no" votes—as the Democrats sought to add \$128 billion over the next 5 years. Then the debate moved to the floor, and they tried to add \$273 billion over the next 5 years.

So I guess it is all right to be fiscally irresponsible, but at least you ought to stand up and say: Yes, I am the one doing it. I am the one who has the good idea and then does not want to pay for it—which is exactly what the Reid amendment does.

The Senator from New York said: Oh, there must be other ways to pay for it. Why doesn't she suggest one? Why doesn't she cut something?

The Gregg amendment does not cut anything. This is a supplemental emergency appropriation for the war on terror. The war on terror is mostly in Iraq

and Afghanistan and in the Middle East, but it is also along our southwest border. I believe the Senator from New Hampshire believes that, and I believe most American people believe that. I believe it is appropriate to include that with the additional money that we are appropriating to support our men and women in uniform.

So the false choice—the false choice—is to stand up and say: We want to support border security, but we have no money to pay for it. That puts you on a list of big spenders. So as it stands today, the Gregg amendment is the responsible amendment. And the Senator, I am sure, will speak, as I have spoken earlier, on exactly what it does to help maintain our current infrastructure.

The Reid amendment is the identical amendment, except it is a smoke-screen. There is no way to pay for it. So as to the list of those on the Reid amendment, those votes will be a handy list of big spenders, which can be taken to your blog, which can be taken to your dinner table. And when somebody says: Who is it in Washington who keeps coming up with these good ideas but then never pays for it with real dollars, and so as a result we have runaway spending, then you will have a list of people who do that.

This is not about the last 5 years. It is not about the next 5 years. It is about today's vote: the Gregg amendment, which is the border security paid for amendment; or the Reid amendment, which is the same amendment not paid for.

Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, I appreciate the very concise and accurate summation of this amendment, its purposes, and how it would affect spending by the Senator from Tennessee. I do think it is appropriate to respond even a little further on this issue.

The purpose of this amendment is to basically give the people who are defending us on our borders—the border security agents, the Customs agents, the Coast Guard—the tools they need to do their job right, which includes the airplanes, the unmanned vehicles, the boats, the cars, and the helicopters. That is clearly a critical element of our national defense in the fight in the war on terrorism. It has to be done. It has to be done now.

For example, the Senator from Tennessee noted that the one unmanned vehicle on the southwest border crashed—it is fairly ironic it would crash this week, but it crashed this week—so we now have none. We need to replace that. We not only need to replace it, we have to add about three or four more. It costs money, and this amendment would accomplish that. We know that has to be done if we are going to get the borders under control. With the proper capital support, with the proper technical support, and with the proper number of people on the bor-

der, we can bring the border under control.

We are on a path to do that. We added 1,500 agents. We are going to add another 1,500 agents this year. We are adding them as fast as we can hire them. But the problem is hiring is a little difficult because they are high-quality people, and we get about 40,000 applicants for every 1,500 we can hire, so it takes a while to ramp up. But with this capital support, we will have to accomplish that, and we will have the border under control, in the near term. But this argument coming from the other side: Well, you should not pay for this initiative, is just plain wrong. We are a country which, if we are going to remain strong and vibrant, has to be fiscally responsible and set priorities.

Now, it was my priority, quite honestly my personal priority, that we pay for this by taking out of the emergency request that came up from the Defense Department a number of items which really are not clearly emergencies. They go more to the core operation of the Defense Department, but I think they were put in the emergency because they thought it was maybe a way to pick up those dollars and not have to worry about them in their basic underlying budget.

I suggested the modernity initiative, which is about \$3.5 billion and would essentially have paid for this initiative in the Border Patrol, be taken out and replaced by the Border Patrol needs which are an emergency. They are an emergency. The planes are not flying. The UAV crashed. We do not have enough boats. The cars aren't running. The facilities are not there. It is an emergency. The Defense modernity is something we need to do, but it should be done and built out over the basic defense budget. There are a couple of other items in this emergency supplemental that also fall into that category, such as the V-22 Osprey purchase.

But I went to the people who understand defense spending around here, and I said: How should we pay for this? I went to Senator STEVENS. My staff talked to Senator WARNER's staff, Senator COCHRAN. And they said they would rather pay for it the way the amendment has been structured with basically an unidentified across-the-board cut—it is not going to even be across the board but an unidentified reduction to the overall number, giving the Defense Department the flexibility to find those dollars within the \$530 billion they will spend, \$2 billion.

So to come down here and allege that these funds are going to come out of the needs of the people who are on the front lines in Iraq or Afghanistan is pure poppycock, pure. And to make that representation is hyperbole and waving a red flag, which is totally inappropriate to this debate because if they read the amendment and they recognize how the amendment was structured, they would know that would

never happen. They do know it would never happen. They are down here just trying to get attention for their position and make an excuse for why they are not willing to pay for their proposal.

The fact that it will not happen is because when you line up Senator STEVENS and Senator WARNER and Senator COCHRAN on one side, and you put the folks who are saying the opposite on the other side, I tend to come down on the side of those three Senators as knowing more about what we are going to do and what we need in defense than necessarily the critics of this amendment. These are the people who have stood by our Defense Department for not only this year but for generations.

When the defense was being cut, savaged basically under the Clinton administration, when it was basically being hollowed out under a Democratic Congress in the early 1990s, it was people like Senator STEVENS and Senator WARNER who stood on this floor and tried to stop it. It is those folks who have built the Defense Department back up so our soldiers have what they need so we have a strong national defense. They came to me and said: We would like to see your amendment done this way rather than the way you proposed. And I said: OK. You are the experts. I am perfectly willing to follow your suggestion.

So this argument that is being thrown out on the other side is a straw dog. The issue is, as Senator ALEXANDER has framed it, a question of whether we are going to set priorities, whether, when we say we are going to do something about the Border Patrol needs, Coast Guard needs, Customs needs in the area of capital assets—such as planes and helicopters, unmanned vehicles—we are going to do that, and whether we are going to prioritize so that goes to the top of the list or close to the top of the list of our national priorities, and so it is paid for and is not put into debt.

So the choice, as Senator ALEXANDER has reflected, is: Are you going to pay for it or aren't you going to pay for it? Are you going to be a big spender or are you going to be somebody who is fiscally responsible?

The amendment I have put forward is a fiscally responsible amendment which will have no negative impact on any soldier who is in the field or on our operational capabilities in Afghanistan or Iraq. That representation clearly is inappropriate and wrong. I take a little bit of umbrage at it.

I yield the floor and reserve the remainder of our time.

The PRESIDING OFFICER. Who yields time?

The Senator from Tennessee.

Mr. ALEXANDER. I wonder if, through the Chair, I might ask the Senator from New Hampshire a question. Typically, a piece of legislation that is paid for has a better chance of making it all the way through to the end than a piece of legislation that is not paid for; is that not correct?

Mr. GREGG. The Senator is absolutely correct. We have attempted in the past to get these capital funds for the Border Patrol without paying for it, and the language has been dropped as it worked its way through the process. This is a priority we should be willing to pay for. As responsible governors of the purse of the American people, we should pay for it rather than just put it on the debt.

Mr. ALEXANDER. There is some talk about a brazen smokescreen on the other side. I suggest the brazen smokescreen might be to first stand up and say we are going to have more border security but we are not going to pay for it, and then turn around 30 seconds later and claim to be the guardians of fiscal responsibility. You can't do that. That is a smokescreen.

Another way to have a brazen smokescreen might be to stand up and make an impassioned speech and say: Let's spend \$2 billion for border security without paying for it, knowing full well that many amendments that are not paid for then get lost somewhere in the process and never are passed. And then the American will people say: What happened over there in the Senate? I saw them say they were for border security, but the money never came through.

The American people want us to maintain the border, pay for it, and do it. The Gregg amendment does it. The amendment offered by the distinguished Democratic leader does not.

Mr. GREGG. I reserve the remainder of the time.

The PRESIDING OFFICER. Who yields time?

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the final 10 minutes of debate before the votes at noon be equally divided between the Democratic leader and the majority leader or their designees, with the final 5 minutes reserved for the majority.

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

Mr. GREGG. I suggest the absence of a quorum and ask unanimous consent that the time be applied to both sides equally.

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

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. HUTCHISON. 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. HUTCHISON. Mr. President, I wish to speak for 5 minutes on the amendment.

The PRESIDING OFFICER. There is only 3½ minutes remaining.

Mrs. HUTCHISON. If the 3½ minutes is not taken on our side, I will ask unanimous consent for that time.

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

Mrs. HUTCHISON. Mr. President, I rise to speak in favor of Senator

GREGG's amendment. I appreciate the job Senator GREGG has done in his position as chairman of the Appropriations Subcommittee on Homeland Security, which has done so much to try to beef up our borders. Senator GREGG has been a leading proponent of strengthening control of our borders with Mexico and Canada.

I think this amendment is a very positive and productive one, adding \$1.9 billion to homeland security and trying to do the things that would make access through our borders more secure. The US-VISIT Program, which sometimes stifles legitimate commerce on our borders will be provided \$60 million. This will be used to integrate the biometric databases so they will work better and we will know who is in our country and to allow people who are legitimately in our country to be able to go back and forth. It adds funds for Customs and border protection. It adds money for construction of new stations, checkpoints and tactical infrastructure, Immigration and Customs enforcement.

I think this is an issue everyone in America is absolutely behind. We want to have control of our borders. I have had meetings with Hispanic-American leaders, and I have had meetings with small business people who are on the border, as well as throughout our country. Everyone believes that as a sovereign Nation and for the security of our country, we need to control our borders. We had 160,000 other-than-Mexican illegal aliens entering our country from all over the world last year through the Mexican border. This is unacceptable for a sovereign country not to know who is in our country, particularly when al-Qaida puts out the word that if you want to penetrate America, go through the southern border.

It is not good for Mexico. Mexico knows there are people coming through their southern border, all the way through Mexico, sometimes as a criminal element, and they are doing so to get to the United States.

So it is very important that we pass the Gregg amendment. What is different about the Gregg amendment from the Reid amendment is that it is offset, it is an agreed-to offset, with a reduction in spending in other parts of the bill, in order to pay for this effort to secure our borders, and strengthen our national security.

I think it is so important that we are focusing on the Coast Guard to upgrade their patrol aircraft, their ships, and their patrol boats. The whole Gulf of Mexico is a very vulnerable area, and we need to secure the coast, as well as the land border areas.

I urge my colleagues to vote for the fully offset Gregg amendment that will beef up our border security at a time when we all know this is a first priority.

I yield the floor.

Mr. LEAHY. Mr. President, for those of us who have served in the Senate for

the past 5 years, the irony of the amendments before us today is inescapable. Had the Bush administration fulfilled its promises over those years and lived up to its rhetoric about bolstering our Nation's border security, there would be no need for the emergency supplemental spending amendments proposed by the distinguished chairman of the Homeland Security Subcommittee of the Appropriations Committee and the Democratic leader.

The administration's failure on this front has not gone unnoticed. In December of 2005, the 9/11 Commission's Report Card gave the Bush administration a 'D' grade for its efforts on border security, and specifically, for its failures in fostering international collaboration to improve border security. This is particularly disappointing in light of the grandiose statements in February 2001 in which the President heralded a new era of cooperation with President Vicente Fox on immigration and border issues.

For all its talk and swagger about security, the Bush-Cheney administration has not lived up to its public promises. Just last month we heard about nuclear material being successfully smuggled across our borders in a sting operation. Not long after that bombshell, a U.S. Citizenship and Immigration Services employee, Michael Maxwell, testified before a House subcommittee about an astonishing culture of corruption, and misdirected priorities in the agency within the Department of Homeland Security charged with processing immigration applications. For an administration that has regularly touted its commitment to national security, it is incomprehensible that the type of behavior Mr. Maxwell testified about was occurring in one of our most critical border security agencies.

You do not have to take my word for it or read the New York Times to see criticism of this administration's competence when it comes to border security. Take just one day's worth of reports from the Washington Times, one of the most conservative papers in the country. On Tuesday, that paper ran a front page story in which it reported that U.S. law enforcement officials say that "[h]undreds of Mexican nationals who wear government-issued uniforms, carry official identification cards and are authorized to use weapons are helping smugglers move tons of drugs into the United States." This follows numerous reports of uniformed incursions into the United States.

On page 3 we read that the Homeland Security Department's inspector general has completed a 22-month investigation "into Syrian nationals suspected of practicing to hijack a plane during a Detroit-to-Los Angeles flight." The inspector general's public summary says that the Department needs to better coordinate information on suspicious passengers, and on the conflicting jurisdictions of the FBI and Federal Air Marshal Service that can

compromise investigations of in-flight incidents. Because the 40-page inspector general report is classified, its detailed contents have not been made public, but it involves an incident from June 2004. According to the paper, the suspects were traveling under expired visas on one-way tickets bought with cash, but that immigration officials had failed to report to the airport to detain them.

Then on page 13, Tuesday's Washington Times reports about the case of a high-ranking Iranian official travels in and out of the United States on a U.S. green card, even though he carries an Iranian passport and is reported to be "an economics and technology aide to Iran's top nuclear negotiator," and is reported to have "joined the Iranian government last year" and to be a "high-ranking Iranian official."

The three incidents I have just described are all possible border security scandals reported in just one newspaper on just 1 day.

Just as gas prices for American consumers have doubled during the Bush-Cheney administration so, too, have the number of undocumented immigrants within the United States doubled. I do not think that I need to remind the American people that the same Government Department that so mishandled Katrina and its aftermath is in charge of border security. Nor will any of us forget that after 9/11 the immigration authorities were still sending cordial correspondence to dead suicide hijackers.

Here in Congress, we have met the President's calls for increased border enforcement with authorizations across the board. Indeed, we have often acted, as we are now, to provide additional authorities and resources that the administration did not request in order to try to force progress on border security. The administration, however, has not lived up to its end of the bargain. Despite the funding mandates of the intelligence reform bill that provided for 2,000 new Border Patrol agents annually, the President's budget request for 2006 would have provided enough funding to add only 210 Border Patrol agents. That is 10 percent of what Congress mandated, and not a single new agent would have been assigned to help protect our northern border.

What the President has said and what the administration has done couldn't be more different. He has talked about border security, but his priorities in the budget proposals he has sent to Congress shows that his administration values tax cuts for the rich over robust border security.

It is incomprehensible that almost 5 years after the horrific attacks of September 11, only 6 percent of shipping containers entering U.S. ports are screened. Despite the recommendations of the 9/11 Commission and despite Coast Guard recommendations that \$5.4 billion is needed for port security over a 10-year period, the Republican

Congress has appropriated only \$800 million in grants during the last 5 years. I commend Senator BYRD for the port security additions he has made over time and to this bill. Following its failed effort to approve the Dubai Ports deal, the administration has recently made a big show of arrests of undocumented workers at one company. Ironically, those recent raids emphasize how little this administration has done over the last 5 years in terms of interior enforcement and enforcement of prohibitions against employers' illegal hirings. Where is the President's leadership on these critical issues?

I was pleased to see an increase in the President's proposed budget to allow for the hiring of 1,500 or more Border Patrol agents in 2007. The Judiciary Committee reported a bipartisan bill that calls for even more agents and investigators than that. But even the 1,500 new agents proved to be another hollow promise from the Bush administration. On closer scrutiny, it is clear that the funds to pay for these agents do not exist. The administration's budget also fails to specify whether any of these new positions are allocated to the northern border.

The President's budget priorities for fiscal year 2007 raise other serious concerns, including a proposal to eliminate grants dedicated to port security. This short-sighted proposal inexplicably shortchanges what we know is already a critically vulnerable aspect of our border security. It is difficult to reconcile what this President says about border security and what his administration does or does not do.

The lack of effectiveness of this administration is represented for many Americans by the Department of Homeland Security's failures to prepare for and respond to Hurricane Katrina. It was a disgrace and a human tragedy. It has been 6 months since the hurricane hit. We know that 1,604 lives were lost, but approximately 1,840 individuals are still listed as "missing" or "whereabouts unknown." These numbers are astonishing. Is it possible that more lives were taken by Hurricane Katrina—a storm that we knew was coming for several days before it hit—than on September 11, 2001, when we were attacked without warning? What is being done to locate these persons and discover if they are living or if their lives were taken in the storm? It is no surprise that Congress is required to force action on border security when we consider how the Bush administration has performed.

I support the additional funding for border security in these amendments, though I do so with the regret that the Bush administration's lack of leadership on this critical issue has brought us to this point. Many of the items are the types of expenditures that we are now categorizing as "emergency spending" because of more than 5 years of neglect and incompetence in making them part of our regular budget and spending priorities as they should have been.

I conclude by commending the Democratic leader for his amendment. He has recognized a serious concern with the way that the alternative amendment was drafted. Both amendments contain the same funding. Both provide for long overdue law enforcement communications upgrades. Senator GREGG and I have worked on these matters since the tragic Drega incidents that affected our States demonstrated this critical need. Both amendments contain funding for border patrol vehicles and surveillance technology. Years ago it was a Vermont agent who helped develop remote sensors for border patrol purposes. Both contain almost \$800 million for helicopter replacement and other air patrol and surveillance needs. Both contain \$600 million for the Coast Guard vessels, aircraft, and equipment that is needed. Some of the other inclusions are less essential but I will not quibble with the subcommittee chairman or the Democratic leader who both include the same items and dollar amounts.

The difference between the amendments is a significant one, however, as the Democratic leader has explained. He supports, we all support, increased border security. But his amendment ensures that these additions are not paid for by taking funds from the emergency funding recommended for the needs of troops fighting in Iraq and Afghanistan or from the needs of those victimized by Hurricane Katrina in the gulf region. We should not be cutting pay and benefits for our National Guard, Active Duty and Reserve troops. We should not be cutting Iraqi security force training funding. We should not be cutting the Joint Improvised Explosive Device Defeat Fund that is intended to protect our troops from the scourge of deadly IEDs that threaten them in Iraq. We should not be cutting but should be improving health programs for out veterans and, sadly, the death benefits for their families. I agree with Senator REID and will support his amendment to better secure our borders and years of neglect but will do so without shortchanging the needs of the troops whom the President has committed to fighting in Iraq, and that we all authorized be sent to Afghanistan.

Mr. BYRD. Mr. President, the Senate will vote today on two amendments to provide \$1.9 billion of critical resources to enhance our border security. I will vote for both amendments.

Last month, the Senate began debate on immigration and border security legislation, part of which would authorize a whole host of items intended to secure our borders. The legislation would authorize the hiring of additional Border Patrol agents. The legislation would authorize the hiring of additional immigration enforcement agents and detention officers. It would authorize border surveillance technology and unmanned aerial vehicles. However, the immigration bill is just an authorization bill. If you are serious

about border security, you must approve real dollars.

Yesterday, the administration sent Congress a Statement of Administration Policy on the pending emergency supplemental bill. I will ask that the statement be printed in the RECORD. In this statement, the President threatens to veto the bill if it exceeds \$94.5 billion. He opposes providing disaster aid to our farmers impacted by drought and hurricanes. He opposes funding for 31 States to repair highways that were damaged by floods, and other disasters. He fails to endorse critical investments in port security.

By threatening to veto the bill if it exceeds \$94.5 billion, he forces the Congress to make very difficult tradeoffs. By endorsing additional border security funding while capping the bill at \$94.5 billion, the President is supporting cuts in his own request for the Department of Defense, or for aiding the victims of Hurricane Katrina.

I think this tradeoff is unnecessary and unfortunate. That is why I will vote for the Reid amendment. However, Chairman GREGG has done an excellent job in crafting the \$1.9 billion package of border security investments. If the only way to get the additional border security funds is to accept the President's position requiring offsets, then, in this case, I will vote for the Gregg amendment as well.

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

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

STATEMENT OF ADMINISTRATION POLICY

H.R. 4939—EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT FOR DEFENSE, THE GLOBAL WAR ON TERROR, AND HURRICANE RECOVERY, 2006

(Sponsors: Cochran (R), Mississippi; Byrd (D), West Virginia)

The Administration supports expeditious Senate passage of an FY 2006 Emergency Supplemental for the Global War on Terror and Hurricane Relief as requested by the President. The Administration commends the Committee for its continued support for our ongoing military and intelligence operations in the Global War on Terror (GWOT), other international activities, and hurricane relief and reconstruction. The Senate reported bill also included \$2.3 billion in emergency funds for pandemic influenza preparedness and prevention included in the President's Budget for FY 2007. The Administration wants to work with Congress to secure enactment of pandemic influenza funding before October 1, 2006, and believes this is an appropriate vehicle to ensure the funding is available when it is needed.

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

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

In addition, today the President sent to Congress a revision to the Administration's pending supplemental request, asking for an additional \$2.2 billion for the U.S. Army Corps of Engineers to heighten and strengthen levees in New Orleans. This additional funding is fully offset by a corresponding reduction to the previous request for the Disaster Relief Fund and assumes a non-Federal share for a portion of the work. The Administration urges the Senate to amend the bill to incorporate this revised request during its consideration of the bill.

The Administration would like to take this opportunity to share additional views regarding the Committee's version of the bill. *Global War on Terror (GWOT)*

The Administration appreciates the Committee's strong commitments to the President's funding request for ongoing military operations in the GWOT. The Administration also commends the Committee for funding the President's request for international funding for counter-insurgency and stabilization activities in Iraq and urgent, unanticipated needs to help relieve human suffering, including in Sudan and other parts of Africa.

The Administration appreciates the Committee's full support for the training of the Iraqi Security Forces, but opposes the \$290 million reduction from the President's request of \$2.2 billion for the Afghan Security Forces Fund (ASFF). This reduction to ASFF would set back efforts to build police forces by denying them the ability to operate from secure, functional, and economical facilities. Such setbacks hamper the effort to build cohesive units able to secure the peace and foster continued democratic transition in Afghanistan.

Similarly, the Administration opposes the reduction of funding for coalition support by more than one-half, or \$760 million. Failure to fund this effort through the end of the calendar year would jeopardize continued coalition partner support and a shared coalition responsibility for success in Iraq and Afghanistan this fall and winter.

The Administration opposes the reduction in requested transfer authority, particularly the failure to increase general transfer authority from \$3.75 billion to \$5 billion. The lack of additional transfer authority and needed flexibility will hamper the Department of Defense's (DOD's) ability to ensure that funding goes to the most pressing requirements.

The Administration appreciates the Committee's support for military pay and allowance programs, but notes that the increase of over \$500 million for these programs should have been appropriated in the base appropriations bill for FY 2006. The Administration opposes the inclusion of unrequested procurement funding while reducing critical funds for supporting combat missions in Iraq and for responding to unanticipated requirements. The Committee reduces \$104 million from the Army's Operation and Maintenance account that is intended to sustain Iraqi military forces operating side-by-side with American units.

The Administration appreciates the Committee's support for the National and Military Intelligence Programs. However, the bill funds the National Intelligence Program at a higher level than requested, particularly for the National Reconnaissance Office. The Administration urges the Senate to redirect this funding to restore other reductions to the President's request.

In addition, the Administration is concerned about the \$13 million rescission to the

Export-Import Bank's subsidy appropriations that are available for tied-aid grants, which help deter or defend against trade distortions caused by government-to-government concessional financing of public sector capital projects in developing countries.

Hurricane Disaster Relief and Recovery

The Administration appreciates the Committee's support for the request for FEMA's Disaster Relief Fund. However, the Administration is concerned that the additional \$1.2 billion provided far exceeds what is needed for the new "alternative housing pilot program" authorized in the bill. Such a pilot program should maintain the Department of Housing and Urban Development as the lead agency for longer-term and permanent housing initiatives, and focus on cost-effective alternatives that treat severely affected communities equitably.

The Committee provides \$5.2 billion in Community Development Block Grant funds, \$1 billion above the request. The Administration is concerned that the bill would permit funding to all affected States rather than limiting it to Louisiana, as requested, because Louisiana faces unique needs to mitigate future flood risk and address other housing concerns. The Administration also believes that designation of \$1 billion of the total for affordable rental housing is unnecessary and hampers the ability of local communities to prioritize funding based on local needs and citizen input.

The Administration commends the Committee for supporting the President's proposed actions to strengthen the Greater New Orleans hurricane protection system, including providing needed authorization for levee improvements and restoration of wetlands. Today the Administration is transmitting a proposal to Congress to authorize and fund actions needed to certify the majority of the levee system in the New Orleans area and, where needed, replace floodwalls. The Administration requests that Congress support the revised request, which is fully offset by a reduction to the Disaster Relief Fund request.

The Administration urges the Senate to eliminate section 2303, which instructs the Navy to adjust shipbuilding contracts for business disruptions that contractors incurred as a result of the hurricanes in 2005, for several reasons. First, it would require the Navy to cover shipbuilding costs that are routinely borne by private insurance, creating an incentive for insurance companies to deny payments. Expanding the scope of the Navy's liability would also limit flexibility in future contract negotiations because shipbuilders could claim business disruption for years to come. Second, Federal Acquisition Regulations expressly disallow insurable losses and already adequately evaluate the costs at issue in the shipbuilding contracts. Third, the legislation would require the Navy to cover business disruption costs of any affected shipyard—including those completely unrelated to DOD.

The Administration also opposes the \$594 million provided for Federal Highway Emergency Relief for requirements unrelated to the Gulf hurricanes, and the \$200 million provided to the Federal Transit Administration, which was not requested.

The Administration strongly objects to the \$700 million included in the Senate bill to relocate the privately owned rail line that runs along the Mississippi Gulf Coast. The CSX Corporation, using its own resources, has already repaired damage to the line, and trains are now running. Relocating the tracks would represent a substantial investment beyond pre-disaster conditions and would improperly require U.S. taxpayers to pay for private sector infrastructure.

The Senate is also urged to eliminate other unrequested and unnecessary funding and programmatic waivers in the bill, such as that included for the National Aeronautics and Space Administration, private historic residences, USDA debris removal and rural development programs, Job Corps construction, National Civilian Community Corps, Army Corps projects and reprogramming activities, and grants for Federal law enforcement.

Other Items

The Administration understands that an amendment may be offered to add additional funding for border security efforts. The Administration believes that such funding can significantly complement comprehensive immigration reform that provides enhanced border security and increased interior enforcement efforts and creates a temporary worker program that does not provide amnesty and allows new citizens to fully assimilate into their communities. The Administration looks forward to working with Congress to ensure that any additional funding provided for these purposes is targeted to address enforcement challenges on the Nation's borders most effectively.

The Administration strongly opposes the Committee's agricultural assistance proposal, totaling nearly \$4 billion. The 2002 Farm Bill was designed, when combined with crop insurance, to eliminate the need for ad hoc disaster assistance. In 2005, many crops had record or near-record production, and U.S. farm sector cash receipts were the second highest ever. Furthermore, the proposed level of assistance is excessive and may overcompensate certain producers for their losses.

The Administration appreciates the Committee's support for the President's proposed funding to rebuild a National Oceanic and Atmospheric Administration facility, assess fishery resources, and provide mapping to assist debris removal. However, the Administration strongly objects to the additional \$1.1 billion provided for the Department of Commerce. Providing direct income assistance would constitute preferential treatment for fishing industry participants, who are already eligible for other sources of assistance. In addition, the Committee provides substantial funding for non-emergency needs such as a promotion campaign for seafood.

The Administration urges the Senate to remove a provision prohibiting the use of funds to implement a final rule regarding foreign control of U.S. airlines. The Administration is committed to working with the Congress to address concerns with the rule.

The Administration objects to restrictions on the Bonneville Power Administration's (BPA) ability to use a portion of its secondary revenues to pay down debt owed to the Treasury. The Administration's proposal is consistent with sound business principles and would provide BPA with more financial flexibility to meet its long-term capital investment needs.

The Administration appreciates the Committee's support for the Administration's previous request for pandemic influenza prevention and preparedness activities and looks forward to working with the Congress to ensure this funding is allocated in the most effective manner possible to achieve our preparedness and prevention goals.

Constitutional Concerns

The language under the heading, "State and Local Law Enforcement, Office of Justice Programs," purports to require that the Attorney General consult with Congress prior to obligating funds. Because this provision would infringe on separation of powers, it should be modified to be permissive.

In addition, Section 2503 of the bill purports to require approval of the Committees prior to the obligation of funds. This provision should be changed to require only notification of Congress, since any other interpretation would contradict the Supreme Court's ruling in *INS v. Chadha*.

Mr. FEINGOLD. Mr. President, I support the increased funding for border security that is provided by the Gregg and Reid amendments. This funding for replacing and upgrading the equipment and vehicles that we need to protect our borders is vital to our security. Of course, border security alone will not solve our immigration problem, and I am committed to working toward comprehensive immigration reform. But providing much needed resources to those who are working to secure our borders is a critical part of guaranteeing our national security and dealing with our broken immigration system.

Although both amendments would provide this funding, only Senator GREGG's was offset. The spending of this Republican-controlled Congress has been out of control, and it is beyond time to rein it in. The Gregg amendment is a start. The 2.75-percent cut to the defense portions of this bill will not come out of important items to protect our troops. I would never consider supporting any measure that threatened their safety. This is supposed to be an emergency funding bill, but there are billions of dollars of non-emergency items in the bloated defense portion of this bill that have nothing to do with protecting our troops and have no business in this supplemental—items that can be cut to pay for the real border security needs funded in both amendments. Some examples include the unrequested funding for V-22 Ospreys and C-17s and the clearly nonemergency Army modularity program. Our spending on our national security is also completely imbalanced, with almost all resources going to the Department of Defense and very little to other important national security priorities such as border security and the U.S. Coast Guard. The Gregg amendment brings back some balance to our spending.

Mrs. BOXER. I rise today to express my opposition to the amendment put forward by Senator GREGG to the emergency supplemental appropriations bill—an amendment to provide additional funding for border security at the expense of the U.S. Armed Forces.

While I certainly support the goal of providing an additional \$1.9 billion to secure our Nation's borders, it is completely unconscionable to cut funding for our military men and women at a time when they are risking their lives in Iraq and Afghanistan.

Let me explain how Senator GREGG's amendment would hurt our military.

The Gregg amendment cuts Department of Defense programs included in this bill. This includes critical funding, such as funding for the military personnel account—which provides pay and benefits for Active-Duty, Guard

and Reserve troops—and the Defense Health Program, which is responsible for providing our troops with medical assistance.

Funding for the training of Iraqi security forces is included, as well. We know this mission is critical to our success in Iraq and the ability to bring home our brave servicemembers.

The bill also includes funding for the Joint Improvised Explosive Device Defeat Fund, which provides assistance to our troops seeking to eliminate IEDs the leading cause of death for U.S. troops in Iraq.

Furthermore, the Death Gratuity Fund, which provides assistance to the families of fallen soldiers, is included in this bill.

Senator GREGG's amendment seeks to secure our borders but does so by reducing much-needed funding for the men and women fighting for our country every day. This is unacceptable.

While I oppose Senator GREGG's amendment, I am pleased to support Senator REID's amendment. The Reid amendment also provides nearly \$2 billion in additional funding for our Nation's border security but without dangerous funding cuts that would harm our troops.

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

The PRESIDING OFFICER. There is 4½ minutes remaining.

Mr. DURBIN. Mr. President, the news this morning tells us Secretary of Defense Donald Rumsfeld is in Iraq. That is a good thing. It is a good thing for the leaders of our Government to be in touch in the field to let them know we are on their side. I am glad the Secretary is there. I know when he visits there, he often learns things—things that help us wage this war more effectively.

Do you remember not so long ago when Secretary of Defense Donald Rumsfeld had an open meeting with the soldiers in Iraq? He invited them to comment on how the war was going. A member of the Tennessee National Guard stood up and said: Mr. Secretary, why as a soldier do I have to dig through a dump to find a piece of metal to put in my humvee to protect me and my fellow soldiers? Why has it come to this?

It was a moment of great embarrassment for the Secretary. It was a moment of embarrassment for our Nation. We ask these young men and women to take an oath to defend this country and risk their lives in uniform for us every day. We stand and sit in the comfort of this Chamber on Capitol Hill with all of the protection around us, and they wake up every morning putting on a uniform knowing it may be their last day on Earth.

Now take a look at this amendment. Take a close look at this amendment. This amendment is designed to give us better control of our borders, and we need it. Our borders are out of control. There are 500,000 illegal people crossing

them every year, at least. We know that has to change, not just because of the immigration issue, a terrible challenge to America to get it right, but because of security. So we all support, on both sides of the aisle, more resources at the borders, more people, more technology, better efforts to stop this illegal flow of immigration.

It is a serious problem, and we should take it seriously. That is why the Democratic leader, Senator REID, has offered this amendment, an amendment which provides the resources for the border. He says it is an emergency; it should be treated as such. I couldn't agree with him more.

But listen to the other side of the aisle. Senator GREGG on the Republican side said we can only pay for border security at the expense of soldiers in the field. He takes the roughly \$2 billion out of the military account to make our borders stronger. That is not fair to the soldiers. It is not fair to the men and women who are risking their lives every day in Iraq and Afghanistan.

We know we have failed them many times. This administration has failed to provide the body armor these troops needed. Senator DODD of Connecticut had to offer an amendment to allow ordinary American families to deduct from their taxes the cost of body armor that they would buy for their soldiers which they sent overseas. I have met them in Illinois, families who said: I got tired of waiting for the Army to give my son protection; my wife and I bought it ourselves.

Another one said: We had a little pot-luck supper at church to raise money for body armor for our soldiers.

Think about that. We know about these humvees. They were death traps for entirely too long. They were not well protected. We know what happened. We had helicopters in the field that didn't have good defense devices, and they were shot down.

Now the Republican side says let's take more money away from the defense of our soldiers so our borders are more secure. What a terrible choice to ask of this Senate, but what an easy choice for many of us.

I am not going to take money away from these soldiers. This Senator voted against this war in Iraq, but I have voted to give this President and this administration every penny they have asked for to wage this war for one basic reason. I thought to myself: What if it were my son or daughter, would I want them to have the best equipment and best supplies, even if I felt the foreign policy was wrong? You bet. And when it comes to this choice in this amendment, it is very clear. We can take the Republican approach of making our borders safer while making our soldiers less safe, or we can take the approach which Senator REID is suggesting: Declare this an emergency at our borders that deserves emergency status.

Isn't it interesting, when it comes down to these choices, so many on the

Republican side of the aisle say: Now we are going to be fiscal conservatives, fiscal conservatives at the expense of our soldiers. It is plain wrong.

I ask my colleagues: Read these amendments carefully. Understand the stark choice we are being given. Support Senator REID's amendment which declares it an emergency to have strong enforcement at the borders but not at the expense of our men and women in uniform who risk their lives while we stand in the safety of this Capitol Building.

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

The PRESIDING OFFICER. The Democratic leader.

Mr. REID. Mr. President, I have the greatest respect for the chairman of the Budget Committee, the distinguished senior Senator from New Hampshire, but he is absolutely wrong on this issue. I heard his impassioned statement that this is no problem; anyone who says this is a problem, they haven't read the bill.

The amendment is written in English. It is very clear:

The aggregate amount provided by . . . chapter 3 of title II of this Act may not exceed \$67,062,188,000.

The amendment takes \$1.9 billion from this bill. It seems rather unusual to me that on an emergency appropriations bill—this bill—everything in it is being paid for, like everything else around here, by the American taxpayers. This, I am sorry to say—like most of what has been paid for in the past 5½ years in the Bush administration—is being paid by my children, their children, their children's children. Deficit spending and suddenly there is a concern about this.

Our concern is that money that should go to our gallant troops in Iraq and Afghanistan will not go to them if the amendment that has been offered by the Senator from New Hampshire is adopted.

What are these cuts? They are cuts to the military personnel account, operations and maintenance, Iraqi security forces training, the improvised explosive device defeat fund, defense health program. What are these programs? No matter what my friend from New Hampshire says, the \$2 billion has to come from someplace, and this is what is in this bill:

Military personnel account: This includes hardship pay for those in the line of fire—I think people in Afghanistan and Iraq who are serving in our military qualify for that—and family separation pay for those who are forced to serve in combat zones away from their families.

Is this what we want, for men and women currently serving in Iraq and Afghanistan not to get this pay I have outlined?

The operations and maintenance accounts provide resources for the day-to-day needs of our military. This money allows our forces to conduct operations against insurgents in Iraq and

Afghanistan. It includes money for nuts-and-bolts activities—the airlifts, the transportation, and other logistical missions. It also provides for the Commander's Emergency Response Program which gives resources to commanders on the front lines to support humanitarian reconstruction projects. If a commander in the streets of Baghdad wants to put up a power line that was knocked down, this account gives them tools to do that. Is this what we want to cut?

As the President has said time and again, as foreign troops stand up, we can stand down. This account is what will help us ensure foreign troops are able to stand up. It is the money that we use to assist the Governments of Iraq and Afghanistan to assume increased responsibility for their Nation's security. Is this what we want to cut? I hope not.

The joint improvised explosive device defeat account: Explosive devices every day are a threat to our forces in Iraq. This account directs money helping our troops to spot these IEDs and defuse them. These people in Iraq are very ingenious. We figure out a way to stop them from using a certain method, and they figure out a way to go around that. We need to stay ahead of them. We are not doing a very good job of that, and cutting money from this account isn't going to help. Our troops need resources so they can keep up with everchanging enemy tactics. This account will help them do that.

Defense health program: This is money for health care for our troops—and their families—who are serving today in Iraq. It is their health care.

The choice here is pretty direct: If the amendment offered by the Senator from New Hampshire is adopted, we will have added border security.

Mr. President, I will use my leader time now.

If the amendment offered by the Senator from New Hampshire is adopted, we will have improved border security, and that is important. If there were ever an emergency, this is it. If my amendment is adopted, we will have increased border protection. But with my amendment, we pay for it as we do everything else in this bill—in this bill. I think it is rather unusual to have the majority coming to the floor now suddenly with qualms of conscience about these deficits that have been run up by President Bush and his administration—trillions of dollars, not billions, trillions.

I am not willing to vote to cut the military personnel account, operations and maintenance, Iraqi security forces training, explosive device defeat fund, the defense health program, or the death gratuity fund. I am not willing to cut those programs. I want border security. It is important. I was 3 weeks ago today on the border. If there ever was an emergency and we need to do something, it is this program. I don't make any apologies for saying this situation on the border is an emergency.

It is an emergency, like other matters in this bill.

I hope that on a bipartisan basis we will vote to give the troops everything they need and also do a better job of protecting our borders.

The PRESIDING OFFICER (Ms. MURKOWSKI). The majority leader.

Mr. FRIST. Madam President, in a few moments we will begin the votes on these two amendments. I wish to say right up front that I applaud and congratulate Senator JUDD GREGG, chairman of the Appropriations Subcommittee on Homeland Security, for having as the very first amendment on the supplemental request an amendment that focuses on border security, on national security, on tightening the borders that we all know are too porous. It shows good leadership. It shows priorities in this being the first amendment to tighten the borders and strong border enforcement.

Actually, the first step was taken last year by Senator GREGG, when we were on this floor, under his leadership, and funded an additional 1,400 border guards, as well as 1,800 detention beds, a strong statement recognizing the importance of addressing border security. This is step two today in addressing more the capital expenditures, the equipment, the infrastructure which we know those border guards require to guard that border.

A key element of our security, of our global war on terrorism, indeed, is securing our Nation's borders, and this amendment takes that next major step in that direction by providing \$1.9 billion for improving that border infrastructure.

The Democratic leader just mentioned he had been on the southern border. I have been on the southern border. It doesn't take long to witness for every one person detained and stopped, there are two or three people who sneak around that border, and that is as many as 2 to 3 million people a year who come to this country. We don't know who they are, why they are here, or what their intentions are. For this particular amendment, there are a number of things we have talked about over the course of the morning. It will provide needed funds to upgrade an outdated P-3 aircraft fleet that is used for surveillance along our borders. When you are there and you look at that 1,900 mile border, you know how important it is to have those surveillance aircraft to be able to look down and identify along that long expanse people coming across illegally. It will provide needed funding for a number of unmanned aerial vehicles operating along our southwest border. As we talked about already today, it is amazing that we only have one UAV, unmanned aerial vehicle, which has worked very effectively, but—I said we have—we had, because literally that aircraft crashed yesterday morning while serving along that Arizona border.

The amendment will provide additional resources for continued con-

struction of the border fence—the fence itself, the physical structure—near San Diego.

This first amendment also sets what is a very important standard framework, a fiscal spending framework as we begin debate on this emergency funding bill. The initiative included in the amendment put forward by our side of the aisle—we initiated this amendment for the tightening of border security—is paid for in the bill itself, and that is a very important framework which I hope we can continue to use for absolutely necessary emergency spending as we look at the rest of this bill.

Securing our borders is the first step for any action we need to take in terms of more comprehensive reform of immigration, an issue we debated for 2 weeks on the floor beginning about a month ago and an issue we will come back to. But border security is first, it is foremost. I feel strongly that we need to look at workplace enforcement and interior enforcement and a temporary worker program as well, and we will come back to that later. But now is the time for us to say forcefully that we are serious about tightening that border, and we will provide the resources, the personnel, and capital infrastructure to do just that.

Madam President, I ask unanimous consent that it now be in order to ask for the yeas and nays on both amendments.

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

Mr. FRIST. Madam President, I now ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The question is on agreeing to amendment No. 3594. The clerk will call the roll.

The assistant legislative clerk called the roll.

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

I also announce that the Senator from Massachusetts (Mr. KERRY) is absent due to illness in family.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KERRY) would vote "nay."

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

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

[Rollcall Vote No. 94 Leg.]

YEAS—59

Alexander	Coburn	Frist
Allard	Cochran	Graham
Allen	Coleman	Grassley
Bennett	Collins	Gregg
Bond	Cornyn	Hagel
Brownback	Craig	Hatch
Bunning	Crapo	Hutchison
Burns	DeMint	Isakson
Burr	Dole	Kyl
Byrd	Domenici	Landrieu
Cantwell	Ensign	Lott
Carper	Enzi	Lugar
Chafee	Feingold	Martinez
Chambliss	Feinstein	McCain

McConnell
Murkowski
Murray
Roberts
Santorum
Sessions

Shelby
Smith
Snowe
Specter
Stevens
Sununu

Thomas
Thune
Vitter
Voinovich
Warner

NAYS—39

Akaka	Harkin	Mikulski
Baucus	Inhofe	Nelson (FL)
Bayh	Inouye	Nelson (NE)
Biden	Jeffords	Obama
Bingaman	Johnson	Pryor
Boxer	Kennedy	Reed
Clinton	Kohl	Reid
Conrad	Lautenberg	Salazar
Dayton	Leahy	Sarbanes
DeWine	Levin	Schumer
Dodd	Lieberman	Stabenow
Dorgan	Lincoln	Talent
Durbin	Menendez	Wyden

NOT VOTING—2

Kerry
Rockefeller

The amendment (No. 3594) was agreed to.

Mr. GREGG. 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.

VOTE ON AMENDMENT NO. 3604

The PRESIDING OFFICER. Under the previous order, the question is on agreeing to amendment No. 3604 offered by the Senator from Nevada, Mr. REID. The yeas and nays have been ordered, and 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. I also announce that the Senator from Massachusetts (Mr. KERRY) is absent due to illness in the family. I further announce that, if present and voting, the Senator from Massachusetts (Mr. KERRY) would vote "yea."

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

The result was announced—yeas 44, nays 54, as follows:

[Rollcall Vote No. 95 Leg.]

YEAS—44

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

NAYS—54

Alexander	Cornyn	Hutchison
Allard	Craig	Inhofe
Allen	Crapo	Isakson
Bennett	DeMint	Kyl
Bond	Dole	Lott
Brownback	Domenici	Lugar
Bunning	Ensign	Martinez
Burns	Enzi	McCain
Burr	Feingold	McConnell
Chafee	Frist	Murkowski
Chambliss	Graham	Roberts
Coburn	Grassley	Santorum
Cochran	Gregg	Sessions
Coleman	Hagel	Shelby
Collins	Hatch	Smith

Snowe
Specter
Stevens

Sununu
Thomas
Thune

Vitter
Voinovich
Warner

NOT VOTING—2

Kerry

Rockefeller

The amendment (No. 3604) was rejected.

Mr. COCHRAN. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

AMENDMENTS NOS. 3616, 3617, 3618 AND 3619, EN BLOC

Mr. MCCAIN. Madam President, I ask unanimous consent the pending amendment be set aside and I send four amendments to the desk.

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

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Arizona [Mr. MCCAIN] proposes amendments numbered 3616, 3617, 3618, and 3619, en bloc.

The amendments are as follows:

AMENDMENT NO. 3616

(Purpose: 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)

On Page 229, strike lines 5 through 14.

AMENDMENT NO. 3617

(Purpose: To strike a provision that provides \$6 million to sugarcane growers in Hawaii, which was not included in the Administration's emergency supplemental request)

Beginning on Page 224, strike line 23 through line 10 on page 225.

AMENDMENT NO. 3618

(Purpose: To strike \$15 million for a seafood promotion strategy that was not included in the Administration's emergency supplemental request)

Beginning on page 138, line 24, strike all after the “:” through “fisheries” on page 139, line 2.

AMENDMENT NO. 3619

(Purpose: 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)

Beginning on page 250, strike line 24 and all that follows through page 251, line 12.

Mr. MCCAIN. I thank my colleague from Virginia.

AMENDMENTS NOS. 3620 AND 3621, EN BLOC

Mr. WARNER. I ask that the pending amendments be laid aside and I be allowed to send to the desk two amendments.

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

The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER] proposes amendments numbered 3620 and 3621, en bloc.

Mr. WARNER. I ask unanimous consent the reading of the amendments be dispensed with.

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

The amendments are as follows:

AMENDMENT NO. 3620

(Purpose: To repeal the requirement for 12 operational aircraft carriers within the Navy)

At the appropriate place, insert the following:

SEC. ____ Section 5062 of title 10, United States Code, is amended—

(1) by striking subsection (b); and
(2) by redesignating subsections (c) and (d) as subsections (b) and (c), respectively.

AMENDMENT NO. 3621

(Purpose: To equalize authorities to provide allowances, benefits, and gratuities to civilian personnel of the United States Government in Iraq and Afghanistan)

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

AUTHORITY TO EQUALIZE ALLOWANCES, BENEFITS, AND GRATUITIES OF PERSONNEL ON OFFICIAL DUTY IN IRAQ AND AFGHANISTAN

SEC. 1405. (a) FINDINGS.—Congress makes the following findings:

(1) As part of the United States effort to bring democracy and freedom to Iraq and Afghanistan, employees of a broad range of Federal agencies are needed to serve in those countries, furnishing expertise to their counterpart agencies in the Government of Iraq and the Government of Afghanistan.

(2) While the heads of a number of Federal agencies already possess authority to provide to their personnel on official duty abroad allowances, benefits, and death gratuities comparable to those provided by the Secretary of State to similarly-situated Foreign Service personnel on official duty abroad, other agency heads do not possess such authority.

(3) In order to assist the United States Government in recruiting personnel to serve in Iraq and Afghanistan, and to avoid inequities in allowances, benefits, and death gratuities among similarly-situated United States Government civilian personnel on official duty in these countries, it is essential that the heads of all agencies that have personnel on official duty in Iraq and Afghanistan have the same basic authority with respect to allowances, benefits, and death gratuities for such personnel.

(b) IN GENERAL.—During any fiscal year, the head of an agency may, in the agency head's discretion, provide to an individual employed by, or assigned or detailed to, such agency allowances, benefits, and gratuities comparable to those provided by the Secretary of State to members of the Foreign Service under section 413 and chapter 9 of title I of the Foreign Service Act of 1980 (22 U.S.C. 3973; 4081 et seq.), if such individual is on official duty in Iraq or Afghanistan.

(c) CONSTRUCTION.—Nothing in this section shall be construed to impair or otherwise affect the authority of the head of an agency under any other provision of law.

(d) APPLICABILITY OF CERTAIN AUTHORITIES.—Section 912(a) of the Internal Revenue Code of 1986 shall apply with respect to amounts received as allowances or otherwise under this section in the same manner as section 912 of the Internal Revenue Code of 1986 applies with respect to amounts received by members of the Foreign Service as allowances or otherwise under chapter 9 of title I of the Foreign Service Act of 1980.

Mr. WARNER. Madam President, the U.S. Navy today very proudly has 12 aircraft carriers on active service. That is a figure that was acted upon by this body and the other body and enacted into law, instructing the Commander in Chief, the President, and the Sec-

retary of Defense to maintain no less than 12 carriers in our fleet.

Subsequent to the legislation by the Congress, and the law enacted, the Navy has determined that the USS *John F. Kennedy*—a ship that bears a name in which every Member of this Chamber takes a deep and abiding pride—that ship is now 38 years old and is, in the judgment of the Chief of Naval Operations, not qualified to perform her primary mission of aviation operations. And she is not deployable without a significant investment of resources. By that I mean to return her to her primary mission would require an inordinate amount of money to go into reconstruction of the launching and arresting gear, the main powerplant, steam-powered plant. She is a conventional as opposed to a nuclear-powered carrier.

It is a decision of the Department of the Navy that those expenditures on a ship 38 years old are simply not prudent, not in the best interests of the Navy, and those funds should be directed towards new ship construction.

As to the risks inherent to naval aviation—and they are very significant risks to all of us who have been aboard those carriers and watched aircraft take off and land—and as to maintaining her at sea, at this point in time she cannot perform that primary mission. Therefore, the purpose of this amendment is to revise the previous legislation such that the Secretary of the Navy can retire this ship.

Now, I recognize to many it is a painful thing to realize this ship can no longer serve. But these are the consequences, if we were not to enact this legislation: Each month there is a delay on a decision—the decision being not acting on this piece of legislation—costs the Navy \$20 million in operations and manpower funds, funds that are sorely needed elsewhere by the Navy.

It puts an extraordinary burden upon the sailors who are proudly attached to this ship and deep in their hearts regret that ship can no longer perform its primary mission. And it puts a burden on their families. There have to be adjustments in their new assignments—moves, transfers, and all the other personnel actions that are essential to maintain our fleets throughout the world.

Madam President, as I said, I rise today to offer an important piece of legislation related to our Navy and national security.

The Department of Defense has submitted its report to the Congress on the Quadrennial Defense Review for 2005 and, as we are all well aware, in the 4 years since the previous Quadrennial Defense Review the global war on terror has dramatically broadened the demands on our naval combat forces. In response, the Navy has implemented fundamental changes to fleet deployment practices that have increased total force availability, and it has fielded advances in ship systems, aircraft, and precision weapons that have

provided appreciably greater combat power than 4 years ago.

However, we must consider that the Navy is at its smallest size in decades, and the threat of emerging naval powers superimposed upon the Navy's broader mission of maintaining global maritime security requires that we modernize and expand our Navy.

The longer view dictated by naval force structure planning requires that we invest today to ensure maritime dominance 15 years and further in the future; investment to modernize our aircraft carrier force, to increase our expeditionary capability, to maintain our undersea superiority, and to develop the ability to penetrate the littorals with the same command we possess today in the open seas.

The 2005 Quadrennial Defense Review impresses these critical requirements against the backdrop of the National Defense Strategy and concludes that the Navy must build a larger fleet. This determination is in whole agreement with concerns raised by Congress as the rate of shipbuilding declined over the past 15 years. Now we must finance this critical modernization, and in doing so we must strike an affordable balance between existing and future force structure.

The centerpiece of the Navy's force structure is the carrier strike group, and the evaluation of current and future aircraft carrier capabilities by the Quadrennial Defense Review has concluded that 11 aircraft carriers provide the decisively superior combat capability required by the National Defense Strategy. Carefully considering this conclusion, we must weigh the risk of reducing the naval force from 12 to 11 aircraft carriers against the risk of failing to modernize the naval force.

Maintaining 12 aircraft carriers would require extending the service life and continuing to operate the USS *John F. Kennedy*, CV-67.

The compelling reality is that today the 38-year-old USS *John F. Kennedy*, CV-67, is not qualified to perform her primary mission of aviation operations, and she is not deployable without a significant investment of resources. Recognizing the great complexity and the risks inherent to naval aviation, there are very real concerns regarding the ability to maintain the *Kennedy* in an operationally safe condition for our sailors at sea.

In the final assessment, the costs to extend the service life and to safely operate and deploy this aging aircraft carrier in the future prove prohibitive when measured against the critical need to invest in modernizing the naval force.

Meanwhile, each month that we delay on this decision costs the Navy \$20 million in operations and manpower costs that are sorely needed to support greater priorities, and it levies an untold burden on the lives of the sailors and their families assigned to the *Kennedy*.

We in the Congress have an obligation to ensure that our brave men and

women in uniform are armed with the right capability when and where called upon to perform their mission in defense of freedom around the world. Previously, we have questioned the steady decline in naval force structure, raising concerns with regard to long-term impacts on operations, force readiness, and the viability of the industrial base that we rely upon to build our Nation's Navy. Accordingly, I am encouraged by and strongly endorse the Navy's vision for a larger, modernized fleet, sized and shaped to remain the world's dominant seapower through the 21st century.

However, to achieve this expansion while managing limited resources, it is necessary to retire the aging conventional carriers that have served this country for so long.

To this end, I offer this amendment which would eliminate the requirement for the naval combat forces of the Navy to include not less than 12 operational aircraft carriers.

Therefore, I urge the Senate to act favorably upon this amendment. At this time I will not seek the yeas and nays. I will defer to the manager that at such time as he believes it is appropriate that this matter be brought up.

Now, Madam President, to the second amendment, I have taken a great interest, along with other Senators—and it came into clear focus on my last trip to Afghanistan and to Iraq—that we simply have insufficient infrastructure in place from those Departments and agencies other than the Department of Defense. We are ever so proud of the courage and the dedication of the men and women in uniform who each day are assuming risks to see that the people of Iraq and Afghanistan have a government of their own choosing and take their place alongside other democracies in our world community.

But they need help, those military people. The Iraqi people need help. The new government which is making considerable progress towards its formation needs help. We need people experienced in agriculture, people experienced in commerce, people who can help them devise a code of military justice, a framework of laws, the whole framework of infrastructure that must be put in place to support these emerging democracies.

I first learned of this need in testimony months ago by General Abizaid, General Casey, Ambassador Khalilzad appearing before the Armed Services Committee and, indeed, in other public appearances. I have talked to them personally.

I subsequently have had two brief meetings with the President of the United States on this subject. I am very pleased to say that he is in full support of this legislation, which legislation devised by the Office of Management and Budget enables the various Cabinet officers to give additional incentives to their employees to accept all of the risks and hardships of being transferred to Iraq to perform missions to support our military, to support the

formation of the new government by the Iraqi people.

Madam President, as I said, I rise today to propose an amendment along with Senators LUGAR and CLINTON that will equalize authorities to provide allowances, benefits, and gratuities to civilian personnel of the U.S. Government serving in Iraq and Afghanistan.

Many civilian agencies and Departments already have provisions to provide pay, allowances, benefits, and gratuities in danger zones. However, others do not. This amendment applies to those currently without such authorities.

Over the past few months, the President has explained candidly and frankly what is at stake in Iraq and Afghanistan. The free nations of the world must be steadfast in helping the people of these nations to attain a level of democracy and freedom of their own choosing.

It is vital to the security of the American people that we help them succeed such that their lands never again become the breeding ground or haven for terrorism as was Afghanistan for Osama bin Laden and al-Qaida.

We have seen how terrorists and insurgents in Iraq have failed to stop Iraq's democratic progress.

They tried to stop the transfer of sovereignty in June 2004; they tried to stop millions from voting in the January 2005 elections; they tried to stop Sunnis from participating in the October 2005 constitutional referendum; they tried to stop millions from voting in the December 2005 elections to form a permanent government under that constitution; and, in each case, they failed.

Just in the past few days, there have been significant, encouraging developments toward forming a unity government in Iraq. Clearly, the efforts of administration officials and congressional Members in meetings with Iraqi leaders and parliamentarians have contributed to these developments.

In my view, this represents important forward momentum, which has been long awaited. The new leadership in Iraq is making commitments to complete cabinet selection and take other actions to stand up a unity government. This is a pivotal moment in that critical period many of us spoke about after the December elections. We must be steadfast and demonstrate a strong show of support for Iraq's emerging government.

For 3 years now the coalition of military forces have, from the beginning, performed with the highest degree of professionalism, and they and their families have borne the brunt of the loss of life, injury, and separation.

In hearings of the Armed Services Committee this year, with a distinguished group of witnesses, and based on two—and I say this most respectfully and humbly—personal conversations I have had with the President of the United States and, indeed, the Secretary of State, I very forcefully said

to each of them that we need to get the entirety of our Federal Government engaged in our efforts to a greater degree.

The Department of Defense concurs. I was struck by the 2006 QDR that which aptly states that:

Success requires unified statecraft: the ability of the U.S. Government to bring to bear all elements of national power at home and to work in close cooperation with allies and partners abroad.

I would add that General Abizaid, when he appeared before our committee this year, stated in his posture statement:

we need significantly more non-military personnel . . . with expertise in areas such as economic development, civil affairs, agriculture, and law.

I fully agree. I, along with five other Senators, heard the same sentiments from our field commanders and diplomatic officials during a trip to Iraq and Afghanistan last month.

The United States has a talented and magnificent Federal work force whose skills and expertise are in urgent need in Iraq and Afghanistan. We must provide our agency heads with the tools they need to harness these elements of national power at this critical time.

I have spoken about this publicly on previous occasions. I have written to each Cabinet Secretary asking for a review of their current and future programs to support our Nation's goals and objectives in Iraq and Afghanistan, and I have spoken to the President about this.

I will ask to have a copy of one of the letters printed in the RECORD.

The aim of this bill is to assist the U.S. Government in recruiting personnel to serve in Iraq and Afghanistan, and to avoid inequities in allowances, benefits, and gratuities among similarly situated U.S. Government civilian personnel. It is essential that the heads of all agencies who have personnel serving in Iraq and Afghanistan have this authority with respect to allowances, benefits, and gratuities for such personnel.

In my conversations with President Bush and the Cabinet officers and others, there seems to be total support.

The administration, at their initiative, asked OMB to draw up the legislation, which I submit today in the form of an amendment.

I hope this will garner support across the aisle—Senator CLINTON has certainly been active in this area, as have others—and that we can include this on the supplemental appropriations bill. The urgency is now, absolutely now.

Every day it becomes more and more critical that the message of 11 million Iraqi voters in December not be silenced. We want a government, a unified government, stood up and operating. To do that, this emerging Iraqi Government will utilize such assets as we can provide them from across the entire spectrum of our Government. Our troops have done their job with the Coalition Forces.

Now it is time for others in our Federal workforce to step forward and add

their considerable devotion and expertise to make the peace secure in those nations so the lands of Iraq and Afghanistan do not revert to havens for terrorism and destruction. I know many in our exceptional civilian workforce will answer this noble call in the name of free people everywhere.

Madam President, I ask for the consideration of this amendment at such time as the distinguished manager so desires. I will reappear on the floor. Perhaps these amendments can be accepted. If not, I will ask for rollcall votes.

I ask unanimous consent to have printed in the RECORD the before mentioned letter to Cabinet officials regarding interagency support to our operations in Iraq and Afghanistan.

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

U.S. SENATE,
COMMITTEE ON ARMED SERVICES,
Washington, DC, March 15, 2006.

Hon. CONDOLEEZZA RICE,
Secretary of State,
Washington, DC.

DEAR MADAM SECRETARY: Over the past few months, the President has candidly and frankly explained what is at stake in Iraq. I firmly believe that the success or failure of our efforts in Iraq may ultimately lie at how well the next Iraqi government is prepared to govern. For the past three years, the United States and our coalition partners have helped the Iraqi people prepare for this historic moment of self-governance.

Our mission in Iraq and Afghanistan requires coordinated and integrated action among all federal departments and agencies of our government. This mission has revealed that our government is not adequately organized to conduct interagency operations. I am concerned about the slow pace of organizational reform within our civilian departments and agencies to strengthen our interagency process and build operational readiness.

In recent months, General Peter Pace, USMC, Chairman of the Joint Chiefs of Staff, and General John P. Abizaid, USA, Commander, United States Central Command, have emphasized the importance of interagency coordination in Iraq and Afghanistan. General Abizaid stated in his 2006 posture statement to the Senate Armed Services Committee, "We need significantly more non-military personnel * * * with expertise in areas such as economic development, civil affairs, agriculture, and law."

Strengthening interagency operations has become the foundation for the current Quadrennial Defense Review (QDR). The QDR so aptly states that, "success requires unified statecraft: the ability of the U.S. Government to bring to bear all elements of national power at home and to work in close cooperation with allies and partners abroad." In the years since the passage of the Goldwater-Nichols Act of 1986, "jointness" has promoted more unified direction and action of our Armed Forces. I now believe the time has come for similar changes to take place elsewhere in our federal government.

I commend the President for his leadership in issuing a directive to improve our interagency coordination by signing the National Security Presidential Directive-44, titled "Management of Interagency Efforts Concerning Reconstruction and Stabilization," dated December 7, 2005. I applaud each of the

heads of departments and agencies for working together to develop this important and timely directive. Now that the directive has been issued, I am writing to inquire about the plan for its full implementation. In particular, what steps have each federal department or agency taken to implement this directive?

I ask for your personal review of the level of support being provided by your department or agency in support of our Nation's objectives in Iraq and Afghanistan. Following this review, I request that you submit a report to me no later than April 10, 2006, on your current and projected activities in both theaters of operations, as well as your efforts in implementing the directive and what additional authorities or resources might be necessary to carry out the responsibilities contained in the directive.

I believe it is imperative that we leverage the resident expertise in all federal departments and agencies of our government to address the complex problems facing the emerging democracies in Iraq and Afghanistan. I am prepared to work with the executive branch to sponsor legislation, if necessary, to overcome challenges posed by our current organizational structures and processes that prevent an integrated national response.

I look forward to continued consultation on this important subject.

With kind regards, I am
Sincerely,

JOHN WARNER,
Chairman.

Mr. WARNER. Madam President, I yield the floor.

Mr. KENNEDY. Mr. President, I thank the chairman of the Committee on Armed Services for his kind words about aircraft carrier named for my brother. The chairman has long been a friend of my family, and his support is deeply appreciated and reciprocated.

All of us in our family are proud of the USS *John F. Kennedy*, and to her many years of outstanding service to our country. The keel for the carrier was laid on October 22, 1964, in the chairman's home State of Virginia. She was christened on May 27, 1967, by President Kennedy's daughter Caroline, when she was just 9 years old, the carrier came to be affectionately known to her crew as "Big John."

In 1983, the *JFK* was called upon to support U.S. forces during the growing crisis in Beirut. Six years later, at the height of the cold war, F-14 Tomcats assigned to the *Kennedy* shot down two Libyan Mig-23s that were threatening the battle group.

Afterward, the *JFK* returned to the U.S. and visited New York City for Fleet Week and then returned home to Boston for the Fourth of July, to the state that my brother was so proud to represent. Soon after that, she was assigned to the Red Sea, and stayed to support Gulf War I in Operation Desert Storm in 1991.

The following year, she was deployed to the Mediterranean Sea and monitored the turmoil in the former Yugoslavia. Later returning to the U.S. for routine maintenance, she was designated as the Reserve Operational Carrier.

In 1996, the carrier made a dramatic visit to the port of Dublin in Ireland.

More than 10,000 visitors were able to tour the ship and learn about her history. I was honored to be there for that visit and awed by love the Irish people showed her. Before she left, 16 planes from the *JFK* took off from the flight deck and performed a thank-you fly-over of Cork and Dublin, in gratitude for the affection shown by people.

From September 1999 through March 2000, the *JFK* was back in the Mediterranean, and her aircraft patrolled Iraq's southern no-fly-zone. In 2002, in the Mediterranean and in the Arabian Gulf, she supported our troops in Afghanistan and Operation Enduring Freedom. She was called on again in 2004 to support U.S. troops in Operation Iraqi Freedom. She was relieved by the USS *Harry S Truman*. She returned to her homeport in Mayport, FL, that December and last year, she made what may be her final visits to Boston and New York.

It is bittersweet to know she will be retired, but the people of Massachusetts and the Kennedy family are very proud of her service and know she holds a special place in the hearts of the Navy and the Nation.

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

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

Mr. DAYTON. Mr. President, earlier today, the chairman of the Senate Agriculture Committee, Senator CHAMBLISS, and the ranking member, Senator HARKIN of Iowa, held a very important hearing on the biofuels industry. I hope it will be the first and not the last because biofuels, specifically ethanol and biodiesel, are real, viable, here-and-now alternatives to the ever-increasing cost of gasoline and diesel fuels.

We are in the midst of another price crisis for the gasoline, diesel, and oil upon which our citizens, our industries, and our lifestyles and our entire national economy depend.

Most Americans want their fuel prices to be lower, but they do not want to change their fuels in order to make them so. People say, understandably: Solve our energy problems right now, but don't make us do anything differently. That is why I respectfully disagree with people who say: We do not have a national energy policy. We do. And it is to maintain the status quo for as long as possible.

That is actually a rational policy because our existing energy sources, over 95 percent of which are oil and oil-derived products, coal, natural gas, and nuclear, have been and, in most cases, continue to be cheaper, more available, more convenient, and certainly more familiar than any of their alternatives.

The sources of supplies, their production, transportation, distribution systems, and retail networks are all well established and well protected by everyone who profits from them. Those industries and companies that control and profit from our country's enormous and almost exclusive dependence upon their sources of energy have enormous stakes in preserving their control and protecting their profits by destroying any real competitive threats to their energy monopolies.

Nowhere are the stakes higher than in our Nation's transportation sector. Over 40 percent of total U.S. energy consumption is of oil and petroleum products, and over two-thirds of that oil is used for transportation. Our country now consumes almost 30 percent of all the oil produced in the entire world each year, which means that 20 percent, or one out of every five barrels of oil produced in the entire world, goes into an American car, truck, train, or airplane. Up until recently, oil was the only fuel that those cars, trucks, trains, and airplanes could run on. What a gigantic energy monopoly that is. It is the largest monopoly of any in the world. And like most monopolies, it is hugely profitable for the monopolists and hugely expensive for everyone else. Like every other source of enormous profits and financial power, it is not going to be surrendered voluntarily by the profitable and the powerful.

The huge oil and oil products monopoly is not going to willingly surrender sales or market share or profits, not to a competitor such as the biofuels industry. Like any other established energy monopolies, they may give lip service to those energy alternatives, but they don't really mean it. That was very clear when the Senate considered its energy bill last year. There were full-page ads in the Hill and Roll Call newspapers, run by the American Petroleum Institute, which smeared the biofuels industry with the same misrepresentations, distortions, and fearmongering that they tried to use a decade ago to defeat a 10-percent ethanol mandate in the Minnesota Legislature.

Back then, the oil industry claimed that biofuels, particularly ethanol, would raise the price of every gallon of gasoline, that the supply would be impure and unreliable, and that people's gas tanks would explode or their carburetors would implode or the cars would be damaged or destroyed. None of those occurred. Yet almost 10 years after Minnesota required every gallon of gasoline sold in our State to contain at least 10 percent ethanol, we were still the only State to do so. Nationwide, the use of ethanol is only about 2.5 percent that of gasoline.

It turns out that regular automobile, SUV, and small truck engines not only run very well, with no modifications at all, on 90 percent gasoline and 10 percent ethanol, but they can also, with factory-modified engines, run as well

or even better on a blend of 85 percent ethanol and 15 percent gasoline called E-85 fuel. In Brazil, where I visited 2 weeks ago, automobiles run very effectively on 100 percent ethanol.

This week's U.S. News and World Report magazine contains a two-page ad by General Motors touting its flex fuel engines which could run on either 100 percent regular unleaded gasoline, 85 percent ethanol, or a combination of the two. Yesterday, Daimler-Chrysler announced that in model year 2008, 500,000—or one-fourth of its vehicles—are going to be produced with flex fuel engines.

The flex fuel engine is the key to unlocking the gasoline monopoly. With a flex fuel engine, as I have in both my Minnesota and Washington cars, the consumer has a choice at every service station offering both regular unleaded gasoline and E-85 fuel. It is that price competition which will do more than anything else to stop the price gouging and profiteering by the oil and gasoline companies.

For the past 3 years, I have introduced legislation requiring that every car, truck, and SUV sold in this country have a flex fuel engine, beginning with the model year 2005, 2007, 2009—you can pick the year. Some people say that simply isn't possible, but last year over 70 percent of all automobiles sold in Brazil had flex fuel engines. I met last year in Detroit with General Motors and Ford company engineers. They told me they can design and install flex fuel engines at a production cost of between \$100 and \$300 per vehicle. They are better engines. However, until now, most American consumers haven't known about them or even wanted them.

We in the Federal Government can take one of two positions: We can do nothing and let the markets eventually change manufacturers' and consumers' behaviors, as they are starting to do now, or we can act to accelerate that transition. It seems clear that our constituents are clamoring for us to make available alternatives to the rising cost of gasoline and other fuels. We have before us right now the opportunity to do so—right now, not 10 years from now with hybrid engines, not 20 years from now with hydrogen engines. They may ultimately be more energy efficient and environmentally friendly, but "ultimately" is years away. Right now, we can give Americans a real energy alternative, the first large-scale, readily available alternative to a traditional energy source in many years, because ethanol—and behind it, biodiesel—is not just a substitute for the gasoline additive MTBE, it is a substitute for gasoline. It is not perfect. No energy source yet is. There are transition costs, production and distribution challenges, and similar susceptibilities to supply manipulation, price gouging, and profiteering as with oil, gasoline, or other fossil fuels. The key is the competition, consumers' ability to choose the lower priced, better option.

Last week, traveling around Minnesota, I could choose, with my vehicle with the flex fuel engine, between E-85, which was costing about \$2.39 a gallon, and regular unleaded gasoline, which was costing about \$2.79 a gallon. Both of those prices were significantly higher than they were in Minnesota 6 months or a year ago. Both prices are too high. Americans are being taken advantage of at the gas and the E-85 stations in Minnesota and other places around the country, and this Congress has a choice whether to do something about it or to do nothing.

President Bush said last weekend that his administration would investigate and prosecute price gouging and profiteering at the gasoline pump. I am glad to hear the President say that. I only question whether he really means it because he said the same thing last September when gasoline prices skyrocketed after Hurricane Katrina. Yet as far as I know, there is not a single charge that has been brought against anyone. In fact, the Chairman of the Federal Trade Commission subsequently testified before a Senate committee that no "Federal statute makes it illegal to charge prices that are considered to be too high, as long as companies set those prices independently." She went on in her prepared statement to state that an oil company's "independent decision to increase price is and should be outside the purview of the law."

As my mother used to say to me, actions speak louder than words. Price gouging investigations and prosecutions for now are just words. I urge the President to turn them into actions.

The President yesterday touted his support for biofuels. However, in the last 2 years, he has signed into law cuts of almost 50 percent in bioenergy grants. His fiscal year 2007 budget calls for a 57-percent reduction for renewable energy grants. I urge the President and the Congress to turn their words into actions by increasing Federal funding for biofuels and other renewable energy research and development.

Another important action Congress should take this year is to pass a new energy bill. Some progress toward increasing the supply and use of biofuels such as ethanol and biodiesel was achieved in last year's energy bill but, as a nation, we are tiptoeing when we should be running. A new energy bill should accelerate this transition away from our Nation's increasing dependence on foreign oil which, even after last year's legislation, is projected to increase from 62 percent now to 67 percent in 2012. If we are really serious about reversing our growing energy dependence on oil and its products and not being held captive to rising oil, gasoline, and diesel prices here and around the world, we must act again by passing energy legislation, and we must act this year in doing so.

I yield the floor and suggest the absence of a quorum. The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Ms. STABENOW. Mr. President, I ask unanimous consent that the pending amendment be set aside.

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

AMENDMENT NO. 3633

Ms. STABENOW. Mr. President, I rise today to talk about what is on everybody's mind in my State, and that is what is happening as it relates to gas prices.

First, we all know there are multiple ways in which we need to address this issue. I was in an Agriculture hearing this morning on biofuels. It is very exciting to see colleagues on both sides of the aisle talking about what we can do in the way of policy to build on what was in the Energy bill that was passed last August in terms of ethanol and biobased fuels.

I know in my home State, we will have five ethanol plants by the end of the year. We already have biobased diesel being used. There are many exciting opportunities to create jobs, to help our farmers create new markets, to address our environmental issues in a sound way that deal with protecting our environment, protecting the Earth and, at the same time, getting us off foreign oil. I believe very strongly, if we work together—and we need to do this boldly and quickly—we can start buying our fuel from Middle America instead of the Middle East. That should be a goal for all of us. I know colleagues on both sides of the aisle share the excitement about moving forward in this way. We have things happening in all of our States.

From my perspective, not only corn but sugar beets can be used for ethanol. Soybeans are part of what we grow in our multitude of different crops in Michigan, and there are a lot of opportunities, not just for fuel but for us to replace oil-based plastic with corn-by-product-based plastic, and to do a number of other things that will move us off foreign oil, which needs to be one of our major goals as a Congress, and certainly working here in the Senate.

We have some short-term issues we have to deal with as well. While we move boldly—and I believe we need to move very quickly on the question of real competition—we also have to address what is happening right now without competition. We have an oil industry that has been consolidated down to five major companies. There is no real competition. It is not a regulated utility such as electricity and other basic necessities. Yet it is a necessity. Gasoline is not a luxury, it is a necessity. And the fact is, price increases for this necessity are making it harder and harder for people to be able to afford the product they need to get

them to work, to get the kids to school, to be able to till the fields, to be able to do business, or to be able to take that trip up north in beautiful northern Michigan on vacation where tourism is so critical for us.

We also know it directly relates to jobs. GM executives have indicated, for example, that for every \$1 increase in the cost of a barrel of oil, it costs them \$4 million more to operate. So this is a question of jobs. From every angle, this is something that needs our immediate attention while we address where we go long term. Nothing would please me more than to be able to drive my American-made automobile into a service station—and by the way, they use flex fuels and E-85 ethanol and a number of products right now—right now—for our automobiles, and we see GM and Ford and Daimler Chrysler doing wonderfully bold things and advertising alternative fuels, flex fuels right now. But nothing would please me more than to see a pump with E-85 in it that is giving competition to the other pumps where the prices are going through the roof.

It would be one thing if this was just about supply and demand, but it is not. We know there are multiple factors. It is not about an industry hard hit, an oil industry barely being able to make it because of international factors or because of the hurricanes. No, we are talking about an industry that had over \$111 billion in combined profits last year. We are talking about ExxonMobile with the highest profits recorded in the history of the country. And to add insult to injury for people, that same company pays their top executive, we understand, the equivalent of \$110,000 a day in salary—a day. That is more than the average person in Michigan makes in a year, \$110,000 a day. Then, when he announced his retirement, he gets a combined package of \$400 million.

No wonder people are outraged. No wonder they look at us and say: What are you doing? What is going on here? You have the industry with the highest profits ever paying their executives more than the revenue of some cities in my State. Yet, at the same time, the policies continue to support tax break after tax break subsidized by American taxpayers to continue to increase the profits of the oil companies. It makes absolutely no sense whatsoever. It is outrageous that the oil companies are bringing in billions of dollars in profits each year, while families are now paying over \$40 every time they fill up their gas tank, and certainly it could be \$50 or it could be \$60. On average in Michigan right now, it is about \$42. That is up \$4 from last month and \$10 from last year, and we know it is going to be going up and up as the summer goes on.

We also know that, unfortunately, there appears to be no relief in sight. On average, I am told that Michigan families will be paying at least \$500 more in the next year for their gasoline

based on what is happening. Five hundred dollars may not sound like a lot to a lot of people. In fact, Exxon CEO Lee Raymond indicated in an interview with CNN that a single quarter or a single year of profits is "not all that significant," and that what is happening evidently in the oil industry is not all that significant.

Well, it is significant when it comes to what is happening to people who are working hard every day trying to make it. Five hundred dollars is a house payment. It is the rent. It is a car payment. It is paying for food. It is making sure your kids have the opportunity to go to college, maybe pay for the books that are needed for them to be able to go to college for a year. So it is a lot of money for the average person.

I think it is outrageous that somebody who has been earning the equivalent of \$110,000 a day would act like what is happening to average families and the profits that are going to the oil companies is somehow insignificant. People in my State don't know if they are going to have a job tomorrow. There are policies, unfortunately, that have caused manufacturers in our country to believe, I am concerned to say, that maybe we don't need to make things anymore in this country, which of course is what has built our middle class. And those folks who have built our middle class and created our way of life and are the consumers who buy goods so that we can be successful in this country are now feeling that they are getting hit on all sides. They may not have a job.

Health care is going up. They may not have their pension. The cost of college certainly has gone up, based on things that have been happening here, such as taking away \$12 billion as it relates to student loans and other proposals, to have the cost of college go up.

Now, to add insult to injury, we have an industry that is more profitable than it has ever been, with the highest recorded profits by ExxonMobile, the highest of any publicly held company ever, and now the American consumer is being told: You are going to pay again. You are going to pay for all of the excesses that are going on right now by making it harder for you to get to work, to take the kids to school, to be able to do your job, and maybe to take a little vacation this summer. It is absolutely outrageous.

I want to also make the point that this is not about our gas station owners. I met with some terrific people on Monday who talked to me about how they are helping people literally piece together pennies, helping people who have been longtime customers of theirs, a single mom coming in with kids and the gas station owners trying to help her piece together a few dollars so they can put enough gas in the tank so she can go to work, so she can take care of her kids. I was told by one gas station owner that a gentleman came

in with 69 cents trying to figure out how he could get a gallon of gas into his tank. Sixty-nine cents buys a quarter of a gallon. We are now hearing stories about pawn brokers doing great guns right now, their business is going great because people are pawning their watches, their jewelry, their cars, whatever they have, in order to get enough money to be able to drive to work.

This is in America. We can do better than this in our country. People expect us to stand up and fight for them, not an industry that is gouging the American consumer and raking in billions of profits in the meantime.

I am putting forward an amendment that will address this very thing. People say: What can we do about it right now? We need to look long term. When I began speaking, I said I know we need to look long term. This morning, in the Agriculture Committee, we had a wonderful bipartisan discussion, and there is a lot of excitement about a number of things that we can do together to look long term. We know there are ways for us to move off of foreign oil and to move off of oil period, and we can do that. There is the old saying that the first way to get out of a hole is to stop digging. We need to stop digging. Part of that right now is to stop the continuation of tax breaks that Americans, working hard every day and paying their taxes, are subsidizing for the oil companies which then turn around and are so grateful that they raise their price at the pump.

In the conference committee right now there is work being done relating to tax cuts. There is an additional \$5 billion in new tax breaks for the oil companies. Some of it relates to how we subsidize their foreign activity. They do business with the Middle East and somehow we are going to give them favorable treatment through our tax policy. It makes absolutely no sense. It is an insult to the American people. That is on top of \$2 billion that was put into the Energy bill that was passed last year in subsidies. It is unexplainable and unacceptable at a time when there are so many other areas where we need to provide tax relief, when we need to address middle-income people bumping up against the alternative minimum tax or small businesses that are trying to make it, businesses large and small, when we need to deal with health care costs that need a tax credit—and I am more than happy to support that. But instead of that, we have \$5 billion in the conference committee report that subsidizes an industry that is raking in billions and billions of dollars in profits at the expense of the American consumer. I think that is wrong.

My amendment would take that \$5 billion and instead put it right back in the pockets of the folks paying the bill. We know on average there is going to be about \$500 in additional cost for the average family for the next year as a result of these high gas prices. My

amendment will give an immediate \$500 rebate to every individual or family, just as we did with the \$300 rebate. It is the very same process that was done then, where people were given the \$300 rebate when the tax cut was done. We can use that very same mechanism. It is very simple and straightforward. In fact, we can do this if we act quickly, before Labor Day, to help people pay their bills.

My amendment would give \$500 back to each family or each individual filer so that they are able to help pay the price of this outrageously high-price gas. That is a short-term fix while we get our act together on what needs to be happening to create more competition and more alternatives, which I believe we can do, working together in the Senate. But I believe it is an outrageous situation when we are continuing to add \$5 billion in tax breaks to an industry that is causing so much pain for American families.

My amendment is based on a bill of mine called the Oil Company Accountability Act. In total, it would repeal both the \$5 billion in committee plus the \$2.6 billion that was passed in the Energy bill, for a total of \$7.6 billion in tax breaks for oil companies, and provide an immediate \$500 tax rebate to families to offset their energy costs.

I send the amendment to the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The bill clerk read as follows:

The Senator from Michigan [Ms. STABENOW] proposes an amendment numbered 3633.

Ms. STABENOW. 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 an immediate Federal income tax rebate to help taxpayers with higher fuel costs, and for other purposes)

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

TITLE VIII—OIL COMPANY ACCOUNTABILITY

SEC. 8001. ENERGY TAX REBATE.

(a) IN GENERAL.—Subchapter B of chapter 65 of the Internal Revenue Code of 1986 (relating to rules of special application in the case of abatements, credits, and refunds) is amended by adding at the end the following new section:

"SEC. 6430. ENERGY TAX REBATE.

"(a) GENERAL RULE.—Except as otherwise provided in this section, each individual shall be treated as having made a payment against the tax imposed by chapter 1 for the taxable year beginning in 2006 in an amount equal to \$500.

"(b) REMITTANCE OF PAYMENT.—The Secretary shall remit to each taxpayer the payment described in subsection (a) not later than 30 days after the date of the enactment of this section.

"(c) CERTAIN PERSONS NOT ELIGIBLE.—This section shall not apply to—

"(1) any individual who did not have any adjusted gross income for the preceding taxable year or whose adjusted gross income for such preceding taxable year exceeded \$120,000,

“(2) any individual with respect to whom a deduction under section 151 is allowable to another taxpayer for the taxable year beginning in 2006,

“(3) any estate or trust, or

“(4) any nonresident alien individual.”.

(b) CONFORMING AMENDMENT.—Section 1324(b)(2) of title 31, United States Code, is amended by inserting before the period “, or from section 6430 of such Code”.

(c) CLERICAL AMENDMENT.—The table of sections for subchapter B of chapter 65 of the Internal Revenue Code of 1986 is amended by adding at the end the following new item:

“Sec. 6430. Energy tax rebate.”.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

SEC. 8002. REVALUATION OF LIFO INVENTORIES OF LARGE INTEGRATED OIL COMPANIES.

(a) GENERAL RULE.—Notwithstanding any other provision of law, if a taxpayer is an applicable integrated oil company for its last taxable year ending in calendar year 2005, the taxpayer shall—

(1) increase, effective as of the close of such taxable year, the value of each historic LIFO layer of inventories of crude oil, natural gas, or any other petroleum product (within the meaning of section 4611) by the layer adjustment amount, and

(2) decrease its cost of goods sold for such taxable year by the aggregate amount of the increases under paragraph (1).

If the aggregate amount of the increases under paragraph (1) exceed the taxpayer's cost of goods sold for such taxable year, the taxpayer's gross income for such taxable year shall be increased by the amount of such excess.

(b) LAYER ADJUSTMENT AMOUNT.—For purposes of this section—

(1) IN GENERAL.—The term “layer adjustment amount” means, with respect to any historic LIFO layer, the product of—

(A) \$18.75, and

(B) the number of barrels of crude oil (or in the case of natural gas or other petroleum products, the number of barrel-of-oil equivalents) represented by the layer.

(2) BARREL-OF-OIL EQUIVALENT.—The term “barrel-of-oil equivalent” has the meaning given such term by section 29(d)(5) (as in effect before its redesignation by the Energy Tax Incentives Act of 2005).

(c) APPLICATION OF REQUIREMENT.—

(1) NO CHANGE IN METHOD OF ACCOUNTING.—Any adjustment required by this section shall not be treated as a change in method of accounting.

(2) UNDERPAYMENTS OF ESTIMATED TAX.—No addition to the tax shall be made under section 6655 of the Internal Revenue Code of 1986 (relating to failure by corporation to pay estimated tax) with respect to any underpayment of an installment required to be paid with respect to the taxable year described in subsection (a) to the extent such underpayment was created or increased by this section.

(d) APPLICABLE INTEGRATED OIL COMPANY.—For purposes of this section, the term “applicable integrated oil company” means an integrated oil company (as defined in section 291(b)(4) of the Internal Revenue Code of 1986) which has an average daily worldwide production of crude oil of at least 500,000 barrels for the taxable year and which had gross receipts in excess of \$1,000,000,000 for its last taxable year ending during calendar year 2005. For purposes of this subsection all persons treated as a single employer under subsections (a) and (b) of section 52 of the Internal Revenue Code of 1986 shall be treated as 1 person and, in the case of a short taxable year, the rule under section 448(c)(3)(B) shall apply.

SEC. 8003. MODIFICATIONS OF FOREIGN TAX CREDIT RULES APPLICABLE TO LARGE INTEGRATED OIL COMPANIES WHICH ARE DUAL CAPACITY TAXPAYERS.

(a) IN GENERAL.—Section 901 of the Internal Revenue Code of 1986 (relating to credit for taxes of foreign countries and of possessions of the United States) is amended by redesignating subsection (m) as subsection (n) and by inserting after subsection (l) the following new subsection:

“(m) SPECIAL RULES RELATING TO LARGE INTEGRATED OIL COMPANIES WHICH ARE DUAL CAPACITY TAXPAYERS.—

“(1) GENERAL RULE.—Notwithstanding any other provision of this chapter, any amount paid or accrued by a dual capacity taxpayer which is a large integrated oil company to a foreign country or possession of the United States for any period shall not be considered a tax—

“(A) if, for such period, the foreign country or possession does not impose a generally applicable income tax, or

“(B) to the extent such amount exceeds the amount (determined in accordance with regulations) which—

“(i) is paid by such dual capacity taxpayer pursuant to the generally applicable income tax imposed by the country or possession, or

“(ii) would be paid if the generally applicable income tax imposed by the country or possession were applicable to such dual capacity taxpayer.

Nothing in this paragraph shall be construed to imply the proper treatment of any such amount not in excess of the amount determined under subparagraph (B).

“(2) DUAL CAPACITY TAXPAYER.—For purposes of this subsection, the term ‘dual capacity taxpayer’ means, with respect to any foreign country or possession of the United States, a person who—

“(A) is subject to a levy of such country or possession, and

“(B) receives (or will receive) directly or indirectly a specific economic benefit (as determined in accordance with regulations) from such country or possession.

“(3) GENERALLY APPLICABLE INCOME TAX.—For purposes of this subsection—

“(A) IN GENERAL.—The term ‘generally applicable income tax’ means an income tax (or a series of income taxes) which is generally imposed under the laws of a foreign country or possession on income derived from the conduct of a trade or business within such country or possession.

“(B) EXCEPTIONS.—Such term shall not include a tax unless it has substantial application, by its terms and in practice, to—

“(i) persons who are not dual capacity taxpayers, and

“(ii) persons who are citizens or residents of the foreign country or possession.

“(4) LARGE INTEGRATED OIL COMPANY.—For purposes of this subsection, the term ‘large integrated oil company’ means, with respect to any taxable year, an integrated oil company (as defined in section 291(b)(4)) which—

“(A) had gross receipts in excess of \$1,000,000,000 for such taxable year, and

“(B) has an average daily worldwide production of crude oil of at least 500,000 barrels for such taxable year.”

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply to taxes paid or accrued in taxable years beginning after the date of the enactment of this Act.

(2) CONTRARY TREATY OBLIGATIONS UPHOLD.—The amendments made by this section shall not apply to the extent contrary to any treaty obligation of the United States.

SEC. 8004. NONAPPLICATION OF AMORTIZATION OF GEOLOGICAL AND GEOPHYSICAL EXPENDITURES TO LARGE INTEGRATED OIL COMPANIES.

(a) IN GENERAL.—Section 167(h) of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

“(5) NONAPPLICATION TO LARGE INTEGRATED OIL COMPANIES.—This subsection shall not apply to any expenses paid or incurred during any taxable year by any taxpayer which is an integrated oil company (as defined in section 291(b)(4) of the Internal Revenue Code of 1986) which has gross receipts in excess of \$500,000,000 for such taxable year. For purposes of this subsection all persons treated as a single employer under subsections (a) and (b) of section 52 of the Internal Revenue Code of 1986 shall be treated as 1 person and, in the case of a short taxable year, the rule under section 448(c)(3)(B) shall apply.”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

Mr. COCHRAN. Mr. President, I make a point of order that the amendment is not in order under the provisions of rule XVI.

Ms. STABENOW. Mr. President, I ask unanimous consent that the amendment be in order, notwithstanding the point of order.

The PRESIDING OFFICER. Is there objection to the request?

Mr. COCHRAN. I object.

The PRESIDING OFFICER. Objection is heard. The Chair sustains the point of order under rule XVI and the amendment falls.

The Senator from Michigan.

Ms. STABENOW. Mr. President, the people of Michigan and the people of the country deserve better than what we are doing right now. There is a sense of urgency. We can make this in order if we want it to be in order. There is no question about it.

If we come together and we want to act today, if we want to put in place the opportunity for people to have a \$500 rebate before Labor Day to help pay for the high gas prices they are paying right this minute, we can do that. The choice of the majority is not to do that, but we could be doing that if there were agreement. That is very unfortunate because there is a sense of urgency on behalf of every individual, every family right now, trying to figure out what they are going to do, with gas prices that are over \$3, \$3.20, \$3.50—in some parts of the country \$4 a gallon. It is the difference between whether people will be able to pay their bills, go to work, do what they have to do for their families. The American people, certainly the people of my great State, deserve better than inaction.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. THOMAS. Mr. President, I ask unanimous consent to set aside the pending amendment to offer an amendment.

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

AMENDMENT NO. 3615

Mr. THOMAS. Mr. President, I call up amendment No. 3615, which is at the desk.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Wyoming [Mr. THOMAS] proposes an amendment numbered 3615.

Mr. THOMAS. 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 printed in today's RECORD under "Text of amendments.")

Mr. THOMAS. Mr. President, I bring forward an amendment this afternoon to talk about my concern with the process we are going through. We started out with a request for \$92.2 billion in emergency spending—\$20 billion for hurricane recovery, \$72 billion for the war on terror. Then we added \$14 billion of additional nonemergency spending.

Our constituents simply can't run their households or businesses like this, and I think we should not be running our business here, for the country, in that way either. The money we spend here does not come out of thin air. Of course, it comes out of the pockets of hard-working Americans. We should not take the emergency spending process lightly.

By definition, these are dollars we have not budgeted, and they should be reserved only for the urgent and dire need for which they were intended. There are some examples, very briefly, of nonemergency items. There are a number of them. Regardless of their merit, and they probably have merit, the question is, Do they belong in this bill? Why are we using this bill to provide \$230 million for an Osprey program which is not involved in either Iraq or Afghanistan? We also just enacted a \$286 billion highway bill less than a year ago. Yet this bill will add an additional \$594 million in additional highway spending that really has nothing to do with any emergency. Why is there an emergency to spend \$700 million to move a railroad that, while damaged by Katrina, has already been repaired? It may be a useful thing. Is it an emergency? I think not.

Finally, this is not the right vehicle for spending almost \$4 million in farm subsidies or increasing the funding for community development block grants.

Again, these may be legitimate priorities. Perhaps they are. But in my view, this is not the right vehicle, nor the right process. Therefore, I have offered this amendment which will pull out all the extraneous spending and get us back to the President's request for emergency funds. I understand the way my amendment is drafted it merely strikes the whole bill and replaces it with the original amount in the President's request and this would vitiate any amendments adopted in the interim. I have also modified my amendment to account for Senator GREGG's

security amendment and the President's revised request with respect to avian flu funding.

It seems to me this is something we ought to consider. Obviously, we have a lot of things to do. But overall, we have a responsibility, a financial responsibility to follow the rules, to go through the processes that are appropriate to do something about holding down spending, not put these items in the budget if they are not emergencies, and we ought not to be using these kinds of vehicles to spend more money when we are in the process of trying to do away with the deficit we have. These issues are out there, and they are out there all the time.

We have all just been home for a couple of weeks. What do we hear about a lot? We have to do something about spending. We have to do something about the deficit.

We do. Still, here we are expanding a request—one, frankly, that the President has threatened to veto. I encourage him to continue to take that position. We ought to deal with those things that are out here that fit this definition of emergency.

I have introduced this amendment, and I hope we give it some consideration at the appropriate time.

I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, I thank the distinguished Senator from Wyoming for bringing this amendment to the floor. It does go to some of the points of contention that have been raised in the discussions based on whether the President's request should be exceeded by the Congress.

First of all, the President has threatened to veto the bill, which, of course, he has a right to do. He is setting out another marker that any amount over and above the request of the President would be considered inappropriate and therefore would subject the bill to a veto.

This is very early in the process of considering the bill for the President, in my opinion, to be threatening a veto. We have clear emergencies confronting the country that require the expenditure of funds for the Department of Defense and our military forces which are deployed in Iraq and elsewhere and engaged in the global war on terror to protect the security interests of our country and the lives of our American citizens. That is the major portion of this legislation.

Another very important part of the bill is to replenish some accounts in the Department of State, where agencies and officers of that Department are engaged in the same kind of peace-keeping activity, diplomatic efforts to avoid conflict, to preserve the peace where it can be preserved and protect the security interests of our citizens.

The third request the President submitted was to provide additional disaster assistance for the gulf coast States, primarily in the State of Lou-

isiana but also across the gulf coast. I know that we can disagree on the exact dollar amounts. In the Senate, we are going to have a difference of opinion on some of these issues, but it suits me now to just test the water and see where the Senate is. Do we want to ignore, as a body, the needs that are clear and important and serious, that are addressed by the funding in this legislation? This amendment takes a lot of money out of the bill. It may respond to some concerns that some have that this bill calls for spending more money than is necessary. The Senate Appropriations Committee reported this bill to the Senate and is recommending its passage. I am hopeful that we can get an early reading. If this bill should go back to the committee, we could reconsider it.

But I think the time is now, when we should come to terms with the realities of this legislation. Either the Senate agrees that these needs are real, that they require the funds we recommended be appropriated, or not. We had an open discussion in the committee, in public. Any Senator who serves on that committee could offer an amendment to reduce funding. I don't recall any amendment to reduce funding. There were amendments to add funds to address needs that had either arisen after the President submitted his request and the House had acted early on the legislation or because of information that had come to the attention of the Committee on Appropriations. It was the view of the majority, the vast majority of the members of that committee, that the funding should be included at the amount reported to the Senate.

I am prepared to have a vote. I suggest—I don't know of any reason why we can't have the vote now. I can move to table the amendment and ask for the yeas and nays and we will get a vote. I think that is what we will do.

Mr. President, I move to table the amendment of the Senator from Wyoming, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

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

Mr. President, I will withhold my request until you have made a decision on the vote.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The yeas and nays were ordered.

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. 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.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table amendment No.

3615. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

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

I also announce that the Senator from Massachusetts (Mr. KERRY) is absent due to illness in the family.

I further announce that if present and voting, the Senator from Massachusetts (Mr. KERRY) would vote "yea."

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

The result was announced—yeas 72, nays 26, as follows:

[Rollcall Vote No. 96 Leg.]

YEAS—72

Akaka	Domenici	Murkowski
Baucus	Dorgan	Murray
Bayh	Durbin	Nelson (FL)
Bennett	Feinstein	Nelson (NE)
Biden	Grassley	Obama
Bingaman	Harkin	Pryor
Bond	Hatch	Reed
Boxer	Hutchison	Reid
Burns	Inouye	Roberts
Byrd	Jeffords	Salazar
Cantwell	Johnson	Sarbanes
Carper	Kennedy	Schumer
Chambliss	Kohl	Shelby
Clinton	Landrieu	Smith
Cochran	Lautenberg	Snowe
Coleman	Leahy	Specter
Collins	Levin	Stabenow
Conrad	Lieberman	Stevens
Cornyn	Lincoln	Talent
Craig	Lott	Thune
Crapo	Lugar	Vitter
Dayton	Martinez	Voinovich
DeWine	Menendez	Warner
Dodd	Mikulski	Wyden

NAYS—26

Alexander	Dole	Isakson
Allard	Ensign	Kyl
Allen	Enzi	McCain
Brownback	Feingold	McConnell
Bunning	Frist	Santorum
Burr	Graham	Sessions
Chafee	Gregg	Sununu
Coburn	Hagel	Thomas
DeMint	Inhofe	

NOT VOTING—2

Kerry Rockefeller

The motion 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.

The PRESIDING OFFICER. The Senator from Idaho.

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

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

The Senator from Idaho.

SOUND ENERGY POLICY

Mr. CRAIG. Mr. President, I speak today of my strong concern over what I believe are troubling movements in the Western Hemisphere in relation to U.S. energy independence, energy security, and competitiveness of the U.S. oil and gas industry in the region and this country's political and economic influence in our own backyard.

For all the right reasons, in the past few years we have been appropriately focused on developments in the greater Middle East as we have engaged in a global war on terror and fought in Afghanistan and Iraq. Again, we are absolutely right to be engaged in conflicts in that region. But it is dangerous for any region to have a monopoly on this country's attention.

At home, in this Senate, we have engaged in many debates regarding U.S. energy independence. This issue was first recognized in World War I, when Winston Churchill stated that the answers to energy security "lie in variety and variety alone."

Energy security is becoming a hot topic, and many Senators—Democrats and Republicans—have been on the floor the last few days talking about tight oil markets, high oil prices, threats of terrorism, instability in some of the exporting nations, nationalistic backlashes in other fiercely competitive areas and supplies, geopolitical rivalries, and all countries' absolute need for energy to power their economic growth.

We have no time to waste to move forward on a sound national energy policy. Many of us in this body have taken the first step. We passed last August a national energy policy. By its action, we agreed to drastically decrease our energy dependence on the Middle East. Now our economy in energy is working in that direction, slowly, because of the phenomenal investment in time it takes to turn something as big as our energy industries of all kinds.

In 2005, the U.S. obtained 41 percent of its total petroleum imports from OPEC countries, which equals 27 percent of total U.S. consumption.

In order to reduce our reliance on Middle East energy sources and strengthen our Nation's energy security, it goes without saying that our energy sector must be doing business elsewhere. No doubt, the closest, therefore the most economically viable, option should be to turn to our own backyard or should I say "yards."

Unfortunately, that is hard to do when we too frequently send our oil and gas companies into international competition hobbled by self-defeating laws and regulations that allow our economic adversaries and our competitors to beat us to the punch right at our doorstep.

I must point out that it is certainly ironic that the same people blocking the American public from obtaining resources in our own country, and in the region, are the same people not offering solutions to the new and very rapidly growing demand across the world.

Frankly, the United States has taken our neighbors in the Western Hemisphere for granted. We have hamstrung the United States energy sector from seeking additional resources in the region while at the same time allowing the likes of China and Canada and Brazil and France and others to freely

seek energy opportunities 50 miles off our coast without competition from state-of-the-art technologies and expertise of our own United States gas and oil industries.

I have here a chart that is phenomenally self-explanatory. As shown, here is the coast of Florida, Alabama, Mississippi, and Louisiana. Of course, here is the great peninsula or the Panhandle of Florida down to the Keys. Here is Cuba. And literally, within the last 2 years, Cuba, within their water, 50 miles off the furthest point of the Keys of Florida, has allowed the nations of China and Canada and Spain to start drilling. It will be possible—or should I say it may be possible—to stand on the furthest Florida Key in the near future and see an oil rig drilling in Cuban water.

Did that happen accidentally? No. Why isn't an American company, with the best technology that could do it the cleanest, there? Because we simply have not allowed that to be.

For example, a February 2005 U.S. Geological Survey reported on a possible deposit in the Northern Cuban Basin—this area shown on the map that is all charted off—estimated at 4.6 billion barrels of oil, and possibly as much as 9.3 billion barrels. I would remind my colleagues these estimates are almost the same as the kind we are talking about on the Coastal Plain of Alaska known as ANWR, and it is simply 50 to 60 miles off our coast.

So the question must be asked: What is the U.S. doing while foreign countries and companies are exploring right off the U.S. coast in the Northern Cuban Basin, which is adjacent to the U.S. Outer Continental Shelf and contiguous to this country's Exclusive Economic Zone?

Well, I can firmly tell my colleagues that we are doing absolutely nothing about it. Not one single U.S. company is exploring in these potentially beneficial waters that extend to within 50 miles off the Florida coast. Oh, we are all angst about Gas Lease Sale 181, and it is at least 120 miles off of any coast. But stand on a high place in the lower Florida Keys someday and you may see an oil rig, and it will not be ours. It could be Red China's, or certainly mainland China's. I guess that is the politically correct thing to say about them now. And, frankly, ladies and gentlemen, it is China, and they are drilling in our backyard.

I am certain the American public would be shocked, as this country is trying to reduce its dependency on Middle East oil, that countries such as China are realizing this energy resource. In my opinion, China is using the area off our coast and in the Cuban national waters as a strategic commodity reserve. It is doing this by acquiring exclusive rights in the emerging Cuban offshore oil sector, thereby forever closing the door on those resources to the United States itself and dramatically impacting our foreign policy in the region.

As the administration recently pointed out in its National Security Strategy, China has quickly become the world's second largest user of petroleum products. Additionally, the administration's most recent National Security Strategy appropriately points out that China is "expanding trade, but acting as if they can somehow lock-up energy supplies around the world or seek to direct markets rather than opening them up."

We will miss the boat—because, folks, this boat will sail only but once—if we continue to deny ourselves the right to allow our companies to engage where they ought to be engaging, where they have the talent, the resources, and the expertise to engage. But, instead we are by our action forcing potentially substandard companies that do not have the talent, the expertise, the environmental know-how, to drill in an area that could be phenomenally damaging to the coast of Florida. That is the reality of today's policy in this country.

Higher oil prices will spur others to turn marginal opportunities into commercial prospects with or without the United States. As we saw last week, since demand for oil is so high, any disruption in small oil production—whether it be in Ecuador or Argentina or the Congo or Egypt or Azerbaijan or Bahrain or Sudan or Yemen or Chad—can have a profound impact on oil prices at the pump anywhere in this country. It is for this reason that we must and should act aggressively to diversify our imports and production and compete with other nations around the world.

On top of the economic competitiveness we are missing out on, we are also allowing the energy security of this country to slip away, to slip away right in our backyard. Simply put, too many unknowns lie in the hands of terrorists, instability, and chaos in the Middle East. Therefore, let us think about and rid ourselves of the vulnerability that we forced ourselves into by the responsible and environmentally sound development of our own resources or resources that are just across the fence in our neighbor's backyard. This is the opportunity we now deny ourselves.

I intend to look at these opportunities to bring about potential legislation that will cause this Senate to look and to act responsibly, as it would allow us to deal with these kinds of opportunities, instead of simply denying them. We think we can build a buffer around us to secure ourselves environmentally, and yet we have denied our backdoor. Our backdoor is open. The southern Florida coast is potentially vulnerable to second-rate drilling capabilities from foreign countries that do not have the kind of deepwater expertise and talent that has resulted in no spills by U.S. companies now for well over a decade.

Therein lies the opportunity. Yet we have some who would say: Oh, my, 50 miles we will turn our back on but 100

miles out, oh, we have a problem there. No, folks, we have a problem here, and we have a problem in Cuba. We ought to be recognizing it instead of denying it.

Here is the reality. Here is the sale area, the opportunity that Cuba is now exploiting by allowing foreign countries to come in our backyard or, can I say, just across the fence in our neighbor's backyard. Is it 50 miles off the coast of Key West? Is it 70? Is it 90? It is all of those. And it is potentially an opportunity for us to work with another government in effectively, responsibly, and environmentally exploiting a very valuable resource. We have denied it. Shame on us.

I yield the floor.

Mr. NELSON of Florida. Will the Senator yield for a question?

Mr. CRAIG. I will be happy to.

The PRESIDING OFFICER. The Senator from Florida.

Mr. NELSON of Florida. The Senator's point that he makes very well is that foreign governments, such as the Republic of China, drilling off the north coast of Cuba, because of the currents—the currents come up there in the Gulf of Mexico and down around the Florida Keys, what is known as the Straits of Florida, and then northward, as it turns into the gulf stream—the Senator is making the point that illegitimate or unrestrained second-rate drilling that would occur off the north Cuban coast could threaten the delicate environment and ecology of the coral reefs and the Florida coast. Is that one of the points the Senator would make?

Mr. CRAIG. Well, the point I am making is, we have had the expertise in the gulf to do it and do it right without any environmental damage. But we have denied exploration within a certain margin or buffer zone of the coast.

As shown on the map, in this case, here is Lease Sale 181 that is being talked about today. On the average, from Pensacola, it is 100 miles out, approximately. And this is gas.

This is oil and gas. At the closest point, we believe, at least to the line here of the EEZ, it is 50 miles.

I simply offer this as an opportunity for the American people to become aware that in their backyard something is going on we are ignoring at this moment, and that we should not be ignoring.

Mr. NELSON of Florida. If the Senator will further yield, I would point out very respectfully to the Senator that the chart he shows with the oblong green block there—that is the existing lease of Lease Sale 181. What is proposed is an additional 4 million acres to the east.

Mr. CRAIG. Yes.

Mr. NELSON of Florida. Yes, sir. In there is the area that is restricted because it is the largest training and testing area for the U.S. military in the world. It is, as declared by the Pentagon, incompatible to have rigs where we are doing the testing and training of our U.S. military.

I ask the Senator, who is a great supporter of the military, why did all pilot training for the FA-22 come to Tyndall Air Force Base in Panama City, and why, in the realignment, did all pilot training for the new F-35 Joint Strike Fighter come to Eglin Air Force Base, and why did all of the U.S. Navy Atlantic fleet training come to northwest Florida after it was shut down?

Mr. CRAIG. I will reclaim my time, Mr. President, since the Senator has answered for himself. It is obvious, training capability. We also know—and the military will agree—that once a well is drilled, the rig goes away. There is no surface obstruction. We are talking about 3 trillion cubic feet of gas potentially. We may be talking about a whole region that has 6 or 7 billion barrels of oil in it, let alone trillions of cubic feet of gas. We ought to be concerned environmentally, but my guess is we can fly around them a little bit while it is going on and then the rigs go away. But the oil and the gas keep flowing for the security of the economy of this country.

I don't think citizens at the pumps right now are worried too much about flight patterns, but they are worried an awful lot about a flat pocketbook because we have not allowed ourselves the foresight that I am trying to suggest our foreign policy in these instances denied. You and I will debate 181 and beyond. But at our back door, and a heck of a lot closer to the coastline of your State than any sale proposed today out of 181, toward the east, 50 miles off is where the Chinese at this moment are test drilling to determine whether in fact there is a supply of oil. Then the rigs go in place. Then the environmental issues that you and I are concerned about may well come to be. I hope I am wrong. But I know I am right about this. These sales and test drillings are currently going on.

Mr. NELSON of Florida. This Senator, if I might conclude and compliment the Senator from Idaho, certainly has a commonality of interest with the Senator with regard to countries such as China drilling off the north coast of Cuba and the threat not only to U.S. interests that that portends but also to the interests of Florida. We will debate the question of oil drilling out there in the military area of the eastern Gulf of Mexico, particularly at a time that the people recognize that we ought to be independent of oil, not continuing the dependence that we have.

Mr. CRAIG. I thank the Senator for his comments. Before I yield the floor, whether it is the Senator from Florida or Idaho, the American people are saying to us: A foreign policy that allows China to drill in our backyard is not a very good policy.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

AMENDMENT NO. 3632

Mr. DURBIN. I ask unanimous consent to set aside all pending amendments and call up amendment No. 3632.

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

The clerk will report.

The legislative clerk read as follows:

The Senator from Illinois [Mr. DURBIN], for himself, Ms. MIKULSKI, Mr. ALLEN, Mr. BINGAMAN, Ms. LANDRIEU, Mr. LAUTENBERG, and Mr. BIDEN, proposes an amendment numbered 3632.

Mr. DURBIN. 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 ensure that a Federal employee who takes leave without pay in order to perform service as a member of the uniformed services or member of the National Guard shall continue to receive pay in an amount which, when taken together with the pay and allowances such individual is receiving for such service, will be no less than the basic pay such individual would then be receiving if no interruption in employment had occurred)

On page 117, between lines 9 and 10, insert the following:

NONREDUCTION IN PAY WHILE FEDERAL EMPLOYEE IS PERFORMING ACTIVE SERVICE IN THE UNIFORMED SERVICES OR NATIONAL GUARD

SEC. 1312. (a) SHORT TITLE.—This section may be cited as the “Reservists Pay Security Act of 2006”.

(b) IN GENERAL.—Subchapter IV of chapter 55 of title 5, United States Code, is amended by adding at the end the following:

“§ 5538. Nonreduction in pay while serving in the uniformed services or National Guard

“(a) An employee who is absent from a position of employment with the Federal Government in order to perform active duty in the uniformed services pursuant to a call or order to active duty under a provision of law referred to in section 101(a)(13)(B) of title 10 shall be entitled, while serving on active duty, to receive, for each pay period described in subsection (b), an amount equal to the amount by which—

“(1) the amount of basic pay which would otherwise have been payable to such employee for such pay period if such employee’s civilian employment with the Government had not been interrupted by that service, exceeds (if at all)

“(2) the amount of pay and allowances which (as determined under subsection (d))—

“(A) is payable to such employee for that service; and

“(B) is allocable to such pay period.

“(b)(1) Amounts under this section shall be payable with respect to each pay period (which would otherwise apply if the employee’s civilian employment had not been interrupted)—

“(A) during which such employee is entitled to reemployment rights under chapter 43 of title 38 with respect to the position from which such employee is absent (as referred to in subsection (a)); and

“(B) for which such employee does not otherwise receive basic pay (including by taking any annual, military, or other paid leave) to which such employee is entitled by virtue of such employee’s civilian employment with the Government.

“(2) For purposes of this section, the period during which an employee is entitled to reemployment rights under chapter 43 of title 38—

“(A) shall be determined disregarding the provisions of section 4312(d) of title 38; and

“(B) shall include any period of time specified in section 4312(e) of title 38 within which

an employee may report or apply for employment or reemployment following completion of service on active duty to which called or ordered as described in subsection (a).

“(c) Any amount payable under this section to an employee shall be paid—

“(1) by such employee’s employing agency;

“(2) from the appropriation or fund which would be used to pay the employee if such employee were in a pay status; and

“(3) to the extent practicable, at the same time and in the same manner as would basic pay if such employee’s civilian employment had not been interrupted.

“(d) The Office of Personnel Management shall, in consultation with Secretary of Defense, prescribe any regulations necessary to carry out the preceding provisions of this section.

“(e)(1) The head of each agency referred to in section 2302(a)(2)(C)(ii) shall, in consultation with the Office, prescribe procedures to ensure that the rights under this section apply to the employees of such agency.

“(2) The Administrator of the Federal Aviation Administration shall, in consultation with the Office, prescribe procedures to ensure that the rights under this section apply to the employees of that agency.

“(f) For purposes of this section—

“(1) the terms ‘employee’, ‘Federal Government’, and ‘uniformed services’ have the same respective meanings as given them in section 4303 of title 38;

“(2) the term ‘employing agency’, as used with respect to an employee entitled to any payments under this section, means the agency or other entity of the Government (including an agency referred to in section 2302(a)(2)(C)(ii)) with respect to which such employee has reemployment rights under chapter 43 of title 38; and

“(3) the term ‘basic pay’ includes any amount payable under section 5304.”.

(c) CLERICAL AMENDMENT.—The table of sections for chapter 55 of title 5, United States Code, is amended by inserting after the item relating to section 5537 the following:

“5538. Nonreduction in pay while serving in the uniformed services or National Guard.”.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to pay periods (as described in section 5538(b) of title 5, United States Code, as amended by this section) beginning on or after the date of enactment of this Act.

Mr. DURBIN. Mr. President, more than half the men and women serving the United States now in Iraq and Afghanistan are members of Guard and Reserve units. Not that long ago they were working civilian jobs with regular payroll and, of course, performing their responsibilities in the Guard and Reserve on weekends and during summer duty. They understood when they volunteered that they could be activated. They have been. In my State, 80 percent of the Guard units have been activated. They have served this Nation bravely, selflessly. They have done it at great sacrifice to themselves and their families: The pain of separation to be away from your family for a whole year, sometimes longer, to be gone when important family events occur, and an additional hardship that comes with this service.

Some of these service men and women find that when they are activated in the Guard and Reserve units, they are paid less by the military than

they were receiving in their civilian capacity. So the expenses they incur, the bills they have to pay—whether it is for a mortgage, utility bills, education expenses for their children—continue, even though as they serve our country they receive less money. We are fortunate that many of their civilian employers have stepped up and said: We will protect you. If you will stand up for America, we will stand up for you. We will make up the difference between your pay as you serve our country in the Guard and Reserve and what you would have earned if you would have stayed here.

We appreciate that. As a nation, we should be grateful, thankful that these companies stand by these men and women when they need it most so that as they worry about the pain of separation and coming home safely, they don’t have to worry about whether the bills will be paid. We create Federal Government Web sites paying tribute to these companies that stand by Guard and Reserve Units. Some of the companies and some of the entities involved include Ford Motor Company, IBM, Verizon, Safeway, the State of California, Los Angeles County, and Austin, TX. The list goes on and on. There are some 23 different States that have said: If any of our State employees are activated, we will make up the difference in pay.

So why do I rise today with this amendment? Because the largest single employer of Guard and Reserve members in the United States fails to make up that difference in pay. There is one huge employer that will not say to these activated men and women: We will stand by you. If you are going to lose money, we will make up the difference.

Who could that employer possibly be? The United States Government. The Federal Government does not make up the difference in pay for these Guard and Reserve members. Why? If we value their service, if we praise these private entities and State governments and local governments that stand by these men and women, if we say they are setting a great example for America, why aren’t we setting an example as the Federal Government? Why aren’t we making up the difference in pay?

Some would argue there may be a disparity, that you may have two sergeants serving in the same place: one is in the active military being paid less than one who is having a supplemented salary as a former Federal employee, now activated as a sergeant serving overseas. Think about the current disparity, a disparity where this soldier, in private life a few weeks or months before, incurred expenses for his family which he thought he would be able to pay, and now, because he is serving his country, he cannot. I don’t think the active military soldier will resent this. They will understand it and be glad they have a fellow soldier standing by them, leaving the comfort and security

of a civilian life to serve our country so well.

What this amendment says is that the Federal Government will stand behind its employees activated in the Guard and Reserve to make up the difference in pay for them. It is a reasonable suggestion—in fact, so reasonable it has passed in the Senate several times, last time by an overwhelming vote. More than 90 Senators voted for it. Sadly, when it goes to conference where the House and Senate come together, it doesn't have a good fate. It turns out the Department of Defense and this administration don't care for the idea much, and they usually kill it once it gets to conference.

I am going to give them another chance for this Government to stand behind these soldiers. I hope my colleagues in the Senate will join me, as well as my other colleagues—Senator MIKULSKI of Maryland, who is a cosponsor, Senator ALLEN of Virginia, Senators BIDEN, BINGAMAN, LANDRIEU, and LAUTENBERG. We offer this amendment and hope that it will be adopted.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, this is an amendment, as the Senator points out, which has been before the body before. We have approved it by a substantial margin on a recorded vote. We are prepared to recommend that the amendment be accepted on a voice vote, so we can proceed to that unless there are other Senators who want to be heard on the amendment.

The PRESIDING OFFICER. Is there further debate?

If not, the question is on agreeing to amendment No. 3632.

The amendment (No. 3632) was agreed to.

Mr. COCHRAN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Alabama.

ENERGY

Mr. SESSIONS. Mr. President, I am concerned about the increase in gasoline prices. They are indicative of other increases in natural gas and diesel fuel. It is an important national issue. A family that may have been paying \$150 for a month for fuel, \$200 a month, may be paying \$50, \$75 dollars more a month than they were several years ago. It is real money out of real working Americans' pockets. It is an issue we need to confront. We have talked about it on the floor for many years. Unfortunately, we have not done enough to confront the problem and deal with it in a way that actually makes a difference.

We did recently pass an energy bill that is better than most people realize, that did a lot of good things. For example, it took us from zero preliminary applications for a nuclear powerplant

to now 18. Since last fall, we have had 18 or 19 applications which would reduce the demand for natural gas that we are using so much now to generate electricity. But we failed in a number of important issues.

It is surprising to me, but the strength of the economy and the increase in productivity of our workforce is such that we haven't seen a surge in inflation across the board as a result of these increasing energy prices. But it could happen. It could begin to happen and could affect our economy adversely. We went through the last spike without serious consequences. But when you absorb this much extra cost, it does have some impact.

Unfortunately, what I have been hearing on the floor is a lot of politics, a lot of blame game from people who oftentimes are the very ones who have blocked key decisions that we should have made that would have made our energy situation far better.

I see my colleague from Idaho. Few people—as a matter of fact, virtually no Senators—have steeped themselves in energy issues more than he. When he speaks on this issue, we should listen. He has historical perspective and knowledge of the issues. I compliment him and will follow up on some of the things he said.

There is some bipartisan work going on. I am part of the energy security caucus that believes we should treat energy as a national security issue and even take steps that might in the short run seem not to be economically as wise but in the long run will be wise and help our economy. I care about this. I believe we should work in a bipartisan way.

I want to push back a little bit and talk about how we got in this fix and what it is going to take to get out of it. A few months ago this bipartisan group and others were invited to the White House. We met with President Bush. He passionately argued and excited all of us, Republicans and Democrats, about his vision for ethanol and hydrogen and biodiesel. It was a good give-and-take session. He heard everybody's ideas. He is moving forward in many different ways. It is good to have the President engaged personally in these issues. He has a lot of things on his plate, but I am glad he has chosen—and has for several months now—to personally push the development of better energy supplies.

How did we get here? A number of things are important to note. I just saw a report about the world economy. The world economy is growing at a great rate, 4 or 5 percent internationally. This is so much better than the downturn that they suffered several years ago. I was recently in Peru and the Dominican Republic. Their growth rate has exceeded ours, although we have had the highest growth rate of any industrialized nation in the world, higher than any single European Nation, at least of the larger economies in Europe. But the Dominican Republic has

exceeded our growth—9 percent growth. You know about China and India's sustained growth, and they are using more oil and gas in all these areas, and we are using more as a result of that economy. It has increased demand, and we do have political instability around the world.

We have had problems in Nigeria and problems with Venezuela. The lines are still open there, but that is an area which causes some problem. There is concern and speculation that we could have a shutoff from any number of areas in the Middle East. So those are things which have curtailed supply while demand has been increased.

I wish to talk about some of the key votes we have cast in the Senate—votes that are very important. I have to say that in the votes I will be talking about, my Democratic colleagues provided the bulk of the votes that blocked decisions that should have been made, some of which I think go beyond the pale. I have said that for years.

Let's talk about ANWR. We have heard that discussed time and time again. It was passed one time. President Clinton vetoed it. We came within a vote or two of passing it several times since. Ninety percent of my colleagues on the other side of the aisle voted against opening up ANWR for exploration. The ANWR region of Alaska is so large, it is as large as the State of South Carolina. The area they want to drill in, propose to drill in, where they have identified huge reserves of oil and gas, is the size of Dulles Airport. That is how small it is. With directional drilling and the scientific skills we have developed, we have a proven track record that oil can be produced safely in these kinds of regions. It is beyond my comprehension that we would deny our Nation these large amounts of oil in the ANWR region.

I will show you what we would have to move CAFE standards to, which is the mileage standards for automobiles, to equal the impact of the ANWR oil and gas. You would have to raise CAFE standards to 39 miles per gallon for cars and 29 miles for light trucks. The amount of oil there is equivalent to the energy that would be generated by a 3.7 million-acre wind farm. It would be the size of the entire States of Connecticut and Rhode Island combined. That is how much energy we are talking about. Or solar energy from 448,000 acres of solar panels. A fifth of America's domestic oil could be produced out of ANWR by 2025.

We should have done this 10 years ago. It should be flowing today. We should hold companies and producers accountable and make sure there will be no spills. We are producing oil and gas so much safer than we ever have. We are not having a problem, frankly, anywhere with oil and gas spills.

I will say one more thing about this issue. It is very offensive to me when you say to those of us who have advocated ANWR drilling and other areas,

like in the gulf: Oh, you are for the oil companies. You are doing this for the oil companies.

Let me make one thing clear. My proposal to drill in ANWR and the gulf and other areas is for the American people. Now, the oil companies which own oil interests around the world—sometimes I think they don't have enough interest in finding new reserves. They have their reserves. They will sell it at whatever the market price is. If the supply is low and demand is high, they will charge every dime they can charge. That is what they have always done, and that is what they will always do. But when we deny our people the ability to produce oil and gas in our own country and keep that money at home—it has been estimated by union groups that support this drilling that 600,000 jobs would be created in America. Why would we not do that? Why would we send our money off to a foreign nation that is hostile to our interests, perhaps, and let them spend it and create jobs in their nation? You tell me why.

This is not a political issue. It has always been about accessibility of oil and gas for the American people. It is not for the oil companies, it is for the American people, to keep our wealth at home. You may say: We care about the environment. Do you care about Lake Maracaibo in Venezuela where they are drilling perhaps thousands of wells or the Persian Gulf—aren't those nice areas for the environment? What about the hundreds and thousands of wells in the Gulf of Mexico off of Alabama, Mississippi, Louisiana, and Texas?

We have to get real here. Ninety percent of the votes cast to block the drilling in ANWR came from our Democratic colleagues. They are the very ones in this Chamber right now who are complaining and blaming President Bush because we don't have enough oil and gas and the price is going up. Let's just say that is what it is. That is a plain fact.

Now, Senator LARRY CRAIG really talked about something I know a good bit about, just because of my location. I live in Mobile, on the Gulf of Mexico. This past weekend, I visited my brother-in-law, who has a house on Fort Morgan, out toward the peninsula there on Mobile Bay. Right off of his pier, in the bay, is a producing oil well. Friday, we got up early and went fishing; it was the first day of snapper season. We didn't catch any snapper. We caught some redfish. Where did we go? We went out a few miles into the gulf and fished around the oil well. There were four boats fishing around that oil well. We caught four nice redfish. We threw them back. That is where people fish. It provides good structures for fish.

Louisiana, Texas, Mississippi, and Alabama are providing the Nation a tremendous amount of production. Twenty percent of that production was lost as a result of Hurricane Katrina. They have shut off the valves, so if the

rigs are damaged, the shutoff valve doesn't allow oil and gas to spill. Many of the rigs' valves are still shut off. They are not connected. But oil is not being spilled.

My point is that we lost 20 percent of our offshore production, and we have a 5-percent problem still as a result of Katrina's damage to refineries. The Senator from Mississippi knows that so well. So just those factors right there make a demand for oil and gas to exceed the supply. When that happens, the people who have the supplies can manipulate the price and can charge whatever they think they can get. That is what is happening. It has impacted us adversely. That is the way the world works. I am not prepared to try to fix the prices on this. I am willing to look at what has happened and ask tough questions of the oil companies, like: Do you really have enough interest in exploring new reservoirs and finding new reserves and bringing that on line? Maybe you do not have enough interest. Maybe you are happy to not confront the environmentalists or the Democratic obstructionists and sit on what you have, and if the price goes up, charge it. We are not getting enough production, in my view. A big part of the problem is political; it is Congress.

Let me show you a couple of things. ANWR is a big deal. I read off how much ANWR has. If I am not mistaken, ANWR is less than a half billion barrels of oil. The Gulf of Mexico, according to our best estimates, has about 3.65 billion barrels of oil, but they are under moratorium; we cannot drill there. This is a pocketbook issue, not a political issue. Whole regions of the gulf are not available for drilling today. What is happening? Fidel Castro in Cuba is partnering with China and is moving forward with plans that could allow him to drill within 50 miles of Florida, off the Florida coast. He can drill, but we cannot. He can take the money and fund his adventures around South and Central America and complain against the United States. And we are going to buy oil from him? Is that who we pay? And the Chinese company that produces it—is that what people would like to see?

This is reality. That is all I am saying. It is not a pleasant thought. It is unfortunate. I suggest that if we had moved forward out there, we may not be seeing such activities now.

I will show you another chart. This shows what Secretary of the Interior Norton said about Hurricane Katrina, one of the most powerful hurricanes ever to hit the United States:

Despite such intense winds and powerful waves offshore, we experienced no significant spills from any offshore well on the outer continental shelf.

See these dots on the chart? They represent oil platforms. There are hundreds and hundreds of them there, and we are getting a tremendous amount of oil and gas from them. It is important to the American economy. If we weren't buying it there, who would we

be paying for it? Iran, Venezuela, Saudi Arabia, Nigeria? So we have been getting it here in Texas, Louisiana, Mississippi, and Alabama.

Look over at this area of the gulf, where 3.65 billion barrels of reserve is expected to be, and there is a moratorium on that; we cannot drill out there. Why? Because somebody in Florida believes it might impact their coastline adversely. But we have had no impact, and they are drilling a mile off of our shores, in our bay, in little Mobile Bay right here, up in the bay, where there are wells. And there are wells off of the Texas and Louisiana coasts by the hundreds. We are not having oil spills. Do you think you would not see it on television if there were a spill? They would have it on the front pages, whether it was significant or not. We are just not seeing that. They have learned to do this in such a safe way that we have been able to avoid any significant spills.

So, as Senator CRAIG noted, right here on the chart there is a little lease area—some area we can drill in—and we are working on that now. Some are trying to block that. I want to repeat that the votes we have cast on the floor that deal with that issue have fundamentally involved party-line votes on so many of these issues—although not totally. Our Presiding Officer cares about this issue. He is from Florida, and I admire him so much. We just disagree on this issue. I fish around these rigs. I am not so much worried about it. I would like my Florida friends to get more comfortable with the wells, and they would be less concerned about them. So these wells are there, and we have an opportunity to drill a tremendous amount of them, and then that natural wealth will be returned again and again in our own economy so that we can keep it in our Nation instead of sending it to nations around the world, many of which are hostile to our political interests or to our national security interests. It is important. That is why we have a national security caucus, because we are concerned about the transfer of American wealth to nations whose interests are not harmonious with ours.

It is a big deal. I point out a story I told a year or so ago on the floor. My hometown of Mobile produces natural gas offshore, and there is a pipeline there. Our friends in Florida down in Tampa and other places on the beach have nice houses and they have to keep them cool. So they took our natural gas that we produce and put a pipeline all the way to Florida so they could generate electricity to cool their fine houses on the beach where they can have their mint juleps out there in the breeze. It is such a beautiful area down there.

I think they ought to start asking themselves: Would it hurt if we had some wells out in this area of the country? Would it help the American economy? Wouldn't it make us a healthier, stronger nation? I think so.

So we had some debates about this last year with the Energy bill and a modest proposal came up.

I will conclude with this, because I am pushing back a little bit at some of my colleagues who are screaming about the high price of oil and gas. Somebody came out with a proposal to survey the Atlantic Coast where we haven't surveyed to see if there is oil and gas out there. The religious crowd, the anti-oil production religious crowd opposed that. They opposed even doing a survey. Seventy percent of the votes against that amendment were provided by my colleagues on the other side.

I assure you, a good percentage of those who voted against even surveying our coastline to see if there is any more oil and gas available, if we ever decided to drill, are some of the same ones who are yelling the loudest about high oil prices.

I thank the Chair for this time. We need to move away from politics. We need to think through this issue carefully and see what we can do to improve the method of production, to improve conservation, and to deal with the scientific breakthroughs and accelerate those so we can confront the problems we face and reduce these high oil and gas prices.

I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. I ask unanimous consent that I may be permitted to speak as in morning business for 8 minutes to introduce a measure.

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

The Senator from Missouri is recognized.

Mr. BOND. I thank the Chair.

(The remarks of Mr. BOND pertaining to the introduction of S. 2658 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

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. DEMINT). Without objection, it is so ordered.

Mr. COBURN. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. Is there objection to setting aside the pending amendment?

Mrs. MURRAY. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. COBURN. Mr. President, is there objection to setting aside the pending amendment?

The PRESIDING OFFICER. Yes. There was objection to setting aside the pending amendment.

Mrs. MURRAY. We just want to see what it is.

AMENDMENT NO. 3641

Mr. COBURN. Mr. President, I send an amendment to the desk and ask for its consideration.

The PRESIDING OFFICER. Is there objection to setting aside the pending amendment? 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 3641.

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

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

Mr. COBURN. Mr. President, at this time I ask the amendment be divided in the form which I send to the desk.

The PRESIDING OFFICER. The amendment will be so divided.

The amendment is as follows:

At the appropriate place, add the following:

DIVISION I

"Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available in title II, chapter 9 of this Act, for the Federal Railroad Administration under the heading "Capital Grants for Rail Line Relocation Projects" may be available for the Rail Line Relocation Capital Grant program, and the amount made available under such heading is reduced by \$700,000,000.

DIVISION II

Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available in title II, chapter 2 of this Act, for the National Oceanic and Atmospheric Administration under the heading "Operations, Research, and Facilities" may be available for the National Marine Fisheries Service to implement seafood promotion strategies, and the amount made available under such heading is reduced by \$15,000,000.

DIVISION III

Notwithstanding any other provision of this Act, Sec. 7030(b) of this Act shall not take effect.

DIVISION IV

Notwithstanding any other provision of this Act, Sec. 2303 of this Act shall not take effect.

DIVISION V

Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available in title II, chapter 9 of this Act, for the Federal Highway Administration under the heading "Emergency Relief Program" may be available for the projects listed in the Federal Highway Administration emergency relief backlog table, and the amount made available under such heading is reduced by \$594,000,000.

DIVISION VI

Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available in title II, chapter 2 of this Act, for the National Oceanic and Atmospheric Administration under the heading "Operations, Research, and Facilities" may be available for the National Marine Fisheries Service to study for three years the profitability of shrimp and reef fish fisheries, and the amount made available under such heading is reduced by \$20,000,000.

DIVISION VII

Notwithstanding any other provision of this Act, none of the funds appropriated or

otherwise made available in title II, chapter 7 of this Act, for the Corporation for National and Community Service under the heading "National and Community Service Programs, Operating Expenses" may be available for the AmeriCorps National Civilian Community Corps, and the amount made available under such heading is reduced by \$20,000,000.

DIVISION VIII

Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available in title I, chapter 3 of this Act, for the Navy under the heading "Aircraft Procurement, Navy" may be available for the procurement of V-22 aircraft, and the amount made available under such heading is reduced by \$230,000,000.

DIVISION IX

Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available in title II, chapter 4 of this Act, for the Army Corps of Engineers under the heading "Construction" may be available for the acceleration of the American River (Common Features) project in California, and the amount made available under such heading is reduced by \$3,300,000.

DIVISION X

Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available in title II, chapter 2 of this Act, for the National Oceanic and Atmospheric Administration under the heading "Operations, Research, and Facilities" may be available for the National Marine Fisheries Service to equip fishing vessels with logbooks to record haul-by-haul catch data, and the amount made available under such heading is reduced by \$10,000,000.

DIVISION XI

Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available in title II, chapter 8 of this Act, for the Armed Forces Retirement Home under the heading "Major Construction" may be available for the Armed Forces Retirement Home, and the amount made available under such heading is reduced by \$176,000,000.

DIVISION XII

Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available in title II, chapter 2 of this Act, for the National Oceanic and Atmospheric Administration under the heading "Operations, Research, and Facilities" may be available for the National Marine Fisheries Service to equip the off-shore shrimp and reef fishery with electronic vessel monitoring systems, and the amount made available under such heading is reduced by \$10,000,000.

DIVISION XIII

Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available in title II, chapter 2 of this Act, for the National Oceanic and Atmospheric Administration under the heading "Operations, Research, and Facilities" may be available for the National Marine Fisheries Service to assist New England coastal communities that were impacted by a red tide outbreak, and the amount made available under such heading is reduced by \$20,000,000.

DIVISION XIV

Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available in title II, chapter 4 of this Act, for the Army Corps of Engineers under the heading "Construction" may be available for the acceleration of the

South Sacramento Streams project in California, and the amount made available under such heading is reduced by \$6,250,000.

DIVISION XV

Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available in title II, chapter 2 of this Act, for the National Oceanic and Atmospheric Administration under the heading "Operations, Research, and Facilities" may be available for the National Marine Fisheries Service to develop temporary marine services centers, and the amount made available under such heading is reduced by \$50,000,000.

DIVISION XVI

Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available in title II, chapter 2 of this Act, for the National Oceanic and Atmospheric Administration under the heading "Operations, Research, and Facilities" may be available for the National Marine Fisheries Service for replacement of private fisheries infrastructure, and the amount made available under such heading is reduced by \$90,000,000.

DIVISION XVII

Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available in title II, chapter 2 of this Act, for the National Oceanic and Atmospheric Administration under the heading "Operations, Research, and Facilities" may be available for the National Marine Fisheries Service to employ fishers and vessel owners, and the amount made available under such heading is reduced by \$25,000,000.

DIVISION XVIII

Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available in title II, chapter 2 of this Act, for the National Oceanic and Atmospheric Administration under the heading "Operations, Research, and Facilities" may be available for the National Marine Fisheries Service to replace damaged fishing gear, and the amount made available under such heading is reduced by \$200,000,000.

DIVISION XIX

Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available in title II, chapter 4 of this Act, for the Army Corps of Engineers under the heading "Construction" may be available for the acceleration of construction of the Sacramento Riverbank Protection Project in California, and the amount made available under such heading is reduced by \$11,300,000."

Mr. COBURN. Mr. President, I ask that this point, division 1 of the original amendment, be pending, and I will withhold my time until I have noticed both Senators LOTT and COCHRAN—and I see Senator COCHRAN here—because I know they will want to be active on this debate. I would ask their guidance on when I should bring this up for consideration of this first amendment which has to do with the railroad and supplemental moneys for the movement of the CSX railroad in Mississippi.

I ask their advice and desire.

The PRESIDING OFFICER. Division 1 is pending.

Mr. COCHRAN. Mr. President, if the Senator will yield, I have no advice to give him except to withdraw the amendment. I disagree with it, the part I have read, so that would be my advice.

Mr. COBURN. I thank the Senator from Mississippi.

I want to talk first about this. Our country is facing some pretty significant financial difficulties, and we find ourselves with a supplemental bill, as requested by the President. Basically, the whole idea of this supplemental is something the American people should reject. We have been in a war now going into the fourth year. We should have the money for funding this war as part of the regular budget. It should not be in an emergency supplemental. Of what we know about the Katrina results, that should have been budgeted this year as well, but it was not.

It is important for everybody to know why it was not. It is not budgeted because it becomes part and parcel of the debt your children and grandchildren will have to pay, without ever getting on the books of the Federal Government. So when you hear the deficit or the surplus—which it has not been for some time, as a matter of fact not since the early 1970s if you were honest in the accounting—you hear the budget numbers this year, for what the budget will be, and it will not count this money. This money will not be counted, although it will be added to the IOUs that our children and grandchildren will be paying back.

I am thankful for the leadership, in terms of giving us an opportunity this June to talk about budget process reform. Nobody would run their household this way. No business runs this way. This is a gimmicky way under which we can disguise how much we put this country in debt, and it ought not to be that way.

Most people understood that and would agree with it. Yet we find ourselves here. I am not happy we are doing a supplemental emergency bill in that regard.

The second thing is many of the things with Katrina we knew were coming before the budget came through the Senate and the House, and that should not be an emergency. Emergencies are supposed to be reserved for true emergencies, unexpected costs facing the Federal Government. This bill is loaded with things that are not unexpected. We knew the war was going to be expected. We knew some of these costs associated with Katrina and Rita and Wilma were expected. So we need to address the integrity of our process. It is my hope in June we will be able to do that.

I know this amendment will, in fact, not win when it comes to a floor vote on the Senate floor. But I want to give a little background. During Hurricane Katrina, large sections of the CSX railroad along the gulf coast of Mississippi were damaged or destroyed. One 40-mile stretch of track was completely destroyed. The railroad hugs the gulf coast and stretches from New Orleans to Mobile, AL. It is one of only two railroads that reach New Orleans from the east. The other passes over Lake Ponchartrain and runs parallel to the

I-10 Twin Spans Bridge. Three railroads approach New Orleans from the west. Although the CSX railroad was significantly damaged by Katrina, it was repaired; \$250 million in insurance proceeds and I believe somewhere between \$30 million and \$50 million from CSX to repair it and bring it back up to usable and safe status.

Governor Barber, following Hurricane Katrina, created a commission. My hat is off to him. I think he has done a wonderful job for the State of Mississippi and their response to this. This commission was to review and recommend options for recovery and rebuilding in the State of Mississippi. The report released by the Governor's commission recommended purchase of the CSX right-of-way in order to create a new east-west thoroughfare, relieve congestion on US 90, and to provide for light rail or rapid transport through Gulfport. The report also proposes to transform US 90, which runs directly along the gulf coast, into a scenic, pedestrian, friendly beach boulevard. One of the Commission's reports also states:

For many years, planners and local leaders have called for the removal of freight traffic on the CSX railway, which runs east-west through the region, roughly 800 feet from the coast.

I actually went to Mississippi and visited this area after the hurricane. You can see the hurricane damage, you can see this road, and then you can see the rail.

Numerous news outlets, including the Washington Post and ABC, have stated local developers and planners have wanted this railway relocated for years. I agree with that. I think this is a great development plan for the State of Mississippi to enhance the value of their beaches, their waterfront, and the wonderful coastal assets they have. I do not object to the plans behind this. I think it is very good from a developmental standpoint.

What is unknown at this point is where the existing CSX freight traffic will be transferred. While the Governor's commission recommends in some areas the relocation of the railroad somewhere north of I-10, which is 3 to 6 miles from the coast, the Commission's final report pegs the cost of that proposal at \$795 million and states the idea is no longer seen as practical. If the entire railroad right-of-way of Mississippi is purchased by the State, rail traffic heading west from Alabama would have to be rerouted northwest from Mobile to Hattiesburg, into Mississippi, and then southwest into New Orleans and Lake Ponchartrain. The additional distance of this route relative to the CSX line along the coast is approximately 100 miles. There is currently a railroad that runs from Hattiesburg into Gulfport, but if the CSX right-of-way is surrendered, it would not be possible for a freight train traveling along that line to go from Gulfport to New Orleans.

There are a lot of other things I will not go into. I think the principles that

we ought to be asking about are, is this a bad idea? No, it is not a bad idea. It is a good idea.

No. 2, is it an emergency? I would contend that this is not an emergency, especially on the fact that this has been planned and advocated for years in Mississippi in terms of the development—some for safety. Some will argue the railroad line now has 70-plus crossings. But the statistics on safety are that they are at a 5-year low in terms of injury. For 30 years it has been a declining number. It is not an emergency.

The railroad is vulnerable, where it currently lies, to hurricanes. There is no question about that. But so will a five- to seven-lane highway that is going to be put in its place be vulnerable.

The current budget resolution for 2006 explicitly defines what constitutes an emergency, and it should be noted that all of the following five criteria must be satisfied in order for something to be considered an emergency: necessary, essential, and violent; sudden, quickly coming into being and not building up over time; an urgent, pressing, and compelling need requiring immediate action; unforeseen, unpredictable, and unanticipated; and not permanent, temporary in nature.

The proposal to move this railroad does not meet the definition of emergency as defined by the Congress. The permanent removal of a railroad to make way for permanent construction of a highway does not qualify as an emergency either, as well. While the railroad may indeed be vulnerable to hurricanes because of its proximity to the coast, it makes no sense to replace it with a highway that is going to be just as vulnerable in its proximity to the coast.

Despite the vulnerability of the railroad, CSX and its insurers quickly repaired the lines such that it was fully operational within months of its destruction.

There is no desire, I believe, by CSX to move this line, and it would be good business sense if CSX thought it was vulnerable to the point it should make a business decision to move the line interior to the State of Mississippi.

According to Gary Sease, a spokesperson for CSX:

We rebuilt that line across the gulf coast as quickly as possible because it is a critical artery for us. It serves our purposes. It meets our customers' needs. There is absolutely nothing wrong with it.

Furthermore, at a time when it is important more than ever to have freight quickly delivered to devastated regions in New Orleans along the gulf coast, it is inadvisable to remove one of the only railroads into New Orleans from the east, one of two, thus forcing the remaining freight over Lake Pontchartrain.

Within the emergency spending bill, the railroad funding is provided through the Rail Line Relocation Capital Grant Program which was created

in the 2005 highway bill. That program requires the Secretary of Transportation to analyze the effects of the railroad relocation on motor vehicle, pedestrian traffic, safety, community, quality of life, and area commerce. However, the language providing money for the railroad specifically prohibits the Secretary of Transportation from considering those factors as they apply to the CSX relocation.

If safety is a sufficient reason to relocate the rail, it is incredibly odd that the Secretary of Transportation would be prohibited from making judgments as to the effects of the railroad relocation on safety and traffic. We will hear today that hurricane evacuation is a reason to relocate the railroad so it will relieve congestion along U.S. 90 and allow for a better evacuation route in the potential of future hurricanes. They will also say at the same time that the railroad's current location is too vulnerable to future hurricanes. These claims are mutually exclusive and cannot be both true at the same time.

If the current location is too vulnerable to future damage, it makes no sense to build a brand new highway in exactly the same place. It will be wiped out in the next massive hurricane as well.

Both the railroad and the proposed new east-west thoroughfare are located half a mile from U.S. 90 and the gulf coast. A major interstate highway, I-10, is located only 3 to 6 miles farther to the north. Given that the railroad was completely destroyed by Katrina at least over a 40-mile section, the argument that a new road in its place would be safe is hard to fathom.

I have great respect for the Senators from Mississippi. They are great advocates for their State. They are accomplished legislators. They are experienced beyond all means in the operations of the Senate and how to accomplish the best goal that they perceive for their State and our country.

I have to say that at some point it has to stop. Americans have to ask the question:

No. 1, is something truly an emergency?

No. 2, is it truly the responsibility of the rest of the country to do an economical development project that was on the drawing table long before Katrina and to use Katrina as the justification to have the rest of us pay for it?

I don't believe that is fair for future generations of this country. I don't think it is fair for the process.

I think you can see in the wording of this bill that the very definition of emergency is not met. I think you can also see very clearly that blocking the Secretary of Transportation from making an evaluation on safety was designed because they may in fact not pass that test. It has to stop. Our children and grandchildren deserve for us to preserve the opportunities we have had. We cannot continue to borrow

money from their future standard of living so we can do what we want to do today. The heritage of our country is one of sacrifice in the present generation to create opportunity for the future.

This is a good plan for Mississippi; it is just not a plan that the people of the rest of the country—especially on an emergency basis—ought to be asked to do.

If in fact it is brought back through the proper process and channels and looked at by the full committee and this body feels it should be done in a prudent and thoughtful way, that would be far better than putting it into this bill. Mississippi will win if this happens. But the future of our country loses if this kind of thing continues to happen.

This is called an earmark. It is placed in a bill to benefit one specific area at the expense of everyone else. It has legitimate value for the State of Mississippi. It is not an emergency. And it certainly will be paid for through lost opportunities for our kids and our grandkids. Think about what \$700 million could do for everybody else in Katrina. How many classrooms can be rebuilt? How many hospitals to serve the poor and helpless can be made available? How much education can we offer up that will create future opportunities and earnings?

The progress we seek to secure for the future is being limited by our own inability to make the hard decisions that aren't pleasing, aren't fun, but that are necessary to secure that future.

If you assume an interest rate on our debt—which is going to be very soon 6 percent—this \$700 million relocation will balloon to more than \$4 billion by the time we start paying it back. The net present value of this isn't \$700 million, it is \$4 billion. That is what your grandchildren will have to pay back for what we are proposing to do today.

I respect a great deal the chairman of the Appropriations Committee. He has a very difficult job. Everybody asks and nobody wants to give when they come to see Chairman COCHRAN. Everybody has a need. He has the job to find the best way to get a bill out of his committee. This particular project just happens to lie within his home State, and he advised me that his best recommendation would be for me to withdraw the amendment. I understand why. But I cannot in good conscience withdraw what I perceive to be and many are willing to debate on the floor something that is truly not an emergency, and truly even though it will offer great benefits for Mississippi in terms of economic development is not something the rest of us in the country should be paying for.

I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

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. AKAKA. 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. I ask unanimous consent the pending amendment be set aside so the Senator from Hawaii can proceed to offer an amendment.

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

AMENDMENT NO. 3642

Mr. AKAKA. I thank the Senator from Mississippi for permitting me to discuss my amendment. I send my amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Hawaii [Mr. AKAKA], for himself, Mrs. MURRAY, Mr. KERRY, Mr. DAYTON, Ms. STABENOW, Mr. MENENDEZ, Mr. OBAMA, Mr. SCHUMER, Mr. DORGAN, Mrs. LANDRIEU, Ms. MIKULSKI, Mrs. LINCOLN, Mr. BIDEN, Mr. ROCKEFELLER, Mrs. BOXER, Mr. REED, Mrs. CLINTON, Mr. LAUTENBERG, Mr. PRYOR, and Mr. JOHNSON, proposes an amendment numbered 3642.

Mr. AKAKA. 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 an additional \$430,000,000 for the Department of Veteran Affairs for Medical Services for outpatient and inpatient care and treatment for veterans)

On page 128, between lines 10 and 11, insert the following:

DEPARTMENT OF VETERANS AFFAIRS VETERANS HEALTH ADMINISTRATION MEDICAL SERVICES

For an additional amount for "Medical Services" for necessary expenses for furnishing, as authorized by law, outpatient and inpatient care and treatment to beneficiaries of the Department of Veterans Affairs and veterans as described in paragraphs (1) through (8) of section 1705(a) of title 38, United States Code, including care and treatment in facilities not under the jurisdiction of the department and including medical supplies and equipment and salaries and expenses of healthcare employees hired under title 38, United States Code, and to aid State homes as authorized under section 1741 of title 38, United States Code, \$430,000,000 plus reimbursements: *Provided*, That of the amount under this heading, \$168,000,000 shall be available to address the needs of servicemembers in need of mental health care, including post-traumatic stress disorder: *Provided further*, That of the amount under this heading, \$80,000,000 shall be available for the provision of readjustment counseling under section 1712A of title 38, United States Code (commonly referred to as "Vet Centers"): *Provided further*, That of the amount under this heading \$182,000,000 shall be available to meet current and pending care and treatment requirements: *Provided further*, That the amount under this heading shall remain available until expended: *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 concur-

rent resolution on the budget for fiscal year 2006.

Mr. AKAKA. Mr. President, I ask unanimous consent I be yielded 10 minutes.

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

Mr. AKAKA. Mr. President, I rise today with the Senator from Washington, Senator MURRAY, and the Senator from Massachusetts, Senator KERRY, to offer an amendment to address the costs of providing health care to veterans. I am proud that 16 of our colleagues have joined us in this effort.

Last year, we all recognized the need to provide supplemental funds to VA. We did this to allow VA to absorb an influx of new patients from Operations Iraqi and Enduring Freedom. It is time to act once again.

This amendment we offer today allows VA to provide care for returning troops without displacing those veterans currently using the system. It provides VA with more tools to deal with those mental health issues faced by returning veterans.

The amount of this amendment, \$430 million, is largely directed toward mental health needs, coupled with a modest level of funding to eradicate waiting lists and existing shortfalls. Eighty million dollars is directed to Vet Centers, readjustment counseling, and outreach. For returning veterans who have suffered psychological wounds, the stigma surrounding these types of injuries creates a barrier that oftentimes prevents them from seeking the care they need. Vet Centers provide a means to overcome this barrier because of the location in the community and because veteran staff members can relate to the experiences of veterans seeking services.

We are receiving information that our Vet Centers maintenance funding is being depleted. We learned also that resources for equipment that is needed by the centers cannot be bought because funds are not available. In the year 2005, Vet Centers cared for 36,000 veterans. So far this year, Vet Centers have seen more than 70,000 such veterans.

This chart shows in 2003 there were 1,936 veterans; in 2004 there were 9,611 veterans; in the year 2005, 36,717. It is projected to be 70,547. Therefore, the need for assistance is there.

When we close the books on 2006, Vet Centers will have ended up seeing nearly 140,000. That is a projection. Yet the budget for the program has remained virtually stagnant.

Another component of our amendment aggressively targets the more debilitating mental health issues of servicemembers. The experts predict as many as 30 percent of those returning servicemembers may need psychiatric care. Yet we are told that the system is nowhere near ready to handle this type of workload.

Steady budget cuts over the years have diminished VA mental health care capacity. GAO found VA has lagged in

the implementation of recommendations made by its own advisory committee on PTSD to improve treatment of veterans who suffer from this very serious mental illness. The GAO has questioned whether VA can keep pace with the demand for mental health treatment from veterans of Operations Iraqi and Enduring Freedom. In order to provide the VA health care system for these needs, we believe \$168 million should be sent to VA. The VA developed its own comprehensive plan to reach all veterans in clinics or in VA hospitals. This is the administration's plan, but we need to find a way to fund it.

In addition to mental health needs, our amendment addresses the existing shortfalls in the system. We know right now waiting lists have begun to creep up. VA hospitals are running deficits. Yes, we are back here again.

Let me share some specifics. In Phoenix, the supplemental funds provided last year went almost entirely to help with the backlog of patients and nary a dime was used for equipment purchases or maintenance which was delayed previously.

In Network 22, they are still relying on management efficiencies to balance the budget. These same efficiencies were decried by the GAO as being fictitious.

In Texas, the VA is again using maintenance and equipment funds to cover its current deficit.

Health care provider positions also remain open all across the country, resulting in shortages of doctors, nurses, and medical technicians, to name a few. We know we can do better.

I close by taking my colleagues back a year when we offered a similar amendment to the last war supplemental. Armed with evidence that VA facilities were operating in the red, we came before our colleagues and asked that VA be given the funds necessary to care for returning servicemembers. We had VA's own documentation which showed that higher numbers of patients were seeking care than were expected.

The Bush administration, at the same time, assured all Members that sufficient funds were available. Our amendment was rejected. Many were led to believe VA could handle the unexpected workload. It took 4 months for the VA to come clean and admit help was needed from Congress. With swift bipartisan action, the VA finally ended up with more funding.

Let's be upfront about the fact that the costs of the war we are fighting today will continue to add up long after the final shot is fired, mainly in the form of veterans' health care and veterans' benefits.

I urge my colleagues to join in this effort to see that servicemembers are provided the care they are currently earning.

I yield to the Senator from Washington.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, I am very proud to be in the Senate today to support the Senator from Hawaii, Senator AKAKA, in offering this amendment, the current pending business regarding adding additional funds for our veterans who have served us so honorably overseas every day in Iraq and Afghanistan.

Mr. MCCAIN. Mr. President, parliamentary inquiry: Can the Senator yield to another Senator?

The PRESIDING OFFICER. He cannot yield, but the Senator can be recognized on her own and she was recognized.

Mrs. MURRAY. Mr. President, every day in Iraq and Afghanistan the men and women of our Armed Forces make us very proud. Last year, I had the honor of visiting our troops in Baghdad and Kuwait. I was personally impressed with their commitment and their professionalism. We in this Senate all agree that we support them and we stand with them as they carry out the mission they have been asked to do.

However, they also deserve our support when they come home, when they come home as veterans. We need to make sure they have the health care they were promised, job training, and transition assistance. They deserve all the things our country promised them when they signed up to serve us.

Unfortunately, today our country is still falling short of meeting those needs. We all have known for years that the demands on the VA have grown considerably, but funding just has not kept pace. Senator AKAKA talked about what happened last year with the funding shortfall we got into. We had to get back in place emergency funds to meet the needs last year.

We are again offering this amendment to increase funding for America's veterans, frankly, because they were there for us and now it is up to us to be there for them.

We need this amendment this year again because veterans are still facing tremendous shortages and delays in getting the care they need. Veterans today coming back from Iraq and Afghanistan are able to get an appointment initially with the VA, but then they have to wait up to 6 months for a consultation and another 7 months for surgery. So, as a result, we are seeing veterans today take over a year before they get the care they are seeking at our veteran services. A lot of our veterans coming back from Iraq have to wait 18 months to get their disability claims processed. Imagine returning from Iraq and waiting a year and a half before you get the services you have been promised.

We all have met with veterans who have returned. We know many of them are coming back with severe injuries. Many of them are facing tremendous mental health hurdles. Today, the VA is operating on a bare-bones funding. It is doing more and more with less and less. As the war in Iraq continues, our heavy reliance on the Guard and Re-

serve has affected the VA and utilization rates in our ability to keep our promises to them for their health care and their services when they return.

Last month, the Secretary of the VA came in front of the MilCon VA Subcommittee and told us that OIF and OEF veterans accessing VA care was 38 percent higher than expected halfway through this fiscal year—38 percent higher than they predicted, than they had requested funds for.

We have to make sure the VA has the funds it needs to care for our veterans. I personally can think of no better way to honor those who have made the ultimate sacrifice in Iraq and Afghanistan and their families than by taking care of them when they return.

All Senate Members have met with our veterans, their families and spouses, those who serve them. We know the mental health care of our veterans is not being met today. Recent reports have verified that 30 percent of OIF and OEF veterans are accessing mental health services. That is much higher than anyone predicted.

We need to make sure those mental health care services are available. That is why Senator AKAKA is in the Senate today offering this amendment to provide the VA with \$430 million to enhance readjustment counseling and outreach to returning servicemembers, to shore up the VA's capacity to provide mental health services to veterans who need them, and to address the current shortfalls we are facing across the system.

Our amendment simply recognizes that caring for our veterans is and should be part of the ongoing cost of war. The bulk of the VA's readjustment counseling is provided through our Vet Centers, as many Members know. These are storefront facilities that operate independently of the rest of the VA health care system. That separation from the institutional VA care makes them an invaluable resource in reaching many of our returning servicemembers who today may be wary of the VA system or in very remote locations.

Our amendment provides \$80 million for these Vet Centers so they can meet the needs they are seeing today. We know in the budget these Vet Centers have been flatlined. Over the years, these centers have provided services to a total of 118,811 OIF and OEF veterans. So far this year, these Vet centers have provided services to 70,547 OIF and OEF veterans. And these vet center services include outreach to our returning servicemembers at their demobilization sites. So they are very critical services, and we need to make sure they are funded.

I mentioned mental health a minute ago. I think we all know that men and women who are returning from Iraq and Afghanistan are suffering serious mental health problems. So our amendment addresses that by providing \$168 million toward the implementation of the VA's own mental health strategic

plan. That will help serve our veterans who are suffering from PTSD and other debilitating conditions.

We all know, and as I know from talking to our soldiers in Iraq and Afghanistan, many of these soldiers are literally on the front line 24-7, and we know the cost of that in returning. We have to make sure they get the services they need for PTSD and other mental health conditions because not only should we provide that for them because they need it but because we need to make sure when they come home they get the help they need so they can remain valuable members of our communities.

Finally, the amendment secures an additional \$182 million for the various regions in the country that are once again suffering from shortfalls. Despite all of our work last year, and despite our efforts on the floor last year, evidence has continued to mount that demonstrates there is still a need for supplemental funds. The VA medical centers are still millions of dollars in debt. We need to make sure we provide the dollars within the supplemental to take care of that.

So I am proud to stand with Senator AKAKA as we offer this amendment. I hope every Senator recognizes that part of the cost of war is paying for the care of our men and women when they return home. I can think of no more important promise to keep. I urge all Senators to join us in supporting this critical amendment.

Thank you, Mr. President.

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

• Mr. KERRY. Mr. President, I am proud to be a cosponsor of the Akaka amendment to increase funding for the Department of Veterans Affairs by \$430 million dollars.

We are offering this amendment on this emergency legislation composed primarily of war funding for two simple reasons. In the first place, this funding is needed urgently to meet the needs of America's veterans. Second, caring for America's veterans is a continuing cost of war.

Sadly, the Department of Veterans Affairs continues to have to tighten its belt to meet the needs of its patients. Last year, after warnings from Democrats, the administration was compelled by the gravity of events to admit a shortage of more than \$1 billion for veterans health care. Congress made an emergency supplemental appropriation of the needed dollars, but we know now that the Department is still \$182 million short. I don't believe that the VA should have to squeeze budgets to provide patient care. So this amendment rightfully provides \$182 million to cover unmet needs.

Not all the wounds of war are physical. In July of 2004, the New England Journal of Medicine reported that one in six combat veterans in Iraq and Afghanistan showed symptoms of major depression, anxiety, or posttraumatic

stress disorder. A more recent study in the *Journal of the American Medical Association* found that 19.1 percent of returning veterans from Iraq and 11.3 percent of veterans returning from Afghanistan reported mental health problems. We know from historic experience that soldiers will return from war having to navigate a range of emotional issues, regardless of whether they are diagnosed with PTSD.

So this amendment will provide \$248 million dollars to fund expanded screening and treatment of posttraumatic stress disorder and other mental health conditions. It will enable the VA to make use of community-based outpatient clinics for PTSD screening and treatment. It will expand innovative programs that link the work of Vet Centers with National Guard units returning from combat.

We must never forget the veteran—that young American who stood up to be counted when their country needed them. Now they need our assistance, and it is our turn to stand with them. I urge my colleagues to stand up and be counted on this important amendment.●

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

● Mr. ROCKEFELLER. Mr. President, I want to indicate my strong support for the amendment by Senators AKAKA, MURRAY and others to provide an additional \$430 million for the Department of Veterans Affairs as part of the supplemental appropriations. I have asked to be included as a cosponsor of this crucial amendment.

While I am recovering from recent surgery and unable to cast my vote on the floor, I continue to monitor the work of the Senate and I want to signal my continuous support for better funding for VA care. We should make it a priority to care for all our veterans, the young soldiers returning from Iraq and Afghanistan and the aging veterans from previous conflicts including our WWII veterans.

This amendment is a strategic investment. It would provide \$80 million for our vet centers that provide vital readjustment counseling. The budget for vet centers has been flat for too long. In recent years, the centers and staff have struggled to meet the needs of our returning veterans from Iraq and Afghanistan. Since 2001, over 118,811 veterans, including Guards and Reservists, have sought services and support from our vet centers. I have visited vet centers in West Virginia and privately met with returning veterans so I am very aware of the care and support our centers provide. The work of our centers is truly important for our veterans and their families throughout West Virginia and our country.

This amendment also includes \$168 million for a comprehensive VA Mental Health Plan. Many studies indicate that as many as one out of every three returning veterans will need some type of mental health care, and many veterans will struggle with posttraumatic stress disorder. Rumors persist throughout my state about delays in testing and care for mental health

issues for veterans after their initial health care appointment. Every veteran who has served in combat deserves the full range of health care in a timely manner, including mental health care.

Another concern is a variety of shortfalls that our VA hospitals and networks are reporting. Some areas need specialty doctors, while other hospitals face nursing shortages. This important amendment would provide \$182 million to deal with current shortfalls in the system based on local needs and problems.

For West Virginia veterans, and veterans across our country, this amendment states that we fully support their service to our country, and their return home and successful readjustment to civilian life.●

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, it is my understanding that the distinguished Senator from Texas has an amendment to the Akaka amendment which she intends to offer. And I was going to be sure she had that opportunity at this time. I am happy to yield to her for that purpose.

The PRESIDING OFFICER. The Senator from Texas.

Mr. ENSIGN addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mrs. HUTCHISON addressed the Chair.

Mr. ENSIGN. Mr. President, do I have the floor?

Mrs. HUTCHISON. Mr. President, I send a second-degree amendment to the desk.

The PRESIDING OFFICER. Will the Senator withhold for a moment?

The Chair is corrected. The Senator cannot yield the floor to another Senator.

The Senator from Nevada is recognized.

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

Mr. ENSIGN. Mr. President, I have the floor.

The PRESIDING OFFICER. The Senator from Nevada has the floor.

Mr. ENSIGN. Thank you, Mr. President.

MOTION TO RECOMMIT

Mr. President, I want to thank Senators MCCAIN, GRAHAM, DEMINT, SUNUNU, and COBURN for joining me in a motion to commit that I will raise in a minute. I believe the Appropriations Committee needs to go back to the drawing board to come up with a bill that does not exceed the President's request of \$94.5 billion in emergency spending. Let me be clear—I don't agree with everything in the President's request—I do believe that we should not spend above the total level of his request.

The emergency supplemental appropriations bill we are considering today provides funds necessary to support our troops who are fighting to make our nation more secure. This bill provides \$72 billion for defense. Much of this funding is absolutely critical. It will ensure that our troops have the safest and most up-to-date equipment, as

they serve in harm's way, in order to protect each of us.

That is why I support many of the provisions of this supplemental appropriations bill. I am, however, disappointed that this bill includes so much unnecessary, and in fact wasteful, spending. Spending that is not related to the emergency needs of the military. Spending that was not requested by the President, the Commander-in-Chief of our Nation's military.

In my opinion, this bill abuses the spending process. Certain provisions in this bill clearly reflect that the Senate is using our troops to push wasteful spending through Congress. That is simply wrong.

Congressional spending is out of control. So much spending in Washington is simply wasteful. We are running huge deficits as a result of too much spending. The American public understands all of this. What I can't understand is why Congress does not.

This bill has questionable and unnecessary spending. The purpose of an "emergency supplemental" is to provide spending to address national emergencies. Last year's budget contained a comprehensive explanation of what constitutes an emergency. The budget states that an emergency addresses a situation that is "necessary, essential, or vital." Much of the spending included in this emergency supplemental appropriations bill does not meet the budget's definition of an emergency. This bill shows that the Senate has no concept of what an "emergency" is.

Congress has a responsibility to ensure that taxpayer dollars are being spent wisely. We should not, in good conscience, continue to pass off trillions of dollars in debt to our children and grandchildren in order to fund extraneous nondefense spending. If we enact this bill, Congress will not be acting as good stewards. I agree with the President when he says "taxpayer dollars should be spent wisely, or not at all." Sadly, there is a great deal of spending in this bill that should not be spent at all.

I make a motion to recommit the underlying bill to the Committee on Appropriations with instructions that it be reported back with total net spending not to exceed \$94.5 billion.

Mr. MCCAIN. Will the Senator yield for a question?

Mr. ENSIGN. Mr. President, I will yield to the Senator from Arizona for a question without losing my right to the floor.

Mr. MCCAIN. Will the Senator from Nevada explain exactly what his motion is?

Mr. ENSIGN. I thank my colleague from Arizona for his question. It is important for my colleagues to understand the substance of this motion. This motion only sets the spending ceiling for this bill. We are not singling out anyone's projects with this motion. We are not stripping funding for any provision.

This motion sends the bill back to the Appropriations Committee for further consideration. It preserves the rights of the committee to determine the level of spending for each program.

We are not taking anything away from the committee's jurisdiction. The motion lets the committee make their decisions but within the top line number that the President called for yesterday.

If the Appropriations Committee wants to fund items in this bill that were not requested by the President, they can do so. But they must pay for it. They must find offsets. That is what this motion does. We were sent here to make decisions, sometimes hard ones. This motion ensures that this Congress makes tough decisions today rather than heaping debt on to the backs of our children and grandchildren.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. ENSIGN] moves to recommit the underlying bill to the Committee on Appropriations with instructions that it be reported back with total net spending not exceeding \$94.5 billion.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, I move to table the motion to recommit, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from New Mexico (Mr. BINGAMAN), and the Senator from West Virginia (Mr. ROCKEFELLER) are necessarily absent.

I also announce that the Senator from Massachusetts (Mr. KERRY) is absent due to family illness.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KERRY) would vote "yea."

The result was announced—yeas 68, nays 28, as follows:

[Rollcall Vote No. 97 Leg.]

YEAS—68

Akaka	Feinstein	Nelson (FL)
Baucus	Frist	Nelson (NE)
Bayh	Harkin	Obama
Bennett	Hatch	Pryor
Bond	Hutchison	Reed
Boxer	Inouye	Reid
Burns	Jeffords	Roberts
Byrd	Johnson	Salazar
Cantwell	Kennedy	Sarbanes
Carper	Kohl	Schumer
Clinton	Landrieu	Shelby
Cochran	Lautenberg	Smith
Coleman	Leahy	Snowe
Collins	Levin	Specter
Conrad	Lieberman	Stabenow
Craig	Lincoln	Stevens
Crapo	Lott	Talent
Dayton	Lugar	Thune
DeWine	Martinez	Vitter
Dodd	Menendez	Voinovich
Domenici	Mikulski	Warner
Dorgan	Murkowski	Wyden
Durbin	Murray	

NAYS—28

Alexander	Brownback	Chafee
Allard	Bunning	Chambliss
Allen	Burr	Coburn

Cornyn	Grassley	McConnell
DeMint	Gregg	Santorum
Dole	Hagel	Sessions
Ensign	Inhofe	Sununu
Enzi	Isakson	Thomas
Feingold	Kyl	
Graham	McCain	

NOT VOTING—4

Biden	Kerry
Bingaman	Rockefeller

The motion was agreed to.

The PRESIDING OFFICER (Mr. COBURN). The Senator from Texas is recognized.

AMENDMENT NO. 3647 TO AMENDMENT NO. 3642

Mrs. HUTCHISON. Mr. President, I send a second-degree amendment to the Akaka amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Texas [Mrs. HUTCHISON] proposes an amendment numbered 3647 to amendment No. 3642.

Mrs. HUTCHISON. 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 clarify the availability of funds)

Before the period at the end of the amendment insert the following:

"*Provided further*, That these amounts shall be available only to the extent that an official budget request for the entire amount is submitted to the Congress by the President that includes designation of the entire amount of the request as an emergency requirement."

Mrs. HUTCHISON. Mr. President, the amendment is on behalf of myself and Senator BURNS. This second-degree amendment basically says that the funds available in the Akaka amendment would only be expended if the President requests of Congress such an emergency expenditure.

I certainly understand that the veterans need to have all of the money that would cover their legitimate health care costs. That is exactly what we have done in the underlying appropriations bills from last year and this year. In fact, the Veterans' Administration, after we put \$1.5 billion in emergency spending in the health care account last year, is 4.3 percent below last year's spending level. That is because they now have better modeling for what is forecast to be needed in the medical care-medical service area.

In the mental health area that is covered by the Akaka amendment, there is already \$2.8 billion from the 2006 budget which is \$386 million over the 2005 level. The 2006 medical care account has \$31 billion, and that is \$1.1 billion over the 2005 level. We have also added supplemental expenditures over the 2006 budget.

I think the prudent thing for us to do is to allow this money to be made available only if the President and the Veterans' Administration request it, and that is exactly what my amendment does.

I ask for support of the amendment. The PRESIDING OFFICER. The Senator from Hawaii.

Mr. AKAKA. Mr. President, I want the Senator from Texas to know that I do appreciate the changes made by her. I believe it is an approach with which we can all live.

A letter was circulated last year to Senators in which the VA assured Senators "that the VA does not need emergency supplemental funds in FY 2005 to continue to provide the timely quality service that is always our goal. But certainly for the remainder of this year, I do not foresee any challenges that are not solvable within our own management decision capability."

We know that in the end, however, emergency funds were needed. With this modification in my amendment, I expect the President to come forward expeditiously and will not tolerate forestalling and suppression of the facts. Our men and women are depending on us. We will be watching.

I express my appreciation for the second-degree amendment. Following the adoption of that amendment, I will ask for the yeas and nays on my amendment, as amended by the Senator from Texas.

Mrs. HUTCHISON. Mr. President, let me answer the Senator from Hawaii by saying I commend the President and Secretary Nicholson for coming forward after the letter that had been written during our regular appropriations process and saying they did need extra money. And, Congress stepped right up to the plate. We worked together with the Senator from Hawaii, the Senator from Washington, and my colleague Senator FEINSTEIN to provide that money. We always will do that. We will never skimp on veterans' care and, in fact, it is now acknowledged that it is the best health care system in America.

This money Senator AKAKA has proposed will be available, if needed, if the President asks for it. It will certainly be there. I ask for the adoption of my amendment.

The PRESIDING OFFICER. Is there further debate on the second-degree amendment? If not, the question is on agreeing to amendment No. 3647.

The amendment (No. 3647) was agreed to.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. CRAIG. Mr. President, let me speak briefly on what we have done and why I suggest we do not need to do it. I have the great privilege of being the chairman of the authorizing Veterans Affairs Committee. The Senator from Texas has done the right thing to shape the Akaka amendment that calls for, in an emergency spending bill, an emergency of \$430 million in this fiscal year, and yet, did you hear what the Senator from Texas said?

Because of what I demanded last year, because of what she demanded, because of what Senator MURRAY demanded, because of what Senator

AKAKA demanded, we now have a much more accurate accounting system, a quarterly reporting system of the Veterans' Administration. Right now, based on the money we gave them for the 2006 budget, they are 4.3 percent under their spending levels as projected.

What does that mean? It means that over \$600 million they thought they would spend they are now not spending. So where is the emergency? It doesn't exist. Why are we doing this? How can you spend more in a program in the last half of the year than the whole program was designed to spend in 12 months? And yet in three of the four programs that the Akaka amendment deals with, it does just that.

It doesn't make any sense. Well, any fiscal sense. It may make political sense. But the reality is this is simply wrong. In the 2007 budget, we increased their spending. It is the largest increase in a single department spending than any of our Government. Why? Because Congress—Democrats and Republicans—are phenomenally sensitive to the needs of our veterans, and I am extremely proud of that.

In no way do I suggest that the Senator from Hawaii is less sensitive. It is why he is on the floor and cares deeply about our veterans and our veterans' needs, and we work closely together. But I must tell my colleagues, how can we increase budgets halfway through the year by 75 or 80 percent and spend them wisely, responsibly? We cannot.

This money, if it were allocated, will not get spent. That is why the Senator from Texas, who is the chairman of the Appropriations Subcommittee on VA, said only if an emergency occurs.

Right now there is almost \$600 million in unspent money that was designated for the timeframe, and there is a \$430 million contingency fund already built into the VA, and we know that. That is a fact. It is operated that way. Do the numbers, folks.

If there were an emergency, we have over \$1 billion worth of resources to assure that our veterans have what they need.

I will argue all the time for our veterans, but I do believe our veterans expect us to be fiscally responsible, along with meeting their needs. I cannot imagine that there is a veteran out there today who would suggest that in most instances we are not meeting their needs. We brought one of the finest health care systems in the world to the forefront again. We have expended phenomenal amounts of money on it. And this year, the VA budget is bigger than any other budget in our Federal Government, including Defense during wartime. I am talking about rates of increase, not total dollars.

Those are the realities with which we are dealing. I don't mind standing up and talking about it. Why? Because I can go home to my veterans and say we have been fair and we have been responsible, and I am not willing to listen to the VSOs that "you gotta, gotta,

gotta spend more." Is there a limit to how much we should spend? No, there isn't, apparently.

I hope in the end, even though it has been effectively shaped so it won't get spent and it won't get spent because it isn't needed, that the President, as he should, and the Secretary of the Veterans' Administration, as he should, will have the opportunity to declare an emergency if it happens and this Congress will know it now because of what we in a bipartisan way did to make sure what happened a year ago never happens again. We are now reported to quarterly for the first time in the history of the VA. By the last report, they are 4.3 percent under their spending proposal and that \$600 million—do the numbers, folks. At a time of major deficits in this country, we are going to spend more of this kind of money? No, we are just going to put it on the books now.

I yield the floor.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. AKAKA. Mr. President, I ask unanimous consent that Senator DURBIN be added as a cosponsor to my amendment.

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

Mr. AKAKA. Mr. President, I ask for the yeas and nays on my amendment, as amended.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

Is there further debate? If not, the question is on agreeing to the amendment No. 3642, as amended. The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN) and the Senator from West Virginia (Mr. ROCKEFELLER) are necessarily absent.

I also announce that the Senator from Massachusetts (Mr. KERRY) is absent due to family illness.

I further announce that, if present and voting, the Senator from Delaware (Mr. BIDEN) and the Senator from Massachusetts (Mr. KERRY) would each vote "yea."

The result was announced—yeas 84, nays 13, as follows:

[Rollcall Vote No. 98 Leg.]

YEAS—84

Akaka	Coleman	Hutchison
Alexander	Collins	Inouye
Allard	Conrad	Isakson
Allen	Cornyn	Jeffords
Baucus	Dayton	Johnson
Bayh	DeMint	Kennedy
Bennett	DeWine	Kohl
Bingaman	Dodd	Kyl
Bond	Dole	Landrieu
Boxer	Domenici	Lautenberg
Bunning	Dorgan	Leahy
Burns	Durbin	Levin
Burr	Feingold	Lieberman
Byrd	Feinstein	Lincoln
Cantwell	Frist	Lott
Carper	Graham	Lugar
Chafee	Grassley	Martinez
Chambliss	Hagel	McConnell
Clinton	Harkin	Menendez
Cochran	Hatch	Mikulski

Murkowski	Roberts	Specter
Murray	Salazar	Stabenow
Nelson (FL)	Santorum	Stevens
Nelson (NE)	Sarbanes	Talent
Obama	Schumer	Thune
Pryor	Shelby	Voinovich
Reed	Smith	Warner
Reid	Snowe	Wyden

NAYS—13

Brownback	Enzi	Sununu
Coburn	Gregg	Thomas
Craig	Inhofe	Vitter
Crapo	McCain	
Ensign	Sessions	

NOT VOTING—3

Biden	Kerry	Rockefeller
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The amendment (No. 3642), as amended, was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. LOTT. Mr. President, now we are back on the pending amendment, the Coburn amendment; is that correct?

The PRESIDING OFFICER (Mr. THUNE). The first division.

Mr. LOTT. Mr. President, for some time now public officials in Mississippi have been concerned about the vulnerability and safety of the CSX rail line long the Mississippi Coast. These discussions have taken on a sense of urgency as part of the overall dialogue about how to rebuild the gulf coast region after Hurricane Katrina.

Transportation is the lifeblood of our economy, and making it less vulnerable to future destruction while also making it safer should be a priority. I am an unabashed advocate of safer roads, bridges and yes, railroads—most recently lending my support to a \$700 million plan to move the Mississippi gulf coast's CSX railroad line north to higher ground, away from people and storm surges.

In the aftermath of the worst natural disaster in American history, any good post-Katrina reconstruction plan should consider moving these tracks. Given the tracks' proximity to the Gulf of Mexico and to motor traffic and flood waters, gulf coast residents and leaders would be irresponsible if we did not consider a safer place for the railroad. At some point we must move these tracks from the middle of busy, growing communities like Biloxi, Gulfport, and Pascagoula.

Let me briefly discuss the rail safety problem in the 3 Mississippi counties along the gulf coast. There are 185 highway-rail crossings on the CSX line in those counties. That is more than 2 crossings per mile. In some cases, there are more than 2 crossings in 1 mile of rail track.

In the last 10 years, 40 people have been killed in collisions between vehicles and trains. In other words someone is killed every 3 months in a rail accident along the gulf coast. Another 68 people have been injured. There have been 147 accidents over those 10 years. That's more than 1 accident per month.

This is an authorized national program. The funds for this project would

be appropriated under the Rail Line Relocation and Improvement Program. I was a long time champion of the legislation to create this program, and last year Congress finally passed it. This program was designed to alleviate the adverse effects of rail traffic on safety and on communities. Now that funds are available for projects that can save lives, such as this one in Mississippi, the program should be utilized.

Many have asked why this qualifies as an emergency project when the rail lines have already been rebuilt. They are oblivious to the fact that this strategic railroad—actually spans the length of our Nation between California and Florida, handling vital cargo.

The simple answer is that this project is needed to prevent future emergencies. There was no way that CSX could have waited on the Federal Government to relocate the line. This project will not be completed until 2008 at the very earliest. Therefore, there was never serious consideration given to not rebuilding the line. The urgency to restore rail operations for the benefit of customers along the corridor was paramount. That is why CSX spent private dollars to rebuild the line as quickly as possible. To be clear, no Federal money has been spent to repair the existing line, as press reports lead you to believe.

It ultimately took CSX 143 days to get the line back in condition to serve customers. Six major bridges and 40 miles of track had to be rebuilt or repaired. During that time hundreds of businesses were without service, 300 CSX employees were affected. Millions of citizens, and numerous seaports depend on this critical rail artery for freight and passenger services. The gulf coast corridor serves as the Southeast's primary gateway for freight being shipped to the western United States. Even with the new construction and rebuilt infrastructure built to the best possible standards, this line would still be significantly damaged in another storm given the proximity to the storm surge.

It is also important to mention, there are significant national security and energy security benefits to moving the current line away from the Nation's highest density of defense—for example, Ingalls, Keesler, Coast Guard, CBC Gulfport, CRTC Gulfport, Stennis Space Center Federal Reservation, and energy—for example, Chevron refinery, fuel transfer pipelines—infrastructure.

The fact is this is not solely a Mississippi project. Remember, the CSX line runs from Jacksonville, FL, to the Port of New Orleans before continuing on to Los Angeles. The Federal investment required to relocate the line will benefit Georgia, Alabama, Mississippi, and Louisiana by upgrading tracks within those states. Factually, this is a Southeast United States project, not a Mississippi project.

Our State has not asked for anything that is unreasonable or that the people

in this devastated region do not deserve.

Mr. President, I know the hour is getting late and Senators have commitments. This is an issue which I feel very strongly about. It is one we have to address. These are the problems which have been created by the CSX transportation rail line across the Mississippi gulf coast. I thank Senator COCHRAN, the chairman of the Appropriations Committee, for taking the initiative to address this issue.

I would like to correct several misunderstandings. First, this would provide the funds to relocate the railroad track from right along the coastline, including crossing significant bodies of water in three different places, and it would then be relocated to an area north of there, connecting several railroad tracks. It would run like this, to New Orleans, instead of all the way along the gulf coast. Keep in mind, this is a major corridor that runs from Jacksonville, in Florida, all the way to California. This issue needs to be addressed.

Senator COCHRAN and I and our Governor and our officials in Mississippi have tried to be restrained and responsible and conservative in the requests we have made. This Congress has been very helpful, the Senate has been very helpful to meet a lot of our needs, but we need to come to terms with this issue. That is why Senator COCHRAN has chosen to put it in the supplemental.

Let me make sure you understand that this is Katrina related, No. 1. Some people will say: Look, the old railroad tracks were rebuilt after Hurricane Katrina at the cost of \$250 million. But it was not one nickel of Federal dollars in it. It was done by the rail company and was done with insurance money, because this is a major thoroughfare that serves a lot of companies that had to get back in business. If we make this move, it will be 2008 at the earliest before it can possibly happen. I wanted that corrected.

There has been some suggestion that it relates to the gaming industry along the gulf coast. It does not, not at all. In fact, they would probably like for it to stay in this area, which forces traffic along Highway 90, along this coastline, instead of moving it off of the coast. By moving, then, the highway which runs right along the coast, it will be north of where the gaming area is. So there is no connection there.

Why do we need this? Let me make it real clear. There are several very good reasons. No. 1, it is exposed. It does run right along the water and has been blown out several times in the past—three times. It is there because it has been there for a hundred-and-something years.

This shows what happens every time we have a major blow. This is the track. It is built in marshes and on sand. It cannot stand. It will not stand. So we are going to have to do this repeatedly.

This shows the strength of the hurricane. This is a railroad bridge. Look at how the railroad track is actually bent.

This is going to be repeated. It causes economic dislocation. They shut down for 134 days just after this hurricane. That is one factor.

The second thing is, it is a major thoroughfare. We do not have evacuation capability with the current location, where it is now. We do not have east-west rails where people can get to the north-south lines. We just do not have enough room to do that. We will take a railroad bed and turn that into a five- or six-lane road across the major county that is involved, Harrison County, MS.

It is also about safety. People are killed and injured here every year. On this chart, the circles show deaths and injuries that have occurred. I will just give you the numbers we are talking about. Over a period of 10 years, there have been 147 accidents along this trackage. There have been 40 people killed in the last 10 years. There are 185 highway and rail crossings that are involved here.

Some people say you should do it through the authorization process. That has been done. Last year, as part of the highway bill, we passed for the first time the National Rail Relocation Act. This sort of thing needs to be done in a lot of places in America, from State to State. We have an authorization in place, so it is authorized. This provides the funds through the authorization. But this is about hurricanes, it is about evacuation, it is about safety, and it is about getting track out right along the coastline and moving it north so we do not have this repeated problem.

I ask my colleagues to look at it seriously. There are also going to be some 18 amendments to follow that will knock out various and sundry things in the bill. This is an important part of the Katrina recovery. We are still going to be able to get into New Orleans with the trackage coming north and move that transportation traffic on farther to the west coast. But I just wanted to rise and speak briefly in support of what is in the bill and against the motion to strike.

I thank Senator COCHRAN for his leadership in providing this opportunity.

Mr. COCHRAN. Mr. President, the Senator has very ably explained the challenge that is faced to restore and rebuild and recover in terms of transportation assets on the Mississippi coast, but this applies and will have an effect across the breadth of the area of the gulf coast that was damaged, including Louisiana, Mississippi, as well as Alabama.

Somebody cavalierly noted the other day that this is like the bridge to nowhere—this is the railroad to nowhere.

It is a transportation corridor that links New Orleans; Bay St. Louis, MS; Pass Christian; Gulfport, MS; Biloxi, MS; Pascagoula, MS; Mobile, AL, and

beyond—as the Senator said—all the way to California on the west side. This is a very important part of the transportation system across the southern United States, and on this line of transportation facilities the Stennis Space Center, where our rockets are tested for the space program, and many other military activities in that part of the gulf coast area—the ship yards at Pascagoula, the Keesler Air Force Base along U.S. Highway 90 in the Biloxi, MS, area, and on and on and on. The Coast Guard facilities and the former naval station at Pascagoula have other activities there.

There are national security consequences for the failure to rebuild and recover and restore these important transportation facilities. That is why it is appropriate to do it now.

This is authorization. The committee recommended \$700 million for the Rail Line Relocation Capital Grant Program. That is the entity where the money goes, and through that money to mitigate damages and restore transportation under the provisions of that authorization, the funds will be used to relocate.

This is what our committee report says:

To relocate tracks that are currently located along the coast of Mississippi, the damaged railroad line—

These are findings of a committee of Congress—

is a major east and west freight corridor adjacent to the Mississippi gulf coast.

It is vitally important to numerous Mississippi, Louisiana, and Alabama industries, and essential to the successful operations of major Gulf of Mexico ports.

The rail line sustained major damage and total destruction in some areas as a result of Hurricane Katrina's winds and water surges. Eleven bridges were destroyed. More than 38 miles of track were completely lost. Signaling and safety systems were demolished and many track beds were completely washed out along the rail corridor. The rail line has been out of commission for 143 days.

Progress is being made, but these funds will be used to accelerate the reconstruction and the recovery that is essential for that area of the gulf coast of the United States.

We have made a case for it in committee. The committee agreed to provide these funds. The Senator from Mississippi, my colleague, has adequately and impressively described the consequences to the gulf coast area. This amendment should be defeated. It would strike all of these funds that have been approved by the committee.

I move to table the amendment, and 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. COBURN. Mr. President, I would like to speak a few moments discussing why we are all here.

The PRESIDING OFFICER. The Senator from Oklahoma should be informed that the motion to table is not debatable. Is the Senator seeking consent to debate?

Mr. COBURN. I ask unanimous consent to answer the questions raised in the debate by the Senator from Mississippi.

The PRESIDING OFFICER. Is there objection?

Mr. COCHRAN. Mr. President, I never asked any questions. The Senator has had an opportunity to describe his amendment. He did that earlier in the day. He used information that I presume he will present all over again. I don't have any objection to his proceeding, but I don't want him to talk too long. We have Members who are waiting to vote. They have read comments in the paper and the debate that has been carried throughout the press for the last 2 weeks while the Senate wasn't in session. I think the Senate has heard enough about it and is ready to vote.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. COBURN. Mr. President, I will do this quickly.

First of all, what is the definition of "emergency" by our own budget rules? Necessary, essential, vital, suddenly, quickly coming into being, not building over time, urgent, pressing, compelling need, requiring immediate action, unforeseen, unpredictable, and unanticipated, not permanent, temporary in nature.

That is the first point I would make.

The second point is the committee's own report says:

Even prior to Katrina, Presidents, business leaders and local and State officials seriously considered relocating the rail line from its present location to alleviate burgeoning traffic which continually worsened as the region's tourism industry grew.

This is \$700 million. It is a great project for Mississippi. I agree. It is probably something that should be done. The question is, Is it an emergency and should everybody else in this country pay for it?

I could go into all the details. I will not do it in deference to the chairman's request that I be brief.

But Mississippi people have spoken. This was planned long before this hurricane. The fact is, if we are going to replace this rail line with Federal money which is going to come in and build a new road, that is going to be susceptible to the same hurricane damage. We have to figure out how we should go through a regular process.

The final point I would make is the committee report eliminates the ability of the Department of Transportation to say whether it is a safety issue. They specifically take it out so they cannot stop it.

The point is, we are leaving the regular process to do something which is maybe a great idea, but our grandchildren shouldn't be paying for it. If

we continue to do this, this is going to be costly. This \$700 million will cost \$4 billion by the time we start paying it back, if we want to sacrifice the next generation—not in terms of trying to take it away from Mississippi but setting a standard of which we can behave in a manner that secures the future. That is what I am asking for.

I am sorry it is against two Senators I really like. I want Mississippi to be a hit. This is not the way for us to conduct business in the Senate.

I yield the floor.

The PRESIDING OFFICER (Mr. COBURN). The question is on agreeing to the motion to table amendment No. 3641, division I.

The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN) and the Senator from West Virginia (Mr. ROCKEFELLER) are necessarily absent.

I also announce that the Senator from Massachusetts (Mr. KERRY) is absent due to family illness.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KERRY) would vote "nay."

The result was announced—yeas 49, nays 48, as follows:

[Rollcall Vote No. 99 Leg.]

YEAS—49

Akaka	Dorgan	Martinez
Alexander	Feinstein	McConnell
Allard	Frist	Menendez
Baucus	Grassley	Mikulski
Bennett	Gregg	Murkowski
Bond	Harkin	Pryor
Burns	Hatch	Roberts
Byrd	Hutchison	Sarbanes
Clinton	Inouye	Schumer
Cochran	Jeffords	Smith
Coleman	Johnson	Snowe
Collins	Kennedy	Specter
Craig	Landrieu	Stevens
Crapo	Lautenberg	Vitter
Dayton	Leahy	Warner
DeWine	Lincoln	
Domenici	Lott	

NAYS—48

Allen	Dole	Nelson (FL)
Bayh	Durbin	Nelson (NE)
Bingaman	Ensign	Obama
Boxer	Enzi	Reed
Brownback	Feingold	Reid
Bunning	Graham	Salazar
Burr	Hagel	Santorum
Cantwell	Inhofe	Sessions
Carper	Isakson	Shelby
Chafee	Kohl	Stabenow
Chambliss	Kyl	Sununu
Coburn	Levin	Talent
Conrad	Lieberman	Thomas
Cornyn	Lugar	Thune
DeMint	McCain	Voinovich
Dodd	Murray	Wyden

NOT VOTING—3

Biden	Kerry	Rockefeller
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The motion was agreed to.

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

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Who seeks recognition?

The Senator from Louisiana is recognized.

Mr. VITTER. Mr. President, I seek recognition to ask unanimous consent to lay aside the pending amendments so that I may call up four rather minor amendments, outline them very briefly, and basically put them in order for consideration on the floor.

The PRESIDING OFFICER. Is there objection?

The Senator from Washington.

Mrs. MURRAY. Mr. President, I object only because we have not seen the amendment. If we can see it fairly quickly, then I am sure we can proceed with it. So I would just call for a quorum.

The PRESIDING OFFICER. Objection is heard.

The Senator from Louisiana retains the floor.

Mr. VITTER. Mr. President, I will be happy to send copies over to the Senator. I will resume consideration in a few minutes when she has a time to peruse them.

The PRESIDING OFFICER. Will the Senator suggest the absence of a quorum?

Mr. VITTER. In the meantime, 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 rescinded.

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

Mr. VITTER. Thank you, Mr. President. Again, I rise seeking consideration of four specific amendments. All of them are hurricane related very directly, and none of them add to the cost of the bill.

AMENDMENT NO. 3627

Mr. President, the first amendment I call up and ask for its consideration is amendment No. 3627, which has been filed at the desk.

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] proposes an amendment numbered 3627.

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 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)

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

SMALL BUSINESS RELIEF FROM HURRICANE KATRINA AND HURRICANE RITA

SEC. 7032. (a) Section 3(p)(1) of the Small Business Act (15 U.S.C. 632(p)(1)) is amended—

(1) in subparagraph (D), by striking “or”;

(2) in subparagraph (E), by striking the period at the end and inserting “; or”; and

(3) by adding at the end the following:

“(F) an area in which the President has declared a major disaster (as that term is defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122)) as a result of Hurricane Katrina of August 2005 or Hurricane Rita of September 2005.”.

(b) Section 711(d) of the Small Business Competitive Demonstration Program Act of 1988 (15 U.S.C. 644 note) is amended—

(1) by striking “The Program” and inserting the following:

“(1) IN GENERAL.—Except as provided in paragraph (2), the Program”; and

(2) by adding at the end the following:

“(2) EXCEPTION.—The Program shall not apply to any contract related to relief or reconstruction from Hurricane Katrina of 2005 or Hurricane Rita of 2005.”.

Mr. VITTER. Mr. President, this amendment would do something very specific, very narrow, but also very important in terms of making sure that small business, including local business, gets a full opportunity to participate in the recovery throughout the gulf coast region. This would designate the areas affected by Hurricane Katrina or Hurricane Rita as HUBZones and would waive the Small Business Competitive Demonstration Program Act of 1988 for those specific areas.

This idea has been fully vetted in the committee of jurisdiction, the Small Business Committee, on which I serve. It was an important element of a larger small business package that was reported out of the committee to the floor, to the full Senate. However, because of other unrelated matters in that bill package, that overall package has some objection and has not passed through the Senate. So I simply chose to remove out of the full package these narrower HUBZone provisions to include in the supplemental bill.

I would also note that the leadership of the Small Business Committee supports this move in terms of this legislation and has no objection to the amendment.

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

AMENDMENT NO. 3626

Mr. VITTER. Mr. President, I now call up amendment No. 3626 and ask for its consideration.

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 3626.

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 increase the limits on community disaster loans)

On page 166, line 12, insert before the colon the following: “, and may be equal to not more than 50 percent of the annual operating budget of the local government”.

Mr. VITTER. Mr. President, this amendment has to do with the Community Disaster Loan Program. That is a preexisting program that existed well before these hurricane events that in particular situations loans money to communities in dire straits that have major disasters and therefore revenue problems.

Obviously, in this hurricane, there are many communities in that situation—the city of New Orleans, St. Bernard Parish, and others. The community disaster loan program has been utilized to help them through this very difficult time. Already in the supplemental appropriations bill is \$300 million for this program, additional dollars to use in the disaster area. My amendment would simply tweak certain language that would say rather than the upper limit of a jurisdiction, which jurisdiction is subject to be able to borrow being 25 percent of its annual operating budget, my language would raise that upper limit to 50 percent, so it would change language. It would not add money to the bill. The appropriations and the money are already in the bill.

This is very important for the hardest hit communities, such as St. Bernard Parish, such as the city of New Orleans, because they have virtually no revenue for the foreseeable future. This is absolutely necessary to help them get through these very difficult times for the next several months.

AMENDMENT NO. 3628

Mr. VITTER. With that, Mr. President, I call up amendment No. 3628.

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

The clerk will report.

The legislative clerk read as follows:

The Senator from Louisiana [Mr. VITTER] proposes an amendment numbered 3628.

Mr. VITTER. 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 base the allocation of hurricane disaster relief and recovery funds to States on need and physical damages, and for other purposes)

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

ALLOCATION OF HURRICANE DISASTER RELIEF AND RECOVERY FUNDS TO STATES

SEC. 7032. (a) In this section the term “covered funds” means any funds that—

(1) are made available to a department or agency under title II of this Act for hurricane disaster relief and recovery; and

(2) are allocated by that department or agency for use by the States.

(b) Notwithstanding any other provision of law (including title II of this Act)—

(1) before making covered funds available to any State, the head of the department or agency administering such funds shall apply an allocation formula for all States based on critical need and physical damages; and

(2) not later than 5 days before making such covered funds available to any State, submit a report to the Committees on Appropriations of the Senate and the House of Representatives on the allocation formula that is being used.

Mr. VITTER. Mr. President, this amendment is language only. It does not add dollars or cost to the bill. It is important language to make sure that all of our activity and all of our spending in the disaster area goes to important needs. This language would base the allocation of hurricane disaster relief and recovery funds to States on need and physical damages rather than by other arbitrary allocation formulas. This is specifically in the situation where Congress, in a particular issue area, allocates a fund for the entire disaster area and leaves it to the administration to disburse those funds between the various localities and States affected. This language would simply say that when you do that, the administration has to think about a fair formula that is based on actual objective criteria that is based on actual objective need or statistics that make sense and then would have to publish that formula with regard to the specific funds we are talking about several days in advance of the money being disbursed. This would make sure that the money is used appropriately in the disaster area and is not allocated in an arbitrary or purely political way.

That explains this amendment. Again, it is language. It does not add any additional cost to the bill.

AMENDMENT NO. 3648

Mr. VITTER. Mr. President, I ask unanimous consent to call up amendment No. 3648 which is at the desk.

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

The clerk will report.

The legislative clerk read as follows:

The Senator from Louisiana [Mr. VITTER] proposes an amendment numbered 3648.

Mr. VITTER. 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 to damaged fishery vessels in Hurricanes Katrina and Rita)

On Page 139, line 8, insert after "and" the following: "replace or". On Page 139, line 17, insert after "docks" the following: "vessels". On Page 140, line 22, after "repairing" add "vessels and"

Mr. VITTER. Mr. President, this has to do with the fisheries component of the bill. Thanks to the leadership of the chairman of the committee, a fisheries component was included in this supplemental appropriations bill because the fisheries industry was truly devastated along the gulf coast. Before this general fisheries provision was added, I believe this is the first instance in U.S. history where an administration has made a declaration regarding fisheries losses but has not followed that declaration of loss with a request for funds.

The chairman's committee action would, in a general sense, remedy that. My amendment No. 3648 would tweak the language—again, not add or increase any dollars—so that that money

could be used in part for the repairing of vessels in situations where those repair costs go beyond insurance proceeds available and other available funds.

This is a very large component of the need that exists in the fisheries of the gulf coast. Passing this fisheries aid package without making any of that money available under the proper circumstances for repairing vessels would leave a huge hole in our attempt to get that industry up and running once again.

To reiterate, this is language that would not change or increase the spending level of the bill.

I have explained my four pending amendments. I look forward to any further discussion on them as well as votes, hopefully tomorrow.

I yield the floor.

Mr. WYDEN. Mr. President, I suggest the absence of a quorum. The distinguished Senator from Kentucky is on his way. He wishes to present wrap-up, and then I have an amendment to offer.

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

The legislative clerk proceeded to call the roll.

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

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

MORNING BUSINESS

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

Mr. WYDEN. Reserving the right to object—and I have no intention to object—my understanding was that I was going to be able to offer an amendment to the bill. I want to make sure that that amendment will be able to go first prior to morning business.

Mr. MCCONNELL. I say to my friend from Oregon that all I am doing is putting wrap-up on automatic, after which the Senator from Oregon will be recognized to offer his amendment.

Mr. WYDEN. I withdraw my reservation.

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

HONORING DR. DWAIN PRESTON

Mr. DURBIN. Mr. President, I rise today to honor an outstanding Illinoisan, Dr. Dwain "Doc" Preston, one of our State's finest educators, and congratulate him on his upcoming retirement.

Doc Preston began his teaching career in 1961, after serving in the Air Force, at Quincy Junior High School in Quincy, IL. Since then, he has taught high school and college students in a variety of fields including American history, English, and speech.

Doc Preston is retiring from his position at Quincy Notre Dame High

School, QND, where he has educated and inspired his students for more than 25 years. He has also taught at the University of Illinois in Urbana-Champaign, Western Illinois University in Macomb, and John Wood Community College in Quincy. Doc has taught his mother, mother-in-law, wife, and all four of his daughters at some point in time. He also takes great pride in teaching senior citizens how to tell their life stories through writing.

Doc has served as a mentor and role model to so many students in western Illinois, including current and former members of my Senate staff. He has emphasized the importance of writing and public speaking in all fields and careers and gently encouraged even the quietest students to express themselves.

In addition to his many successes as an educator, including winning the prestigious Golden Apple and Rush Memorial Awards, Doc Preston is a prolific author and photographer as well as a professional storyteller. He possesses a lifetime love of politics and has been active in his community. He is a sage political observer and adviser, whether helping students on the Quincy Notre Dame Student Council or lending a hand in writing announcement speeches for candidates.

Doc is supported in all his endeavors by his wonderful wife, Regina, also a QND faculty member, and their 4 daughters—Carolyn, Cheryl, Deborah, and Teresa—and 11 grandchildren. He has shown his devotion to his family by writing poems and books to mark the births and birthdays of his grandchildren as well as the weddings and birthdays of his daughters and wife.

Mr. President, I congratulate Dr. Dwain Preston on his many accomplishments throughout his long and distinguished career. I am sure his retirement will give him more time to spend with his family, write, and cheer on the St. Louis Cardinals.

I thank him for his service and wish him all the best.

EQUAL PAY DAY

Mr. KENNEDY. Mr. President, today, is Equal Pay Day, which means that 115 days into 2006, an average American woman will finally have earned enough in 2005 and 2006 together to equal what a man doing similar work earned by the end of 2005. Equal Pay Day is a sad reminder that gender discrimination is still very much a part of our country.

In America today, women earn only 77 cents for every dollar earned by men. The wage gap exists in every segment of our society. Women of every race and national origin earn less than their male counterparts. African-American women earn just 68 percent of the average earnings of African-American men. Latinas earn only 57 percent of the average Latino male wage. Asian-American women earn 88 cents for every dollar earned by Asian-American men.

This is not a problem just for poor women or rich women; it cuts across all occupations. There are even wage gaps in the operating room. The average male physician or surgeon makes \$52,000 more a year than the average female physician. In the boardroom, the average male CEO makes \$35,000 more a year than his female counterpart.

There are wage gaps in the classroom. The average male teaching assistant earns \$5,000 more a year than the average female. In the dining room, the average male cook makes \$2,000 more than his female counterpart.

The problem is not getting better. This year's wage gap of 23 cents is the same gap that existed in 2002. Since 1963, when the Equal Pay Act was passed, the wage gap has narrowed by less than half of a penny a year.

The wage gap is caused in part by how society deals with the realities of working women's lives, such as time out from the workforce to have children and care for family members. Among working women, nearly two-thirds do not receive paid maternity

leave when they give birth; a quarter have to quit their jobs to care for their children, and doing so permanently lowers their future earning potential. It is wrong to dismiss the pay gap as a consequence of women's choosing to take time out of the workforce. Women do not willingly choose to forego fair pay in order to have children and care for elderly parents, nor should they.

More important, we cannot blame the pay gap exclusively on women's predominant role in childcare. The evidence shows that actual gender discrimination also accounts for the disparity between men and women's pay. In 2004, the Census Bureau concluded that the substantial gap in earnings between men and women could not completely be explained by differences in education, tenure in the workforce, or occupation. Similarly, a recent General Accounting Office report concluded that the difference in men and women's working patterns does not explain the entire disparity in their wages. Discrimination plays a role as well, and we need to combat it with

Federal legislation to close the gap. Congress needs to act.

I strongly support Senator CLINTON's Paycheck Fairness Act and Senator HARKIN's Fair Pay Act to prevent and remedy gender pay discrimination. It is appalling and unacceptable that such discrimination still exists in America. The issue is simple fairness. I urge my colleagues to stand up for working women and end wage discrimination by passing the Paycheck Fairness Act and the Fair Pay Act.

RULES OF THE COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. INHOFE. Mr. President, I submit amended rules of the Committee on Environment and Public Works and ask unanimous consent that they be printed in the RECORD.

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

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Jurisdiction

Rule XXV, Standing Rules of the Senate

1. The following standing committees shall be appointed at the commencement of each Congress, and shall continue and have the power to act until their successors are appointed, with leave to report by bill or otherwise on matters within their respective jurisdictions:

* * * * *

(h)(1) Committee on Environment and Public Works, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

1. Air pollution.
2. Construction and maintenance of highways.
3. Environmental aspects of Outer Continental Shelf lands.
4. Environmental effects of toxic substances, other than pesticides.
5. Environmental policy.
6. Environmental research and development.
7. Fisheries and wildlife.
8. Flood control and improvements of rivers and harbors, including environmental aspects of deepwater ports.
9. Noise pollution.
10. Nonmilitary environmental regulation and control of nuclear energy.
11. Ocean dumping.
12. Public buildings and improved grounds of the United States generally, including Federal buildings in the District of Columbia.
13. Public works, bridges, and dams.
14. Regional economic development.
15. Solid waste disposal and recycling.
16. Water pollution.
17. Water resources.

(2) Such committee shall also study and review, on a comprehensive basis, matters relating to environmental protection and resource utilization and conservation, and report thereon from time to time.

RULES OF PROCEDURE**RULE 1. COMMITTEE MEETINGS IN GENERAL**

(a) **REGULAR MEETING DAYS:** For purposes of complying with paragraph 3 of Senate Rule XXVI, the regular meeting day of the committee is the first and third Thursday of each month at 10:00 a.m. If there is no business before the committee, the regular meeting shall be omitted.

(b) **ADDITIONAL MEETINGS:** The chair may call additional meetings, after consulting with the ranking minority member. Subcommittee chairs may call meetings, with the concurrence of the chair, after consulting with the ranking minority members of the subcommittee and the committee.

(c) **PRESIDING OFFICER:**

(1) The chair shall preside at all meetings of the committee. If the chair is not present, the ranking majority member shall preside.

(2) Subcommittee chairs shall preside at all meetings of their subcommittees. If the subcommittee chair is not present, the ranking majority member of the subcommittee shall preside.

(3) Notwithstanding the rule prescribed by paragraphs (1) and (2), any member of the committee may preside at a hearing.

(d) **OPEN MEETINGS:** Meetings of the committee and subcommittees, including hearings and business meetings, are open to the public. A portion of a meeting may be closed to the public if the committee determines by roll call vote of a majority of the members present that the matters to be discussed or the testimony to be taken—

(1) will disclose matters necessary to be kept secret in the interests of national defense or the confidential conduct of the foreign relations of the United States;

(2) relate solely to matters of committee staff personnel or internal staff management or procedure; or

(3) constitute any other grounds for closure under paragraph 5(b) of Senate Rule XXVI.

(e) **BROADCASTING:**

(1) Public meetings of the committee or a subcommittee may be televised, broadcast, or recorded by a member of the Senate press gallery or an employee of the Senate.

(2) Any member of the Senate Press Gallery or employee of the Senate wishing to televise, broadcast, or record a committee meeting must notify the staff director or the staff director's designee by 5:00 p.m. the day before the meeting.

(3) During public meetings, any person using a camera, microphone, or other electronic equipment may not position or use the equipment in a way that interferes with the seating, vision, or hearing of committee members or staff on the dais, or with the orderly process of the meeting.

RULE 2. QUORUMS

(a) **BUSINESS MEETINGS:** At committee business meetings, and for the purpose of approving the issuance of a subpoena or approving

a committee resolution, six members, at least two of whom are members of the minority party, constitute a quorum, except as provided in subsection (d).

(b) **SUBCOMMITTEE MEETINGS:** At subcommittee business meetings, a majority of the subcommittee members, at least one of whom is a member of the minority party, constitutes a quorum for conducting business.

(c) **CONTINUING QUORUM:** Once a quorum as prescribed in subsections (a) and (b) has been established, the committee or subcommittee may continue to conduct business.

(d) **REPORTING:** No measure or matter may be reported to the Senate by the committee unless a majority of committee members cast votes in person.

(e) **HEARINGS:** One member constitutes a quorum for conducting a hearing.

RULE 3. HEARINGS

(a) **ANNOUNCEMENTS:** Before the committee or a subcommittee holds a hearing, the chair of the committee or subcommittee shall make a public announcement and provide notice to members of the date, place, time, and subject matter of the hearing. The announcement and notice shall be issued at least one week in advance of the hearing, unless the chair of the committee or subcommittee, with the concurrence of the ranking minority member of the committee or subcommittee, determines that there is good cause to provide a shorter period, in which event the announcement and notice shall be issued at least twenty-four hours in advance of the hearing.

(b) **STATEMENTS OF WITNESSES:**

(1) A witness who is scheduled to testify at a hearing of the committee or a subcommittee shall file 100 copies of the written testimony at least 48 hours before the hearing. If a witness fails to comply with this requirement, the presiding officer may preclude the witness' testimony. This rule may be waived for field hearings, except for witnesses from the Federal Government.

(2) Any witness planning to use at a hearing any exhibit such as a chart, graph, diagram, photo, map, slide, or model must submit one identical copy of the exhibit (or representation of the exhibit in the case of a model) and 100 copies reduced to letter or legal paper size at least 48 hours before the hearing. Any exhibit described above that is not provided to the committee at least 48 hours prior to the hearing cannot be used for purpose of presenting testimony to the committee and will not be included in the hearing record.

(3) The presiding officer at a hearing may have a witness confine the oral presentation to a summary of the written testimony.

(4) Notwithstanding a request that a document be embargoed, any document that is to be discussed at a hearing, including, but not limited to, those produced by the General Accounting Office, Congressional Budget Office, Congressional Research Service, a Federal agency, an Inspector General, or a nongovernmental entity, shall be provided to all members of the committee at least 72 hours before the hearing.

RULE 4. BUSINESS MEETINGS: NOTICE AND FILING REQUIREMENTS

(a) NOTICE: The chair of the committee or the subcommittee shall provide notice, the agenda of business to be discussed, and the text of agenda items to members of the committee or subcommittee at least 72 hours before a business meeting. If the 72 hours falls over a weekend, all materials will be provided by close of business on Friday.

(b) AMENDMENTS: First-degree amendments must be filed with the chair of the committee or the subcommittee at least 24 hours before a business meeting. After the filing deadline, the chair shall promptly distribute all filed amendments to the members of the committee or subcommittee.

(c) MODIFICATIONS: The chair of the committee or the subcommittee may modify the notice and filing requirements to meet special circumstances, with the concurrence of the ranking member of the committee or subcommittee.

RULE 5. BUSINESS MEETINGS: VOTING

(a) PROXY VOTING:

(1) Proxy voting is allowed on all measures, amendments, resolutions, or other matters before the committee or a subcommittee.

(2) A member who is unable to attend a business meeting may submit a proxy vote on any matter, in writing, orally, or through personal instructions.

(3) A proxy given in writing is valid until revoked. A proxy given orally or by personal instructions is valid only on the day given.

(b) SUBSEQUENT VOTING: Members who were not present at a business meeting and were unable to cast their votes by proxy may record their votes later, so long as they do so that same business day and their vote does not change the outcome.

(c) PUBLIC ANNOUNCEMENT:

(1) Whenever the committee conducts a rollcall vote, the chair shall announce the results of the vote, including a tabulation of the votes cast in favor and the votes cast against the proposition by each member of the committee.

(2) Whenever the committee reports any measure or matter by rollcall vote, the report shall include a tabulation of the votes cast in favor of and the votes cast in opposition to the measure or matter by each member of the committee.

RULE 6. SUBCOMMITTEES

(a) REGULARLY ESTABLISHED SUBCOMMITTEES: The committee has four subcommittees: Transportation and Infrastructure; Clean Air, Climate Change, and Nuclear Safety; Fisheries, Wildlife, and Water; and Superfund and Waste Management.

(b) MEMBERSHIP: The committee chair, after consulting with the ranking minority member, shall select members of the subcommittees.

RULE 7. STATUTORY RESPONSIBILITIES AND OTHER MATTERS

(a) ENVIRONMENTAL IMPACT STATEMENTS: No project or legislation proposed by any executive branch agency may be approved or otherwise acted upon unless the committee has received a final environmental impact statement relative to it, in accordance with section 102(2)(C) of the National Environmental Policy Act, and the written comments of the Administrator of the Environmental Protection Agency, in accordance with section 309 of the Clean Air Act. This rule is not intended to broaden, narrow, or otherwise modify the class of projects or legislative proposals for which environmental impact statements are required under section 102(2)(C).

(b) PROJECT APPROVALS:

(1) Whenever the committee authorizes a project under Public Law 89-298, the Rivers and Harbors Act of 1965; Public Law 83-566, the Watershed Protection and Flood Prevention Act; or Public Law 86-249, the Public Buildings Act of 1959, as amended; the chairman shall submit for printing in the Congressional Record, and the committee shall publish periodically as a committee print, a report that describes the project and the reasons for its approval, together with any dissenting or individual views.

(2) Proponents of a committee resolution shall submit appropriate evidence in favor of the resolution.

(c) BUILDING PROSPECTUSES:

(1) When the General Services Administration submits a prospectus, pursuant to section 7(a) of the Public Buildings Act of 1959, as amended, for construction (including construction of buildings for lease by the government), alteration and repair, or acquisition, the committee shall act with respect to the prospectus during the same session in which the prospectus is submitted.

A prospectus rejected by majority vote of the committee or not reported to the Senate during the session in which it was submitted shall be returned to the General Services Administration and must then be resubmitted in order to be considered by the committee during the next session of the Congress.

(2) A report of a building project survey submitted by the General Services Administration to the committee under section 11(b) of the Public Buildings Act of 1959, as amended, may not be considered by the committee as being a prospectus subject to approval by committee resolution in accordance with section 7(a) of that Act. A project described in the report may be considered for committee action only if it is submitted as a prospectus in accordance with section 7(a) and is subject to the provisions of paragraph (1) of this rule.

(d) NAMING PUBLIC FACILITIES: The committee may not name a building, structure or facility for any living person, except former Presidents or former Vice Presidents of the United States, former Members of Congress over 70 years of age, former Justices of the United States Supreme Court over 70 years of age, or Federal judges who are fully retired and over 75 years of age.

RULE 8. AMENDING THE RULES

The rules may be added to, modified, amended, or suspended by vote of a majority of committee members at a business meeting if a quorum is present.

STANDING RULES OF THE SENATE**RULE XVII****REFERENCE TO COMMITTEES; MOTIONS TO DISCHARGE; REPORTS OF COMMITTEES; AND HEARINGS AVAILABLE**

1. Except as provided in paragraph 3, in any case in which a controversy arises as to the jurisdiction of any committee with respect to any proposed legislation, the question of jurisdiction shall be decided by the presiding officer, without debate, in favor of the committee which has jurisdiction over the subject matter which predominates in such proposed legislation; but such decision shall be subject to an appeal.

2. A motion simply to refer shall not be open to amendment, except to add instructions.

3. (a) Upon motion by both the majority leader or his designee and the minority leader or his designee, proposed legislation may be referred to two or more committees jointly or sequentially. Notice of such motion and the proposed legislation to which it relates shall be printed in the Congressional Record. The motion shall be privileged, but it shall not be in order until the Congressional Record in which the notice is printed has been available to Senators for at least twenty-four hours. No amendment to any such motion shall be in order except amendments to any instructions contained therein. Debate on any such motion, and all amendments thereto and debatable motions and appeals in connection therewith, shall be limited to not more than two hours, the time to be equally divided between, and controlled by, the majority leader and the minority leader or their designees.

(b) Proposed legislation which is referred to two or more committees jointly may be reported only by such committees jointly and only one report may accompany any proposed legislation so jointly reported.

(c) A motion to refer any proposed legislation to two or more committees sequentially shall specify the order of referral.

(d) Any motion under this paragraph may specify the portion or portions of proposed legislation to be considered by the committees, or any of them, to which such proposed legislation is referred, and such committees or committee shall be limited, in the consideration of such proposed legislation, to the portion or portions so specified.

(e) Any motion under this subparagraph may contain instructions with respect to the time allowed for consideration by the committees, or any of them, to which proposed legislation is referred and the discharge of such committees, or any of them, from further consideration of such proposed legislation.

4. (a) All reports of committees and motions to discharge a committee from the consideration of a subject, and all subjects from which a committee shall be discharged, shall lie over one day for consideration, unless by unanimous consent the Senate shall otherwise direct.

(b) Whenever any committee (except the Committee on Appropriations) has reported any measure, by action taken in conformity with the requirements of paragraph 7 of rule XXVI, no point of order shall lie with respect to that measure on the ground that

hearings upon that measure by the committee were not conducted in accordance with the provisions of paragraph 4 of rule XXVI.

5. Any measure or matter reported by any standing committee shall not be considered in the Senate unless the report of that committee upon that measure or matter has been available to Members for at least two calendar days (excluding Sundays and legal holidays) prior to the consideration of that measure or matter. If hearings have been held on any such measure or matter so reported, the committee reporting the measure or matter shall make every reasonable effort to have such hearings printed and available for distribution to the Members of the Senate prior to the consideration of such measure or matter in the Senate. This paragraph

(1) may be waived by joint agreement of the Majority Leader and the Minority Leader of the Senate; and

(2) shall not apply to

(A) any measure for the declaration of war, or the declaration of a national emergency, by the Congress, and

(B) any executive decision, determination, or action which would become, or continue to be, effective unless disapproved or otherwise invalidated by one or both Houses of Congress.

* * * * *

RULE XXVI

COMMITTEE PROCEDURE

1. Each standing committee, including any subcommittee of any such committee, is authorized to hold such hearings, to sit and act at such times and places during the sessions, recesses, and adjourned periods of the Senate, to require by subpoena or otherwise the attendance of such witnesses and the production of such correspondence, books, papers, and documents, to take such testimony and to make such expenditures out of the contingent fund of the Senate as may be authorized by resolutions of the Senate. Each such committee may make investigations into any matter within its jurisdiction, may report such hearings as may be had by it, and may employ stenographic assistance at a cost not exceeding the amount prescribed by the Committee on Rules and Administration. The expenses of the committee shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman.

2. Each committee shall adopt rules (not inconsistent with the Rules of the Senate) governing the procedure of such committee. The rules of each committee shall be published in the Congressional Record not later than March 1 of the first year of each Congress, except that if any such committee is established on or after February 1 of a year, the rules of that committee during the year of establishment shall be published in the Congressional Record not later than sixty days after such establishment. Any amendment to the rules of a committee shall not take effect until the amendment is published in the Congressional Record.

3. Each standing committee (except the Committee on Appropriations) shall fix regular weekly, biweekly, or monthly meeting days for the transaction of business before the committee and additional

meetings may be called by the chairman as he may deem necessary. If at least three members of any such committee desire that a special meeting of the committee be called by the chairman, those members may file in the offices of the committee their written request to the chairman for that special meeting. Immediately upon the filing of the request, the clerk of the committee shall notify the chairman of the filing of the request. If, within three calendar days after the filing of the request, the chairman does not call the requested special meeting, to be held within seven calendar days after the filing of the request, a majority of the members of the committee may file in the offices of the committee their written notice that a special meeting of the committee will be held, specifying the date and hour of that special meeting. The committee shall meet on that date and hour. Immediately upon the filing of the notice, the clerk of the committee shall notify all members of the committee that such special meeting will be held and inform them of its date and hour. If the chairman of any such committee is not present at any regular, additional, or special meeting of the committee, the ranking member of the majority party on the committee who is present shall preside at that meeting.

4. (a) Each committee (except the Committee on Appropriations and the Committee on the Budget) shall make public announcement of the date, place, and subject matter of any hearing to be conducted by the committee on any measure or matter at least one week before the commencement of that hearing unless the committee determines that there is good cause to begin such hearing at an earlier date.

(b) Each committee (except the Committee on Appropriations) shall require each witness who is to appear before the committee in any hearing to file with the clerk of the committee, at least one day before the date of the appearance of that witness, a written statement of his proposed testimony unless the committee chairman and the ranking minority member determine that there is good cause for noncompliance. If so requested by any committee, the staff of the committee shall prepare for the use of the members of the committee before each day of hearing before the committee a digest of the statements which have been so filed by witnesses who are to appear before the committee on that day.

(c) After the conclusion of each day of hearing, if so requested by any committee, the staff shall prepare for the use of the members of the committee a summary of the testimony given before the committee on that day. After approval by the chairman and the ranking minority member of the committee, each such summary may be printed as a part of the committee hearings if such hearings are ordered by the committee to be printed.

(d) Whenever any hearing is conducted by a committee (except the Committee on Appropriations) upon any measure or matter, the minority on the committee shall be entitled, upon request made by a majority of the minority members to the chairman before the completion of such hearing, to call witnesses selected by the minority to testify with respect to the measure or matter during at least one day of hearing thereon.

5. (a) Notwithstanding any other provision of the rules, when the Senate is in session, no committee of the Senate or any sub-

committee thereof may meet, without special leave, after the conclusion of the first two hours after the meeting of the Senate commenced and in no case after two o'clock postmeridian unless consent therefor has been obtained from the majority leader and the minority leader (or in the event of the absence of either of such leaders, from his designee). The prohibition contained in the preceding sentence shall not apply to the Committee on Appropriations or the Committee on the Budget. The majority leader or his designee shall announce to the Senate whenever consent has been given under this subparagraph and shall state the time and place of such meeting. The right to make such announcement of consent shall have the same priority as the filing of a cloture motion.

(b) Each meeting of a committee, or any subcommittee thereof, including meetings to conduct hearings, shall be open to the public, except that a meeting or series of meetings by a committee or a subcommittee thereof on the same subject for a period of no more than fourteen calendar days may be closed to the public on a motion made and seconded to go into closed session to discuss only whether the matters enumerated in clauses (1) through (6) would require the meeting to be closed, followed immediately by a record vote in open session by a majority of the members of the committee or subcommittee when it is determined that the matters to be discussed or the testimony to be taken at such meeting or meetings—

(1) will disclose matters necessary to be kept secret in the interests of national defense or the confidential conduct of the foreign relations of the United States;

(2) will relate solely to matters of committee staff personnel or internal staff management or procedure;

(3) will tend to charge an individual with crime or misconduct, to disgrace or injure the professional standing of an individual, or otherwise to expose an individual to public contempt or obloquy, or will represent a clearly unwarranted invasion of the privacy of an individual;

(4) will disclose the identity of any informer or law enforcement agent or will disclose any information relating to the investigation or prosecution of a criminal offense that is required to be kept secret in the interests of effective law enforcement;

(5) will disclose information relating to the trade secrets of financial or commercial information pertaining specifically to a given person if—

(A) an Act of Congress requires the information to be kept confidential by Government officers and employees; or

(B) the information has been obtained by the Government on a confidential basis, other than through an application by such person for a specific Government financial or other benefit, and is required to be kept secret in order to prevent undue injury to the competitive position of such person; or

(6) may divulge matters required to be kept confidential under other provisions of law or Government regulations.

(c) Whenever any hearing conducted by any such committee or subcommittee is open to the public, that hearing may be broadcast by radio or television, or both, under such rules as the committee or subcommittee may adopt.

(d) Whenever disorder arises during a committee meeting that is open to the public, or any demonstration of approval or disapproval is indulged in by any person in attendance at any such meeting, it shall be the duty of the Chair to enforce order on his own initiative and without any point of order being made by a Senator. When the Chair finds it necessary to maintain order, he shall have the power to clear the room, and the committee may act in closed session for so long as there is doubt of the assurance of order.

(e) Each committee shall prepare and keep a complete transcript or electronic recording adequate to fully record the proceeding of each meeting or conference whether or not such meeting or any part thereof is closed under this paragraph, unless a majority of its members vote to forgo such a record.

6. Morning meetings of committees and subcommittees thereof shall be scheduled for one or both of the periods prescribed in this paragraph. The first period shall end at eleven o'clock ante-meridian. The second period shall begin at eleven o'clock ante-meridian and end at two o'clock postmeridian.

7. (a)(1) Except as provided in this paragraph, each committee, and each subcommittee thereof is authorized to fix the number of its members (but not less than one-third of its entire membership) who shall constitute a quorum thereof for the transaction of such business as may be considered by said committee, except that no measure or matter or recommendation shall be reported from any committee unless a majority of the committee were physically present.

(2) Each such committee, or subcommittee, is authorized to fix a lesser number than one-third of its entire membership who shall constitute a quorum thereof for the purpose of taking sworn testimony.

(3) The vote of any committee to report a measure or matter shall require the concurrence of a majority of the members of the committee who are present. No vote of any member of any committee to report a measure or matter may be cast by proxy if rules adopted by such committee forbid the casting of votes for that purpose by proxy; however, proxies may not be voted when the absent committee member has not been informed of the matter on which he is being recorded and has not affirmatively requested that he be so recorded. Action by any committee in reporting any measure or matter in accordance with the requirements of this subparagraph shall constitute the ratification by the committee of all action theretofore taken by the committee with respect to that measure or matter, including votes taken upon the measure or matter or any amendment thereto, and no point of order shall lie with respect to that measure or matter on the ground that such previous action with respect thereto by such committee was not taken in compliance with such requirements.

(b) Each committee (except the Committee on Appropriations) shall keep a complete record of all committee action. Such record shall include a record of the votes on any question on which a record vote is demanded. The results of rollcall votes taken in any meeting of any committee upon any measure, or any amendment thereto, shall be announced in the committee report on that measure unless previously announced by the committee, and such an-

nouncement shall include a tabulation of the votes cast in favor of and the votes cast in opposition to each such measure and amendment by each member of the committee who was present at that meeting.

(c) Whenever any committee by rollcall vote reports any measure or matter, the report of the committee upon such measure or matter shall include a tabulation of the votes cast by each member of the committee in favor of and in opposition to such measure or matter. Nothing contained in this subparagraph shall abrogate the power of any committee to adopt rules—

(1) providing for proxy voting on all matters other than the reporting of a measure or matter, or

(2) providing in accordance with subparagraph (a) for a lesser number as a quorum for any action other than the reporting of a measure or matter.

8. (a) In order to assist the Senate in—

(1) its analysis, appraisal, and evaluation of the application, administration, and execution of the laws enacted by the Congress, and

(2) its formulation, consideration, and enactment of such modifications of or changes in those laws, and of such additional legislation, as may be necessary or appropriate,

each standing committee (except the Committees on Appropriations and the Budget), shall review and study, on a continuing basis the application, administration, and execution of those laws, or parts of laws, the subject matter of which is within the legislative jurisdiction of that committee. Such committees may carry out the required analysis, appraisal, and evaluation themselves, or by contract, or may require a Government agency to do so and furnish a report thereon to the Senate. Such committees may rely on such techniques as pilot testing, analysis of costs in comparison with benefits, or provision for evaluation after a defined period of time.

(b) In each odd-numbered year, each such committee shall submit, not later than March 31, to the Senate, a report on the activities of that committee under this paragraph during the Congress ending at noon on January 3 of such year.

9. (a) Except as provided in subparagraph (b), each committee shall report one authorization resolution each year authorizing the committee to make expenditures out of the contingent fund of the Senate to defray its expenses, including the compensation of members of its staff and agency contributions related to such compensation, during the period beginning on March 1 of such year and ending on the last day of February of the following year. Such annual authorization resolution shall be reported not later than January 31 of each year, except that, whenever the designation of members of standing committees of the Senate occurs during the first session of a Congress at a date later than January 20, such resolution may be reported at any time within thirty days after the date on which the designation of such members is completed. After the annual authorization resolution of a committee for a year has been agreed to, such committee may procure authorization to make additional expenditures out of the contingent fund of the Senate during that year only by reporting a supplemental authorization resolution. Each supplemental authorization resolution reported by a com-

mittee shall amend the annual authorization resolution of such committee for that year and shall be accompanied by a report specifying with particularity the purpose for which such authorization is sought and the reason why such authorization could not have been sought at the time of the submission by such committee of its annual authorization resolution for that year.

(b) In lieu of the procedure provided in subparagraph (a), the Committee on Rules and Administration may

(1) direct each committee to report an authorization resolution for a two-year budget period beginning on March 1 of the first session of a Congress; and

(2) report one authorization resolution containing more than one committee authorization resolution for a one-year or two-year budget period.

10. (a) All committee hearings, records, data, charts, and files shall be kept separate and distinct from the congressional office records of the Member serving as chairman of the committee; and such records shall be the property of the Senate and all members of the committee and the Senate shall have access to such records. Each committee is authorized to have printed and bound such testimony and other data presented at hearings held by the committee.

(b) It shall be the duty of the chairman of each committee to report or cause to be reported promptly to the Senate any measure approved by his committee and to take or cause to be taken necessary steps to bring the matter to a vote. In any event, the report of any committee upon a measure which has been approved by the committee shall be filed within seven calendar days (exclusive of days on which the Senate is not in session) after the day on which there has been filed with the clerk of the committee a written and signed request of a majority of the committee for the reporting of that measure. Upon the filing of any such request, the clerk of the committee shall transmit immediately to the chairman of the committee notice of the filing of that request. This subparagraph does not apply to the Committee on Appropriations.

(c) If at the time of approval of a measure or matter by any committee (except for the Committee on Appropriations), any member of the committee gives notice of intention to file supplemental, minority, or additional views, that member shall be entitled to not less than three calendar days in which to file such views, in writing, with the clerk of the committee. All such views so filed by one or more members of the committee shall be included within, and shall be a part of, the report filed by the committee with respect to that measure or matter. The report of the committee upon that measure or matter shall be printed in a single volume which—

(1) shall include all supplemental, minority, or additional views which have been submitted by the time of the filing of the report, and

(2) shall bear upon its cover a recital that supplemental, minority, or additional views are included as part of the report. This subparagraph does not preclude—

(A) the immediate filing and printing of a committee report unless timely request for the opportunity to file supplemental,

minority, or additional views has been made as provided by this subparagraph; or

(B) the filing by any such committee of any supplemental report upon any measure or matter which may be required for the correction of any technical error in a previous report made by that committee upon that measure or matter.

11. (a) The report accompanying each bill or joint resolution of a public character reported by any committee (except the Committee on Appropriations and the Committee on the Budget) shall contain—

(1) an estimate, made by such committee, of the costs which would be incurred in carrying out such bill or joint resolution in the fiscal year in which it is reported and in each of the five fiscal years following such fiscal year (or for the authorized duration of any program authorized by such bill or joint resolution, if less than five years), except that, in the case of measures affecting the revenues, such reports shall require only an estimate of the gain or loss in revenues for a one year period; and

(2) a comparison of the estimate of costs described in subparagraph (1) made by such committee with any estimate of costs made by any Federal agency; or

(3) in lieu of such estimate or comparison, or both, a statement of the reasons why compliance by the committee with the requirements of subparagraph (1) or (2), or both, is impracticable.

(b) Each such report (except those by the Committee on Appropriations) shall also contain—

(1) an evaluation, made by such committee, of the regulatory impact which would be incurred in carrying out the bill or joint resolution. The evaluation shall include (A) an estimate of the numbers of individuals and businesses who would be regulated and a determination of the groups and classes of such individuals and businesses, (B) a determination of the economic impact of such regulation on the individuals, consumers, and businesses affected, (C) a determination of the impact on the personal privacy of the individuals affected, and (D) a determination of the amount of additional paperwork that will result from the regulations to be promulgated pursuant to the bill or joint resolution, which determination may include, but need not be limited to, estimates of the amount of time and financial costs required of affected parties, showing whether the effects of the bill or joint resolution could be substantial, as well as reasonable estimates of the recordkeeping requirements that may be associated with the bill or joint resolution; or

(2) in lieu of such evaluation, a statement of the reasons why compliance by the committee with the requirements of clause (1) is impracticable.

(c) It shall not be in order for the Senate to consider any such bill or joint resolution if the report of the committee on such bill or joint resolution does not comply with the provisions of subparagraphs (a) and (b) on the objection of any Senator.

12. Whenever a committee reports a bill or a joint resolution repealing or amending any statute or part thereof it shall make a re-

port thereon and shall include in such report or in an accompanying document (to be prepared by the staff of such committee) (a) the text of the statute or part thereof which is proposed to be repealed; and (b) a comparative print of that part of the bill or joint resolution making the amendment and of the statute or part thereof proposed to be amended, showing by stricken through type and italics, parallel columns, or other appropriate typographical devices the omissions and insertions which would be made by the bill or joint resolution if enacted in the form recommended by the committee. This paragraph shall not apply to any such report in which it is stated that, in the opinion of the committee, it is necessary to dispense with the requirements of this subsection to expedite the business of the Senate.

13. (a) Each committee (except the Committee on Appropriations) which has legislative jurisdiction shall, in its consideration of all bills and joint resolutions of a public character within its jurisdiction, endeavor to insure that—

(1) all continuing programs of the Federal Government and of the government of the District of Columbia, within the jurisdiction of such committee or joint committee, are designed; and

(2) all continuing activities of Federal agencies, within the jurisdiction of such committee or joint committee, are carried on;

so that, to the extent consistent with the nature, requirements, and objectives of those programs and activities, appropriations therefor will be made annually.

(b) Each committee (except the Committee on Appropriations) shall with respect to any continuing program within its jurisdiction for which appropriations are not made annually, review such program, from time to time, in order to ascertain whether such program could be modified so that appropriations therefor would be made annually.



THE 91ST ANNIVERSARY OF THE ARMENIAN GENOCIDE

Mr. LEVIN. Mr. President, on Monday we observed the 91st anniversary of the Armenian genocide. On April 24, 1915, the Turkish Ottoman Empire began a coordinated campaign of deportation, expropriation, torture, starvation, and massacre which lasted 8 long years and left an estimated 1.5 million Armenians dead. The violence forced an additional 500,000 people to leave their homeland and live in exile.

The Armenian genocide is a shameful period in world history that highlights the catastrophic consequences of inaction in the face of violent persecution. It is a tragedy which could have and should have been prevented by the intervention of all nations who value freedom and peace. A retired Theodore Roosevelt wrote in 1918, "The Armenian horror is an accomplished fact. Its occurrence was largely due to the policy of pacifism this nation has followed for the last four years." Roosevelt argued for U.S. involvement "because the Armenian massacre was the greatest crime of the war, and failure to act against Turkey is to condone it; because the failure to deal radically with the Turkish horror means that all talk of guaranteeing the future peace of the world is mischievous nonsense."

It is important to make clear that the annual remembrance of the Armenian genocide is not a condemnation of our NATO partner, the present day Republic of Turkey. Indeed, it was the founder of the Republic, Mustafa Kemal Ataturk, who ended the Ottoman government.

Instead, the annual remembrance of the Armenian genocide presents us with an opportunity to both honor the memory of those that were lost and rededicate ourselves to working with our allies, including Turkey, to prevent any occurrences of persecution and genocide around the world.

Unfortunately, we know too well that the Armenian genocide was the first but not the only genocide of the 20th century, and millions more perished as additional genocides were perpetrated against innocent minorities in Europe, Africa, and Asia. In remembering the victims of past genocides, we must now turn our efforts to ending the first genocide of the 21st century in the Darfur region of Sudan.

Only by remembering the loss of family and loved ones and by working to alleviate the current suffering of others can we truly honor the victims of the Armenian genocide. That is the goal of the 91st anniversary remembrance of the Armenian genocide.

EARTH DAY 2006

Mr. FEINGOLD. Mr. President, this past weekend we celebrated Earth Day. That celebration, begun in 1970 by the late Gaylord Nelson, a great environmental leader whose U.S. Senate seat I hold today, provides us the chance to

reflect on our environmental past, take stock of our present environmental situation, and formulate a vision for our environmental future.

We have much to be proud of in our past, especially the bipartisan initiatives that were produced in the 1970s, including the Clean Air Act, the Endangered Species Act, and the Clean Water Act. Unfortunately, our present environmental circumstances show we have a lot of work to do. Mercury pollution contaminates our waterways and threatens the health of our citizens, increased greenhouse gas emissions feed global climate change, and the majestic Great Lakes, a natural resource of particular interest to me and my fellow Wisconsinites, face such threats as invasive species and loss of wetlands. It is the future, though, that I urge Americans from all walks of life and from all across the country to focus on as they celebrate Earth Day this year.

Quite frankly, over the next few years we will face major decisions that will shape our relationship to our natural resources. We can make decisions that demonstrate we want a future that recognizes that when we disrespect and dishonor the planet, we, in fact, disrespect and dishonor ourselves, or by failing to act or by making short-sighted choices, we can turn our backs on our responsibility to pass on to future generations a vibrant and living planet.

Despite what is at stake, there is reason for hope. One of the most pressing challenges we face is that of making a commitment—both individually and collectively—to adopting sustainable energy habits that will serve the country for years to come. Our Nation, throughout its history, has faced challenges that we have overcome based on our ingenuity and our unwillingness to fail. It is this attitude that must be embraced today as we look to our energy future.

We must challenge ourselves to adopt a new energy vision for the 21st century. This new vision involves moving away from our dependence on oil, a source of energy that puts our environment, our national security, and our economy at risk. We all know that the burning fossil fuels, like oil, emits tremendous amounts of greenhouse gases into our atmosphere and that these gases fuel global warming. We all also know that global climate change is a problem plagued by a lack of leadership by the current administration and by its allies in Congress. Getting real about global warming—which must happen soon—will require a commitment to reducing our dependence on oil as opposed to continually fighting about opening up pristine areas, including the Arctic National Wildlife Refuge, for oil drilling. Reducing our dependence on oil will also make us more secure. Given that we have less than 3 percent of the world's proven oil reserves here in the United States, we will be dependent on others for our fuel

until we get serious about using biofuels that can be produced here at home.

A new energy future will not create itself—it will require a dedicated effort by individuals across the country and by decision makers at all levels. This new energy future can be built on efforts to be more efficient, efforts to only use only what we need, and efforts to use renewable sources of energy. While the Federal Government has failed to take bold action, Americans are forging ahead, actually leading the way. For example, students at universities are holding competitions to reduce energy use, and nearly 200 cities are part of a nationwide movement to reduce greenhouse emissions in their cities to 7 percent below 1990 levels by 2012.

But more must be done, and Americans must demand accountability and leadership from their Federal elected officials.

So as we come together on Earth Day 2006, let's make a commitment to each other and to future generations to rise to the challenge of securing a new energy future for our country, for this is not only one of the most important environmental commitments we can make to each other, but it is also a decision about our national security and our economy. Let's work toward an environmental future that our children's children will, years from now, reflect upon as a turning point in our history, a time during which we came together and worked for the best interest of humanity, across the globe.

ADDITIONAL STATEMENTS

HONORING ARMY LIEUTENANT JEROME N. SHAPIRO

• Mr. LEVIN. Mr. President, this week, as we observe Holocaust Remembrance Day, Yom Hashoah, I would like to take a moment to recognize Stephanie Mellen of Troy, MI, for her tireless and enduring efforts to honor the memory of her father and help ensure that the horrific events of the Holocaust will never be forgotten.

On May 7, 1945, Ms. Mellen's father, 1Lt Jerome N. Shapiro, led the team that captured Air Marshal Hermann Goering, the de facto leader of Nazi Germany following Adolf Hitler's suicide. Eighty miles behind enemy lines in Austria, Lieutenant Shapiro and three others caught Goering and his entourage of 78 people. Goering calmly surrendered his weapon to Lieutenant Shapiro, a Jewish American, and was held under Lieutenant Shapiro's command at Fischhorn Castle in Zell Am See, Austria, until he was transferred to Allied headquarters 2 days later. Hermann Goering was the principal defendant at the Nuremberg Trials the following year, and Lieutenant Shapiro continued as part of his guard detail during the trial.

Lieutenant Shapiro was hesitant to talk about his role in Goering's capture, but Stephanie Mellen began to

understand the importance of his story even as a young girl. She saw the gun that her father was carrying when Goering surrendered and recalls using Goering's field typewriter to type her school assignments. Stephanie was 13 years old when she saw her father named as "Goering's guard" in a television documentary. These memories helped her to understand and appreciate what her father accomplished.

Lieutenant Shapiro passed away on April 4, 1968, but his legacy lives on through the committed actions of his daughter. Stephanie Mellen has spent countless hours writing and speaking to educate people on the importance of what her father did to bring Hermann Goering to justice. She shares her father's story to honor the courage and resolve of Lieutenant Shapiro and all those members of America's "greatest generation" who fought and defeated the Axis Powers in one of humanity's most critical moments. But most of all, she shares the story of her father to remind all of us that the cause of universal human freedom and dignity is our own.●

NOTIFICATION OF AN EXECUTIVE ORDER BLOCKING PROPERTY OF ADDITIONAL PERSONS IN CONNECTION WITH THE NATIONAL EMERGENCY WITH RESPECT TO SYRIA—PM 45

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

To the Congress of the United States:

Pursuant to the International Emergency Economic Powers Act, as amended (50 U.S.C. 1701 et seq.) (IEEPA), I hereby report that I have issued an Executive Order blocking property of persons in connection with the terrorist act in Beirut, Lebanon, on February 14, 2005, that resulted in the assassination of former Lebanese Prime Minister Rafiq Hariri and the deaths of 22 others, and other bombings or assassination attempts in Lebanon since October 1, 2004, that are related to Hariri's assassination or that implicate the Government of Syria or its officers or agents. I issued this order to take additional steps with respect to the national emergency declared in Executive Order 13338 of May 11, 2004, concerning certain actions of the Government of Syria. In Executive Order 13338, I determined that the actions of the Government of Syria in supporting terrorism, continuing its occupation of Lebanon, pursuing weapons of mass destruction, and undermining United States and international efforts in Iraq constituted an unusual and extraordinary threat to the national security, foreign policy, and economy of the United States, and declared a national emergency to deal with that threat.

The United Nations Security Council, in Resolution 1595 of April 7, 2005, established the international independent investigation Commission (the "Commission"), reiterated its call for the strict respect of the sovereignty of Lebanon, and reaffirmed its unequivocal condemnation of the February 14, 2005, terrorist bombing that killed Lebanese Prime Minister Rafiq Hariri and 22 others. The Commission's charter included identifying the bombing perpetrators, sponsors, organizers, and accomplices. United Nations Security Council Resolution (UNSCR) 1636 of October 31, 2005, called upon all States to provide necessary assistance to the Commission concerning its investigation into the February 14, 2005, terrorist bombing and to freeze the assets of those persons designated by the Commission or the Government of Lebanon as suspected of involvement in this terrorist act, upon notification of such designation to, and agreement of, the Committee of the Security Council established by UNSCR 1636. United Nations Security Council Resolution 1644 of December 15, 2005, condemned other terrorist attacks in Lebanon since October 2004 and reaffirmed that all those involved in these attacks must be held accountable for these crimes, and in doing so, authorized the Commission to extend its technical assistance to Lebanese authorities with regard to their investigations regarding the terrorist attacks perpetrated in Lebanon since October 1, 2004.

In view of UNSCR 1636, my new order takes additional steps with respect to the national emergency declared in Executive Order 13338 by blocking the property and interests in property of persons determined by the Secretary of the Treasury, after consultation with the Secretary of State, to be, or to have been, involved in the planning, sponsoring, organizing, or perpetrating of the terrorist act on February 14, 2005, that resulted in the assassination of former Prime Minister Rafiq Hariri and the deaths of 22 others, or any other bombing, assassination, or assassination attempt in Lebanon since October 1, 2004, that is related to Hariri's assassination or that implicates the Government of Syria or its officers and agents, or to have obstructed or otherwise impeded the work of the Commission. The order further authorizes the Secretary of the Treasury, after consultation with the Secretary of State, to designate for blocking those persons determined to have materially assisted, sponsored, or provided financial, material, or technological support for, or goods or services in support of, any such terrorist act, bombings, or assassination attempts, or any person designated pursuant to this order, or to be owned or controlled by, or acting or purporting to act for or on behalf of, directly or indirectly, any person designated pursuant to this order.

I delegated to the Secretary of the Treasury, after consultation with the Secretary of State, the authority to

take such actions, including the promulgation of rules and regulations, and to employ all powers granted to the President by IEEPA and the United Nations Participation Act, as amended (22 U.S.C. 287c), as may be necessary to carry out the purposes of my order. The order was effective at 12:01 a.m. eastern daylight time on April 26, 2006.

I am enclosing a copy of the Executive Order I have issued.

GEORGE W. BUSH.

THE WHITE HOUSE, April 26, 2006.

MESSAGE FROM THE HOUSE

At 3 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 and joint resolution, in which it requests the concurrence of the Senate:

H.R. 2341. An act to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the design, planning, and construction of a project to reclaim and reuse wastewater within and outside of the service area of the City of Austin Water and Wastewater Utility, Texas.

H.R. 4709. An act to amend title 18, United States Code, to strengthen protections for law enforcement officers and the public by providing criminal penalties for the fraudulent acquisition or unauthorized disclosure of phone records.

H.R. 4916. An act to authorize United States participation in, and appropriations for, the United States contribution to the first replenishment of the resources of the Enterprise for the Americas Multilateral Investment Fund.

H.J. Res. 83. An act to memorialize and honor the contribution of Chief Justice William H. Rehnquist.

The message also announced that the House has passed the following bill and joint resolution, without amendment:

S. 592. An act to amend the Irrigation Project Contract Extension Act of 1998 to extend certain contracts between the Bureau of Reclamation and certain irrigation water contractors in the States of Wyoming and Nebraska.

S.J. Res. 28. An act approving the location of the commemorative work in the District of Columbia honoring former President Dwight D. Eisenhower.

MEASURES REFERRED

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

H.R. 2341. An act to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the design, planning, and construction of a project to reclaim and reuse wastewater within and outside of the service area of the City of Austin Water and Wastewater Utility, Texas; to the Committee on Energy and Natural Resources.

H.R. 4709. An act to amend title 18, United States Code, to strengthen protections for law enforcement officers and the public by providing criminal penalties for the fraudulent acquisition or unauthorized disclosure of phone records; to the Committee on the Judiciary.

H.R. 4916. An act to authorize United States participation in, and appropriations

for, the United States contribution to the first replenishment of the resources of the Enterprise for the Americas Multilateral Investment Fund; to the Committee on Foreign Relations.

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-6454. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Draw-bridge Operations (including 10 regulations)" (RIN 1625-AA09) received on April 18, 2006; to the Committee on Commerce, Science, and Transportation.

EC-6455. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Security Zone; High Capacity Passenger Vessels and Alaska Marine Highway System Vessels in Alaska" (RIN 1625-AA87) received on April 18, 2006; to the Committee on Commerce, Science, and Transportation.

EC-6456. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; Maple-Oregon Bridge Boring Program, Sturgeon Bay Ship" (RIN 1625-AA00) received on April 18, 2006; to the Committee on Commerce, Science, and Transportation.

EC-6457. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Special Local Regulations for Marine Events: Severn River, College Creek, Weems Creek, and Carr Creek, Annapolis, MD" (RIN 1625-AA08) received on April 18, 2006; to the Committee on Commerce, Science, and Transportation.

EC-6458. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Special Local Regulations for Marine Events; 2006 San Francisco Giants' Opening Night Fireworks Display, San Francisco Bay, CA" (RIN 1625-AA08) received on April 18, 2006; to the Committee on Commerce, Science, and Transportation.

EC-6459. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Rates for Pilotage on the Great Lakes" (RIN 1625-AA38) received on April 18, 2006; to the Committee on Commerce, Science, and Transportation.

EC-6460. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Draw-bridge Operation Regulation (including 3 regulations)" (RIN 1625-AA09) received on April 18, 2006; to the Committee on Commerce, Science, and Transportation.

EC-6461. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Special Local Regulations (including 7 regulations)"

(RIN 1625-AA08) received on April 18, 2006; to the Committee on Commerce, Science, and Transportation.

EC-6462. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Security Zones (including 9 regulations)" (RIN 1625-AA87) received on April 18, 2006; to the Committee on Commerce, Science, and Transportation.

EC-6463. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zones (including 25 regulations)" (RIN 1625-AA00) received on April 18, 2006; to the Committee on Commerce, Science, and Transportation.

EC-6464. A communication from the Under Secretary for Industry and Security, Department of Commerce, transmitting, pursuant to law, the Annual Report for Fiscal Year 2005 of the Commerce Department's Bureau of Industry and Security (BIS); to the Committee on Commerce, Science, and Transportation.

EC-6465. A communication from the Administrator, National Aeronautics and Space Administration (NASA), transmitting, pursuant to law, NASA's FAIR Act 2005 Commercial Activities Inventory, FAIR Act 2005 Inherently Governmental Inventory, and FAIR Act Inventory Executive Summary; to the Committee on Commerce, Science, and Transportation.

EC-6466. A communication from the Assistant Secretary for Legislative and Intergovernmental Affairs, Office of Legislative Affairs, Department of Homeland Security, transmitting, pursuant to law, the United States Coast Guard report entitled "Report on Demonstration Project: Implementing the Crew Endurance Management System (CEMS) on Towing Vessels"; to the Committee on Commerce, Science, and Transportation.

EC-6467. A communication from the Secretary of Transportation, transmitting, pursuant to law, the Department of Transportation's (DOT) Report on Management Decisions and Final Actions on Office of Inspector General Audit Recommendations for the period ending September 30, 2005; to the Committee on Commerce, Science, and Transportation.

EC-6468. A communication from the Secretary, Federal Trade Commission, transmitting, pursuant to law, a report entitled "Federal Trade Commission Annual Report 2006: Fair Debt Collection Practices Act"; to the Committee on Commerce, Science, and Transportation.

EC-6469. A communication from the Chairman, Federal Maritime Commission, transmitting, pursuant to law, the 44th Annual Report of the Commission's activities for fiscal year 2005; to the Committee on Commerce, Science, and Transportation.

EC-6470. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report entitled "Report to Congress on the Fiscal Year 2005 Competitive Sourcing Efforts"; to the Committee on Commerce, Science, and Transportation.

EC-6471. A communication from the Attorney Advisor, Federal Highway Administration, Department of Transportation, transmitting the report of a nomination for the position of Administrator, received on April 12, 2006; to the Committee on Commerce, Science, and Transportation.

EC-6472. A communication from the Deputy Director, Office of Protected Resources, National Oceanic and Atmospheric Administration, transmitting, pursuant to law, the

report of a rule entitled "Taking and Importing Marine Mammals; Taking Marine Mammals Incidental to Construction and Operation of Offshore Oil and Gas Facilities in the Beaufort Sea" ((RIN 0648-AS98) (I.D. No. 010305B)) received on April 12, 2006; to the Committee on Commerce, Science, and Transportation.

EC-6473. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 610 of the Gulf of Alaska" (I.D. No. 030906B) received on April 12, 2006; to the Committee on Commerce, Science, and Transportation.

EC-6474. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 620 of the Gulf of Alaska" (I.D. No. 032106B) received on April 12, 2006; to the Committee on Commerce, Science, and Transportation.

EC-6475. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 630 of the Gulf of Alaska" (I.D. No. 030906A) received on April 12, 2006; to the Committee on Commerce, Science, and Transportation.

EC-6476. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Reallocation of Pacific Cod in the Bering Sea and Aleutian Islands Management Area" (I.D. No. 032006A) received on April 12, 2006; to the Committee on Commerce, Science, and Transportation.

EC-6477. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Catcher/Processor Vessels Using Hook-and-line Gear in the Bering Sea and Aleutian Islands Management Area" (I.D. No. 021706A) received on April 12, 2006; to the Committee on Commerce, Science, and Transportation.

EC-6478. A communication from the Acting Deputy Assistant Administrator for Regulatory Programs, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Total Allowable Catch Amount for 'Other Species' in the Groundfish Fisheries of the Gulf of Alaska" ((RIN 0648-AT92) (I.D. No. 110805A)) received on April 12, 2006; to the Committee on Commerce, Science, and Transportation.

EC-6479. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting, pursuant to law, the report of a rule entitled "Fisheries Off West Coast States and in the Western Pacific; West Coast Salmon Fisheries; Inseason Action #1—Adjustment of the Commercial and Recreational Fisheries from Cape Falcon, Oregon, to Point Sur, California" (I.D. No.

031406F) received on April 12, 2006; to the Committee on Commerce, Science, and Transportation.

EC-6480. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting, pursuant to law, the report of a rule entitled "Fisheries Off West Coast States and in the Western Pacific; Western Pacific Pelagic Fisheries; Fishery Closure" (I.D. No. 032006E) received on April 12, 2006; to the Committee on Commerce, Science, and Transportation.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. WARNER for the Committee on Armed Services.

Air Force nomination of Brig. Gen. Thomas J. Loftus to be Major General.

Air Force nominations beginning with Brigadier General Chris T. Anzalone and ending with Brigadier General Mark R. Zamzow, which nominations were received by the Senate and appeared in the Congressional Record on March 2, 2006.

Air Force nomination of Col. Steven Westgate to be Brigadier General.

Army nomination of Lt. Gen. Franklin L. Hagenbeck to be Lieutenant General.

Army nomination of Maj. Gen. Michael D. Rochelle to be Lieutenant General.

Army nomination of Col. Russell J. Czerw to be Major General.

Marine Corps nomination of Maj. Gen. Frances C. Wilson to be Lieutenant General.

Navy nomination of Rear Adm. Nancy E. Brown to be Vice Admiral.

Mr. WARNER. Mr. President, for the Committee on Armed Services I report favorably the following nomination lists which were printed in the RECORDS on the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that these nominations lie at the Secretary's desk for the information of Senators.

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

Air Force nominations beginning with Kristine M. Autorino and ending with Tiwana L. Wright, which nominations were received by the Senate and appeared in the Congressional Record on March 13, 2006.

Air Force nomination of Rex R. Kiziah to be Colonel.

Air Force nomination of Maureen McCarthy to be Colonel.

Air Force nomination of Joseph A. Weber, Jr. to be Colonel.

Air Force nomination of Daniel J. McGraw to be Colonel.

Air Force nominations beginning with Constance C. McNabb and ending with Amy L. Walker, which nominations were received by the Senate and appeared in the Congressional Record on March 27, 2006.

Air Force nominations beginning with Kenneth R. Franklin and ending with Michael S. Peters, which nominations were received by the Senate and appeared in the Congressional Record on March 27, 2006.

Air Force nominations beginning with Peter L. Barrenechea and ending with Ralph M. Sutherlin, which nominations were received by the Senate and appeared in the Congressional Record on March 27, 2006.

Air Force nominations beginning with David G. Allen and ending with David D.

Zwart, which nominations were received by the Senate and appeared in the Congressional Record on March 27, 2006.

Air Force nominations beginning with Thomas E. Baldwin and ending with Michelle K. Zimmerman, which nominations were received by the Senate and appeared in the Congressional Record on April 5, 2006.

Army nomination of David M. Lind to be Colonel.

Army nominations beginning with Mary M. Sunshine and ending with Debra Chappel, which nominations were received by the Senate and appeared in the Congressional Record on March 27, 2006.

Army nomination of Jacqueline P. Allen to be Lieutenant Colonel.

Army nominations beginning with Valerie McDavid and ending with Cathleen Sterling, which nominations were received by the Senate and appeared in the Congressional Record on March 27, 2006.

Army nomination of Charles C. Dodd to be Major.

Army nominations beginning with Alvis Dunson and ending with Francis Williams, which nominations were received by the Senate and appeared in the Congressional Record on March 27, 2006.

Army nominations beginning with Soonja Choi and ending with Mehdy Zarandy, which nominations were received by the Senate and appeared in the Congressional Record on March 30, 2006.

Army nomination of E. N. Steely III to be Colonel.

Marine Corps nomination of Sanford P. Pike to be Lieutenant Colonel.

Marine Corps nomination of Jayson A. Brayall to be Major.

Navy nomination of Paul W. Marquis to be Commander.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mrs. FEINSTEIN (for herself, Mr. KYL, Ms. CANTWELL, Mr. FRIST, Mrs. BOXER, Mrs. HUTCHISON, Mr. BINGAMAN, Mr. MCCAIN, Mr. DOMENICI, Mr. COLEMAN, Mr. TALENT, and Mr. CONRAD):

S. 2652. A bill to amend chapter 27 of title 18, United States code, to prohibit the unauthorized construction, financing, or, with reckless disregard, permitting the construction or use on one's land, of a tunnel or subterranean passageway between the United States and another country; to the Committee on the Judiciary.

By Mr. STEVENS (for himself, Mr. INOUE, Mr. BURNS, Mr. DORGAN, Mr. LOTT, Mrs. BOXER, Mr. ALLEN, Mr. NELSON of Florida, Mr. VITTER, Mr. LAUTENBERG, Mr. WARNER, Mr. LIEBERMAN, Mr. BOND, Ms. LANDRIEU, Mr. GREGG, Ms. MIKULSKI, Mr. DEWINE, Mr. JEFFORDS, Mr. INHOFE, Ms. MURKOWSKI, Mr. COLEMAN, Mr. ALEXANDER, Mr. SANTORUM, Mrs. DOLE, Mr. BENNETT, Mr. ALLARD, Mr. DOMENICI, Mr. ENZI, Mr. GRAHAM, Ms. SNOWE, Mr. ROCKEFELLER, Mr. THOMAS, Mr. PRYOR, Mrs. CLINTON, Mr. CRAIG, Mr. TALENT, and Mr. BURR):

S. 2653. A bill to direct the Federal Communications Commission to make efforts to reduce telephone rates for Armed Forces personnel deployed overseas; to the Committee on Commerce, Science, and Transportation.

By Mr. MENENDEZ:

S. 2654. A bill to protect consumers, and especially young consumers, from skyrocketing consumer debt and the barrage of credit card solicitations, to establish a financial literacy and education program in elementary and secondary schools to help prepare young people to be financially responsible consumers, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. MENENDEZ:

S. 2655. A bill to amend the Truth in Lending Act, to prohibit universal default practices by credit card issuers, to limit fees that may be imposed on credit card accounts, and to require credit card issuers to verify a prospective consumer's ability to pay before extending credit to the consumer, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. VITTER:

S. 2656. A bill to amend title 44 of the United States Code, to provide for the suspension of fines under certain circumstances for first-time paperwork violations by small business concerns; to the Committee on Homeland Security and Governmental Affairs.

By Mr. SANTORUM (for himself and Mr. BAYH):

S. 2657. A bill to extend the Iran and Libya Sanctions Act of 1996; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. BOND (for himself and Mr. LEAHY):

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; to the Committee on Armed Services.

By Mr. AKAKA (for himself and Mr. INOUE):

S. 2659. A bill to amend title 38, United States Code, to provide for the eligibility of Indian tribal organizations for grants for the establishment of veterans cemeteries on trust lands; to the Committee on Veterans' Affairs.

By Mrs. FEINSTEIN:

S. 2660. A bill to amend the National Security Act of 1947 to require notice to Congress of certain declassifications of intelligence information, and for other purposes; to the Select Committee on Intelligence.

By Mr. MARTINEZ (for himself, Mr. SALAZAR, Mr. CRAIG, Mr. NELSON of Florida, Mr. HAGEL, Mr. CARPER, Mr. ALLARD, Ms. LANDRIEU, Mrs. CLINTON, and Mr. KERRY):

S. 2661. A bill to provide for a plebiscite in Puerto Rico on the status of the territory; to the Committee on Energy and Natural Resources.

By Mr. SMITH (for himself and Mr. WYDEN):

S. 2662. A bill to direct the Secretary of Commerce to provide emergency disaster assistance to mitigate the economic losses caused by salmon fishery restrictions along the California and Oregon coast, and for other purposes; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. FEINGOLD (for himself and Mr. KOHL):

S. Res. 446. A resolution recognizing the 50th Anniversary of the Crop Science Society of America; considered and agreed to.

By Mr. FEINGOLD (for himself and Mr. KOHL):

S. Res. 447. A resolution congratulating the University of Wisconsin Badgers men's hockey team for winning the 2006 National Collegiate Athletic Association Division I Men's Hockey Championship; considered and agreed to.

ADDITIONAL COSPONSORS

S. 20

At the request of Mr. REID, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of S. 20, a bill to expand access to preventive health care services that help reduce unintended pregnancy, reduce the number of abortions, and improve access to women's health care.

S. 333

At the request of Mr. SANTORUM, the names of the Senator from Alaska (Mr. STEVENS) and the Senator from Utah (Mr. BENNETT) were added as cosponsors of S. 333, a bill to hold the current regime in Iran accountable for its threatening behavior and to support a transition to democracy in Iran.

S. 420

At the request of Mr. KYL, the name of the Senator from North Carolina (Mrs. DOLE) was added as a cosponsor of S. 420, a bill to make the repeal of the estate tax permanent.

S. 484

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

S. 521

At the request of Mrs. HUTCHISON, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 521, a bill to amend the Public Health Service Act to direct the Secretary of Health and Human Services to establish, promote, and support a comprehensive prevention, research, and medical management referral program for hepatitis C virus infection.

S. 537

At the request of Mr. LEAHY, his name was added as a cosponsor of S. 537, a bill to increase the number of well-trained mental health service professionals (including those based in schools) providing clinical mental health care to children and adolescents, and for other purposes.

S. 707

At the request of Mr. ALEXANDER, the names of the Senator from Ohio (Mr. DEWINE) and the Senator from New York (Mr. SCHUMER) were added as cosponsors of S. 707, a bill to reduce preterm labor and delivery and the risk of pregnancy-related deaths and complications due to pregnancy, and to reduce infant mortality caused by prematurity.

S. 832

At the request of Mr. BINGAMAN, the name of the Senator from Connecticut

(Mr. LIEBERMAN) was added as a cosponsor of S. 832, a bill to amend the Internal Revenue Code of 1986 to provide taxpayer protection and assistance, and for other purposes.

S. 843

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

S. 908

At the request of Mr. MCCONNELL, the name of the Senator from Colorado (Mr. ALLARD) was added as a cosponsor of S. 908, a bill to allow Congress, State legislatures, and regulatory agencies to determine appropriate laws, rules, and regulations to address the problems of weight gain, obesity, and health conditions associated with weight gain or obesity.

S. 1035

At the request of Mr. INHOFE, the names of the Senator from California (Mrs. BOXER), the Senator from New Jersey (Mr. MENENDEZ), the Senator from Washington (Ms. CANTWELL) and the Senator from Nevada (Mr. ENSIGN) were added as cosponsors of S. 1035, a bill to authorize the presentation of commemorative medals on behalf of Congress to Native Americans who served as Code Talkers during foreign conflicts in which the United States was involved during the 20th century in recognition of the service of those Native Americans to the United States.

S. 1086

At the request of Mr. HATCH, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. 1086, a bill to improve the national program to register and monitor individuals who commit crimes against children or sex offenses.

S. 1180

At the request of Mr. OBAMA, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 1180, a bill to amend title 38, United States Code, to reauthorize various programs servicing the needs of homeless veterans for fiscal years 2007 through 2011, and for other purposes.

S. 1735

At the request of Mr. LEAHY, his name was added as a cosponsor of S. 1735, a bill to improve the Federal Trade Commission's ability to protect consumers from price-gouging during energy emergencies, and for other purposes.

At the request of Ms. CANTWELL, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 1735, *supra*.

S. 1741

At the request of Mr. VOINOVICH, the names of the Senator from Delaware (Mr. CARPER), the Senator from Ohio (Mr. DEWINE) and the Senator from New Jersey (Mr. LAUTENBERG) were added as cosponsors 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. 1767

At the request of Ms. SNOWE, the name of the Senator from Montana (Mr. BURNS) was added as a cosponsor of S. 1767, a bill to require the Federal Communications Commission to reevaluate the band plans for the upper 700 megahertz band and the un-auctioned portions of the lower 700 megahertz band and reconfigure them to include spectrum to be licensed for small geographic areas.

S. 1955

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

S. 1998

At the request of Mr. CONRAD, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 1998, a bill to amend title 18, United States Code, to enhance protections relating to the reputation and meaning of the Medal of Honor and other military decorations and awards, and for other purposes.

S. 2048

At the request of Mr. OBAMA, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 2048, a bill to direct the Consumer Product Safety Commission to classify certain children's products containing lead to be banned hazardous substances.

S. 2140

At the request of Mr. HATCH, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor 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. 2154

At the request of Mr. OBAMA, the name of the Senator from Colorado (Mr. SALAZAR) was added as a cosponsor of S. 2154, a bill to provide for the issuance of a commemorative postage stamp in honor of Rosa Parks.

S. 2201

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

section 40122 regarding changes in the Federal Aviation Administration personnel management system, and for other purposes.

S. 2292

At the request of Mr. SPECTER, the name of the Senator from Colorado (Mr. ALLARD) was added as a cosponsor of S. 2292, a bill to provide relief for the Federal judiciary from excessive rent charges.

S. 2321

At the request of Mr. SANTORUM, the names of the Senator from Rhode Island (Mr. CHAFEE), the Senator from Maine (Ms. SNOWE), and the Senator from Nebraska (Mr. NELSON) were added as cosponsors of S. 2321, a bill to require the Secretary of the Treasury to mint coins in commemoration of Louis Braille.

S. 2370

At the request of Mr. MCCONNELL, the names of the Senator from Illinois (Mr. OBAMA), the Senator from Utah (Mr. BENNETT) and the Senator from Hawaii (Mr. INOUE) were added as cosponsors of S. 2370, a bill to promote the development of democratic institutions in areas under the administrative control of the Palestinian Authority, and for other purposes.

S. 2385

At the request of Mr. REID, the name of the Senator from Vermont (Mr. JEFFORDS) 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. 2401

At the request of Mr. BAUCUS, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 2401, a bill to amend the Internal Revenue Code of 1986 to extend certain energy tax incentives, and for other purposes.

S. 2451

At the request of Mr. VITTER, his name was added as a cosponsor of S. 2451, a bill to amend the Internal Revenue Code of 1986 to expand certain tax benefits related to Hurricane Katrina and to Hurricane Rita.

S. 2491

At the request of Mr. CORNYN, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. 2491, a bill to award a Congressional gold medal to Byron Nelson in recognition of his significant contributions to the game of golf as a player, a teacher, and a commentator.

S. 2503

At the request of Mrs. LINCOLN, the names of the Senator from North Dakota (Mr. CONRAD) and the Senator from West Virginia (Mr. ROCKEFELLER)

were added as cosponsors of S. 2503, a bill to amend the Internal Revenue Code of 1986 to provide for an extension of the period of limitation to file claims for refunds on account of disability determinations by the Department of Veterans Affairs.

S. 2548

At the request of Mr. STEVENS, the names of the Senator from Nevada (Mr. ENSIGN), the Senator from Washington (Ms. CANTWELL), the Senator from Michigan (Mr. LEVIN) and the Senator from New Jersey (Mr. MENENDEZ) were added as cosponsors of S. 2548, a bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to ensure that State and local emergency preparedness operational plans address the needs of individuals with household pets and service animals following a major disaster or emergency.

S. 2556

At the request of Mr. BAYH, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 2556, a bill to amend title 11, United States Code, with respect to reform of executive compensation in corporate bankruptcies.

S. 2557

At the request of Mr. SPECTER, the names of the Senator from Delaware (Mr. BIDEN) and the Senator from Wisconsin (Mr. FEINGOLD) were added as cosponsors of S. 2557, a bill to improve competition in the oil and gas industry, to strengthen antitrust enforcement with regard to industry mergers, and for other purposes.

S. 2563

At the request of Mr. COCHRAN, the names of the Senator from Virginia (Mr. WARNER) and the Senator from Minnesota (Mr. COLEMAN) were added as cosponsors of S. 2563, a bill to amend title XVIII of the Social Security Act to require prompt payment to pharmacies under part D, to restrict pharmacy co-branding on prescription drug cards issued under such part, and to provide guidelines for Medication Therapy Management Services programs offered by prescription drug plans and MA-PD plans under such part.

S. 2617

At the request of Mr. LAUTENBERG, the names of the Senator from New Mexico (Mr. BINGAMAN) and the Senator from Iowa (Mr. HARKIN) were added as cosponsors of S. 2617, a bill to amend title 10, United States Code, to limit increases in the costs to retired members of the Armed Forces of health care services under the TRICARE program, and for other purposes.

S. 2643

At the request of Mr. BINGAMAN, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 2643, a bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to clarify that Indian tribes are eligible to receive grants for confronting the use of methamphetamine.

S. RES. 313

At the request of Ms. CANTWELL, the name of the Senator from Alaska (Ms.

MURKOWSKI) was added as a cosponsor of S. Res. 313, a resolution expressing the sense of the Senate that a National Methamphetamine Prevention Week should be established to increase awareness of methamphetamine and to educate the public on ways to help prevent the use of that damaging narcotic.

S. RES. 320

At the request of Mr. ENSIGN, the names of the Senator from Connecticut (Mr. DODD) and the Senator from New Jersey (Mr. MENENDEZ) were added as cosponsors of S. Res. 320, a resolution calling the President to ensure that the foreign policy of the United States reflects appropriate understanding and sensitivity concerning issues related to human rights, ethnic cleansing, and genocide documented in the United States record relating to the Armenian Genocide.

S. RES. 405

At the request of Mr. HAGEL, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. Res. 405, a resolution designating August 16, 2006, as "National Airborne Day".

S. RES. 441

At the request of Mr. LUGAR, the name of the Senator from Rhode Island (Mr. CHAFEE) was added as a cosponsor of S. Res. 441, a resolution expressing the support of the Senate for the reconvening of the Parliament of Nepal and for an immediate, peaceful transition to democracy.

S. RES. 445

At the request of Mr. SANTORUM, the names of the Senator from Minnesota (Mr. COLEMAN) and the Senator from Utah (Mr. BENNETT) were added as cosponsors of S. Res. 445, a resolution expressing the sense of the Senate in commemorating Holocaust Remembrance Day.

AMENDMENT NO. 3594

At the request of Mr. GREGG, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of amendment No. 3594 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 names of the Senator from Delaware (Mr. BIDEN) and the Senator from Alaska (Ms. MURKOWSKI) were added as cosponsors of amendment No. 3597 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. 3599

At the request of Mr. LUGAR, the names of the Senator from Mississippi (Mr. LOTT), the Senator from North Dakota (Mr. CONRAD), the Senator from Vermont (Mr. LEAHY), the Senator from Maryland (Ms. MIKULSKI), the Senator from Delaware (Mr. BIDEN), the Senator from Massachusetts (Mr.

KENNEDY), the Senator from Maine (Ms. COLLINS), the Senator from New Mexico (Mr. BINGAMAN), the Senator from Massachusetts (Mr. KERRY), the Senator from North Dakota (Mr. DORGAN), the Senator from New York (Mrs. CLINTON), the Senator from Connecticut (Mr. LIEBERMAN) and the Senator from South Dakota (Mr. JOHNSON) were added as cosponsors of amendment No. 3599 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. 3600

At the request of Mr. HARKIN, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of amendment No. 3600 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. STEVENS (for himself, Mr. INOUE, Mr. BURNS, Mr. DORGAN, Mr. LOTT, Mrs. BOXER, Mr. ALLEN, Mr. NELSON of Florida, Mr. VITTER, Mr. LAUTENBERG, Mr. WARNER, Mr. LIEBERMAN, Mr. BOND, Ms. LANDRIEU, Mr. GREGG, Ms. MIKULSKI, Mr. DEWINE, Mr. JEFFORDS, Mr. INHOFE, Ms. MURKOWSKI, Mr. COLEMAN, Mr. ALEXANDER, Mr. SANTORUM, Mrs. DOLE, Mr. BENNETT, Mr. ALLARD, Mr. DOMENICI, Mr. ENZI, Mr. GRAHAM, Ms. SNOWE, Mr. ROCKEFELLER, Mr. THOMAS, Mr. PRYOR, Mrs. CLINTON, Mr. CRAIG, Mr. TALENT, and Mr. BURR):

S. 2653. A bill to direct the Federal Communications Commission to make efforts to reduce telephone rates for Armed Forces personnel deployed overseas; to the Committee on Commerce, Science, and Transportation.

Mr. STEVENS. Mr. President, the Call Home Act of 2006 would require the Federal Communications Commission to take such actions as may be necessary to reduce telephone rates for Armed Forces personnel deployed overseas, including the waiver of government fees, assessments, or other costs.

In seeking to reduce phone rates, the legislation would require the FCC to evaluate and analyze the costs of calls to and from official duty stations including vessels whether in port or under way; evaluate methods of reducing rates including deployment of new technology such as Voice over Internet protocol, VOIP, or other Internet protocol technology; encourage phone companies to adopt flexible billing procedures and policies call to and from Armed Forces personnel; and seek agreements with foreign governments to reduce international surcharges on phone calls.

The legislation would, however, prohibit the FCC from regulating rates in

order to carry out the Call Home Act's requirements.

The Call Home Act of 2006 would replace similar legislation from 1992 that limited the FCC's efforts to reduce rates to specific countries. The Call Home Act would expand the FCC's efforts to benefit troops wherever they are deployed in support of the global war on terrorism.

We have received a letter of support from the Military Coalition, which represents 36 military and veterans groups. We have also received letters of support from individual members of that coalition and others urging Congress to enact this legislation: Veterans of Foreign Wars; Association of the United States Army; Enlisted Association of the National Guard; Military Officers Association of America; American Legion; Naval Reserve Association; Naval Enlisted Reserve Association; Gold Star Wives of America; and Air Force Sergeants Association.

The Veterans of Foreign Wars' letter of support says that calls home are "lifeline" for the brave men and women stationed abroad.

I urge you to vote for this important legislation.

I ask unanimous consent letters in support of this legislation be printed in the RECORD.

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

THE MILITARY COALITION,
Alexandria, VA, April 10, 2006.

Hon. TED STEVENS,
U.S. Senate,
Washington, DC.

DEAR SENATOR STEVENS: The Military Coalition (TMC), a consortium of uniformed services and veterans associations representing more than 5.5 million current and former servicemembers and their families and survivors, is writing to express our strong support of your bill, "Call Home Act of 2006," that directs the Federal Communications Commission to seek ways to reduce telephone rates for Armed Forces personnel deployed overseas.

Everyday, military members deployed or assigned unaccompanied overseas are faced with the burdens of being separated from families and loved ones. Your bill recognizes the burden these members and families encounter and takes an important step forward to reduce the costs of high phone rates.

The Military Coalition thanks you for introducing this legislation and recommends that the bill be expanded to include all members of the uniformed services. We also appreciate your leadership on issues affecting all servicemembers and their families and pledge our strong support in seeking enactment of this important legislation.

Sincerely,

Signed by 36 representatives of member organizations of the Military Coalition.

ASSOCIATION OF THE
UNITED STATES ARMY,
Arlington, VA, April 6, 2006.

Hon. TED STEVENS,
U.S. Senate,
Washington, DC.

DEAR SENATOR STEVENS: On behalf of over 100,000 members of the Association of the United States Army (AUSA), I write to express our strong support of your bill. "Call Home Act of 2006," that directs the Federal

Communications Commission to seek ways to reduce telephone rates for Armed Forces personnel deployed overseas.

Everyday, military members deployed or assigned unaccompanied overseas are faced with the burdens of being separated from families and loved ones. Your bill recognizes the burden these members and families encounter and takes an important step forward to reduce the costs of high phone rates.

AUSA thanks you for introducing this legislation and for your leadership on issues affecting all servicemembers and their families. We pledge our strong support in seeking enactment of this important legislation.

Sincerely,

GORDON R. SULLIVAN,
General, USA Retired.

THE AMERICAN LEGION,
Washington, DC, April 5, 2006.

Hon. TED STEVENS,
U.S. Senate,
Washington, DC.

DEAR SENATOR STEVENS: On behalf of the 4 million members of The American Legion Family, I would like to take this opportunity to offer our support for your draft legislation entitled, The Call Home Act of 2006.

Your legislation would direct the Federal Communications Commission (FCC) to make every effort possible to reduce telephone rates for those deployed and fighting overseas in the war on terror. The bill also directs the FCC to develop new technologies, encourage foreign governments to reduce international surcharges, and help provide flexible billing for troops and their families. All of these things would help make positive improvements in the lives of our servicemembers who just want to phone home and talk to a loved one.

We support efforts to reduce telephone rates for our servicemembers stationed overseas who depend on an affordable and timely means of communication with their family and loved ones. Over a decade ago, American Legion National Commanders discovered in their visits to troops in the Balkans that our servicemembers were being charged exorbitant telephone rates to call home. The American Legion is strongly supportive of military quality of life, and frequent and timely calling home is a huge morale factor which could only pay dividends to our troops going into harm's way.

Thank you for introducing this legislation and for your continuous support of those on the battlefield today. We look forward to working with you and your staff on the enactment of this legislation.

Sincerely,

CLARENCE HILL,
Chairman,
National Security Commission.

ENLISTED ASSOCIATION OF THE
NATIONAL GUARD,
Alexandria, VA, April 6, 2006.

Hon. TED STEVENS, Chairman,
Hon. DANIEL INOUE, Ranking Member,
U.S. Senate, Committee on Commerce, Science
and Transportation, Washington, DC.

The Enlisted Association of the National Guard of the United States (EANGUS) is pleased to express our strongest support, on behalf of the Enlisted men and women of the Army and Air National Guard, for the "Call Home Act of 2006" which would authorize the FCC to take actions necessary to reduce telephone bills for all deployed service members, active duty, Guard and Reserve.

Members of the Guard and Reserve comprise over 45 percent of all U.S. personnel in Afghanistan and Iraq. Since September 11, 2001, our nation has deployed over 525,000 Guard and Reserve members for operational missions for the Global War on Terrorism,

all over the world. Unfortunately, many of these members, predominately in the junior enlisted ranks, are not able to afford expensive calls from overseas to families or to address personal issues that increase stress on the member. All servicemembers need contact with their home areas and families for a multitude of reasons; however most Guard and Reserve member's home towns are not in the vicinity of a traditional base; therefore contact with their families is critical when deployed.

Today's guardsmen and reservists are professionals. They are the best that we have had and they are answering the call on a routine basis not envisioned during the Cold War. We need to take care of those that answer the call from our nation. If passed this benefit for members of the Guard and Reserve will provide an important tool to bolster recruitment, retention, family morale and overall readiness.

Thank you for recognizing one of the many needs of the military community. You have the support of EANGUS and our membership.

Working for America's Best!

MICHAEL P. CLINE,
Executive Director.

VETERANS OF FOREIGN WARS
OF THE UNITED STATES,
Washington, DC, April 5, 2006.

Hon. TED STEVENS,
*U.S. Senate,
Washington, DC.*

DEAR SENATOR STEVENS: On behalf of the 2.4 million members of the Veterans of Foreign Wars of the United States and our Auxiliaries, I would like to take this opportunity to offer our support for your draft legislation entitled, The Call Home Act of 2006.

Your legislation would direct the Federal Communications Commission (FCC) to make every effort possible to reduce telephone rates for those deployed and fighting overseas in the war on terror. The bill also directs FCC to evaluate the role of new technologies, encourage foreign governments to reduce international surcharges, and help provide flexible billing for troops and their families. All of these things would help make positive improvements in the lives of our servicemembers who just want to phone home and talk to a loved one.

We believe that telephone calls and service are a lifeline for our servicemembers stationed abroad who depend on an affordable means of communication with their friends and family. To help decrease these costs in any way is the least we can do for those fighting for our freedoms and for their families who are making their own sacrifices on the home front.

Thank you for introducing this legislation and for your continuous support of those on the battlefield today. We look forward to working with you and your staff on the enactment of this legislation.

Sincerely,

ROBERT E. WALLACE,
Executive Director.

NAVAL RESERVE ASSOCIATION,
Alexandria, VA, April 5, 2006.

Hon. TED STEVENS,
*Committee on Commerce, Science and Transportation,
U.S. Senate, Hart Senate Office Building,
Washington, DC.*

DEAR CHAIRMAN STEVENS: I am writing you on behalf of the members of the Naval Reserve Association, members of the Navy Reserve, their families and survivors. I'm writing to express our strongest support for The "Call Home Act of 2006" which would authorize the FCC to take actions necessary to reduce telephone bills for all deployed service members, active duty, Guard and Reserve.

Members of the Guard and Reserve comprise over 45 percent of all U.S. personnel in

Afghanistan and Iraq. Since September 11, 2001, our nation has deployed over 525,000 Guard and Reserve members for operational missions for the Global War on Terrorism, all over the world. Additionally, during any month, approximately 25 percent of the Navy Reserve force is doing some type of operational support to the fleet for operational mission requirements.

Unfortunately, many of these members, predominately in the junior enlisted ranks, are not able to afford expensive calls from overseas to families or to address personal issues that increase stress on the member. All servicemembers need contact with their home areas and families for a multitude of reasons. Most Guard and Reserve member's home towns are not in the vicinity of a traditional base; therefore, contact with their families is critical when deployed.

Today's guardsmen and reservists are professionals. They are the best that we have had and they are answering the call on a routine basis not envisioned during the Cold War. We need to take care of those that answer the call from our nation. If passed, this benefit for members of the Guard and Reserve will provide an important tool to bolster recruitment, retention, family morale and overall readiness. I look forward to working together in support of a strong and viable Navy Reserve, and all reserve components. Thank you for all your hard work on their behalf with the Call Home Act of 2006.

Sincerely,

CASEY W. COANE,
*RADM, USN (Ret.),
Executive Director.*

THE NAVAL ENLISTED
RESERVE ASSOCIATION,
Falls Church, Va.

Hon. TED STEVENS,
*Chair, Senate Committee on Commerce, Science,
and Transportation, Russell Senate Office
Building, Washington, DC.*

I am writing you on behalf of the members of the Naval Enlisted Reserve Association, members of the Navy, Marine Corps and Coast Guard Reserve, their families and survivors. I'm writing to express our strongest support for The "Call Home Act of 2006" which would authorize the FCC to take actions necessary to reduce telephone bills for all deployed service members, active duty, Guard and Reserve.

Members of the Guard and Reserve comprise over 45 percent of all U.S. personnel in Afghanistan and Iraq. Since September 11, 2001, our nation has deployed over 525,000 Guard and Reserve members for operational missions for the Global War on Terrorism, all over the world. Additionally, during any month, approximately 25 percent of our Reserve Forces are doing some type of operational support to meet the country's mission requirements.

Unfortunately, many of these members, predominately in the junior enlisted ranks, are not able to afford expensive calls from overseas to families or to address personal issues that increase stress on the member. All servicemembers need contact with their home areas and families for a multitude of reasons. Most Guard and Reserve members' home towns are not in the vicinity of a traditional base; therefore contact with their families is critical when deployed. Due to time and operation differences, it is not practicable for the families to call them and if they are able, the cost is still prohibitive.

Today's guardsmen and reservists are professionals. They are the best that we have had and they are answering the call on a routine basis not envisioned during the Cold War. We need to take care of those that answer the call from our nation. If passed this benefit for members of the Guard and Reserve will provide an important tool to bolster recruitment, retention, family morale

and overall readiness. I look forward to working together in support of a strong and viable Reserve and Guard Force. Thank you for all your hard work on their behalf with the "Call Home Act of 2006."

DAVE DAVIDSON,
*CAPT, USN (Ret.),
Executive Director.*

GOLD STAR WIVES OF AMERICA, INC.,
Arlington, VA, April 5, 2006.

Mr. HARRY WINGO,
*Counsel, Committee on Commerce, Science, and
Transportation, U.S. Senate, Russell Senate
Office Building, Washington, DC.*

DEAR MR. WINGO: On behalf of Gold Star Wives of America, I'm writing to support the "Call Home Act of 2006" which directs the FCC to seek to reduce telephone rates for Armed Forces personnel deployed overseas.

Gold Star Wives has a chatroom for new widows of the Iraq and Afghanistan Conflict. Our survivors of the Global War on Terrorism know first hand how important it is to have frequent contact with their loved ones deployed overseas. With reduced phone rates for those serving overseas, it would certainly help permit more frequent phone calls to keep in touch with loved ones. It would be a great morale booster.

Thank you for this bill, and if we can help in any way, please don't hesitate to contact me. Gold Star Wives of America, Inc. is a member of The Military Coalition.

Sincerely,

ROSE LEE,
Chair, Legislative Committee.

By Mr. MENENDEZ:

S. 2654. A bill to protect consumers, and especially young consumers, from skyrocketing consumer debt and the barrage of credit card solicitations, to establish a financial literacy and education program in elementary and secondary schools to help prepare young people to be financially responsible consumers, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. MENENDEZ:

S. 2655. A bill to amend the Truth in Lending Act, to prohibit universal default practices by credit card issuers, to limit fees that may be imposed on credit card accounts, and to require credit card issuers to verify a prospective consumer's ability to pay before extending credit to the consumer, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

Mr. MENENDEZ. Mr. President, today, families across this country face a growing problem of rising credit card debt. In 2004, the average American household had \$9,300 in credit card debt, up from \$3,200 just 12 years earlier. More and more Americans are using credit card debt to manage daily living expenses such as basic living costs, medical bills, and house or automotive repairs. And for college students, the problem cannot be overstated. According to university administrators, colleges lose more students to credit card debt than to academic failure.

To fuel that growth, credit card issuers have increased the number of

solicitations sent to consumers 500 percent since 1990 to a record 5.23 billion in 2004. And they start sending them to children at younger and younger ages. Last year, AJ, the son of my State director received his very first solicitation at the age of 2 years old. If you have a pulse and a social security number, you can get a credit card.

Credit card companies are increasingly targeting people who are likely to default. They have focused their attention on teenagers and college students, people who live beyond their means, and those who have declared bankruptcy. Clearly, credit card companies are not paying attention to whom they are giving a credit card, much less if the applicant can afford to pay the balance.

There is no question that we must demand personal responsibility from consumers, but at the same time credit card companies should not be allowed to take advantage of consumers with excessive fees and unreasonable interest rates. One study found that people in this Nation pay \$90 billion each year in penalty fees and interest payments. Just think about that for a second—\$90 billion annually. It is money that could be used to send our children to college, to pay the health care bills of both our children in the dawn of their lives and our parents in the sunset of theirs, while still saving for our own retirements.

One of the most egregious practices is known as “universal default.” It involves credit card companies raising interest rates, up to 30 percent APR, on customers who have a perfect record with the credit card but miss a payment with any other creditor. So a person can make their credit card payment on time every month but see their interest rate skyrocket because they paid their gas bill late. Further, this penalty interest rate is often applied not only to future purchases but retroactively to current balances as well. This is a completely arbitrary rate-hike intended solely to hike the company's bottom line.

That is why I am introducing the Credit Card Bill of Rights—two pieces of legislation that, taken together, will stop some of the most egregious practices of credit card issuers while also ensuring that future generations have the information to make financial decisions.

Many American adolescents are inadequately prepared for the complex financial world that awaits them. In 2004, almost two-thirds of the students who took a personal finance survey failed the test.

The causes for this failure are largely due to the lack of high school finance courses available to teenagers combined with insufficient parental mentoring. Statistics show that while a large majority of both college and high school students rely on their parents for financial guidance, only 26 percent of 13- to 21-year-olds reported their parents actively taught them how to man-

age money. Public education has not filled this void as only about one in five students between the ages of 16 and 22 say they have taken a personal finance course in school.

Credit card companies are exploiting this financial inexperience of young Americans with an aggressive marketing strategy designed to maximize enrollment and profit, with little regard for a potential customer's ability to pay. As a result, over 20 percent of children between the ages of 12 to 19 have access to a credit card.

This credit card marketing blitz further intensifies once an individual enters college. During the first week college freshmen arrive on campus, they are barraged by an average of eight credit card offers. Students actually double their average credit card debt, and triple the number of credit cards in their wallets, from the time they arrive on campus until graduation. This large number of new credit card owners combined with the lack of financial literacy of high school graduates leads to high levels of debt amongst undergrads.

Credit card companies have actually encouraged this rise in credit card debt through increasing the median balance for undergraduates. As a result, 21 percent of undergraduates that have credit cards, have high-level balances between \$3,000 and \$7,000.

The Protection of Young Consumers Act will protect people, especially college students and other young people, against skyrocketing consumer debt and the barrage of credit card solicitations that lead to it. The bill will do so by building on the current opt-out program for pre-approved credit card solicitations by requiring young consumers under age 21 to proactively opt-in to receive solicitations from credit card companies. This proposal will also establish a financial literacy and education program in elementary and secondary schools to help prepare young people to be financially responsible consumers.

In addition to targeting high school and college students, credit card companies have become very adept at increasing their profits through hidden fees and deceptive advertising, taking advantage of Americans of all ages.

The Credit Card Reform Act will protect consumers against hidden fees and excessive interest rates. It does so by: 1) prohibiting “universal defaults” that I mentioned earlier, 2) banning unilateral changes in credit card agreements without written consent, and 3) requiring that the fees charged by creditors are “reasonably related” to the cost incurred by the issuer.

The bill will also establish standards that would prohibit unfair or deceptive acts or practices, while tightening regulations on credit card companies to ensure that they are not offering credit to high-risk cardholders without verifying their ability to pay.

I would like to be clear that I am not trying to remove the obligation for

consumers to behave responsibly. Every individual must take responsibility for their own actions, but at the same time it is the obligation of the companies who are earning billions in profits from credit cards to behave ethically as well.

This Credit Card Bill of Rights will help ensure that New Jersey consumers and consumers across the country are given a fair chance at being responsible consumers who will enjoy economic security as well as economic opportunity in their futures.

By Mr. BOND (for himself and Mr. LEAHY):

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; to the Committee on Armed Services.

Mr. BOND. Mr. President, today I join my friend and fellow cochair of the Senate National Guard caucus, Senator PAT LEAHY, in introducing bipartisan legislation to strengthen one of our Nation's most important military and civilian resources—the National Guard.

The Guard has a long and proud history of contributing to America's military away game, while providing vital support and security to civil authorities in the home game. Since September 11, 2001, our citizen-soldiers have taken on greater responsibilities and risks from fighting the war on terror to disaster assistance.

Today, the Guard supports the Nation's military strategy overseas, functions as a primary line of defense here at home, and helps local responders deal with overwhelming natural disasters.

We have seen the tremendous value of Guard forces as they confront terrorists in Afghanistan, Iraq, and other hotspots, and as they provide water, food, and health supplies to victims of Hurricane Katrina and other natural disasters.

More than 1,300 guardsmen from my home State of Missouri were deployed in less than 72 hours following Hurricane Katrina, providing medical, transportation, airlift, military police, engineering, and communications capabilities. For example, the 139th Airlift Wing evacuated 23 critically ill young patients from Children's Hospital in New Orleans and brought them to Children's Mercy Hospital in Kansas City for the high-level care they needed.

Stories such as this were repeated all over the country in most if not all our States.

Why was the Guard successful when other elements of the Katrina response were not? Quite simply, the Guard is the entity best organized and trained to initiate and coordinate a civil response to any disaster on the scale of Katrina.

In addition, more than 200,000 Guard troops have left their homes, their

jobs, and their families to participate in another critical mission: the global war on terror. The National Guard has provided as much as half the combat force and 40 percent of the total force in Iraq.

I point out that the Guard is a tremendous value for the capabilities it provides. It gives 40 percent of the total military force for around 4.5 percent of the budget. Whether at home or abroad, the men and women of the Guard are performing their duties with honor and valor, often at great sacrifice to their families and their own lives. As they willingly make these sacrifices to preserve American lives and freedoms, we have a responsibility to support them as they carry out their unique dual mission.

While serving abroad, National Guard troops serve under Air Force and Army commands under title 10 status. But when the Guard operates at home, they serve under the command and control of the Nation's Governors in title 32 status.

There is a lot more we can do to make this work more smoothly.

Despite their importance on the street, as it were, the Guard is often given short shrift back at Pentagon headquarters, which has proposed repeatedly to cut Guard personnel and equipment budgets.

The Guard will play a critical role in response to another terrorist attack or natural disaster, but the Pentagon has allowed its equipment levels to sink to dangerously low levels. Currently, the National Guard has only about 35 percent of the equipment it needs. In Missouri, only one of two engineering battalions that were requested to assist with Katrina could respond because the other one did not have the equipment they needed.

With the support of 75 of my colleagues, Senator LEAHY and I led an effort to increase equipment funding for the Guard by almost \$1 billion. We are going to continue that fight this year to ensure the Guard has equipment it needs to carry out both missions.

Just a few months ago, the Army proposed significant cuts to Guard troop strength. Three-quarters of the Senate again joined us in a letter opposing this, and I thank all of our colleagues who joined us.

We need to do more to empower the Guard. We need to give the Guard more bureaucratic muscle. Time and again, the Guard has had to rely on Congress, not its total force partners in the active duty, to provide and equip fully the resources it needs to fulfill its missions.

That the Guard is left out of the Pentagon decisionmaking process is beyond dispute. In the most recent Quadrennial Defense Review, during the BRAC review process of 2004 and 2005, when the Army and Air Force reduced National Guard force structure in 2005, and when equipment levels of the Army and National Guard reached the dangerously low levels of 35 percent, Congress has had to step in.

To remedy this, the legislation we introduce today to strengthen the Guard consists of three central planks.

One, we will allow the National Guard Bureau to establish more formal relationships with the Secretary of Defense and the Joint Chiefs.

We will give the Guard more muscle in existing relationships, elevating the Chief of the National Guard Bureau to a four-star position and providing a seat for him on the Joint Chiefs of Staff.

It goes without saying that to be a part of a big decision, you have to be at the table. Having a four-star Guard general providing advice to the SECDEF instead of a two-star major general will give our governors and 450,000 citizen-soldiers and airmen access to the highest level of the DOD and ensure key policy decisions are heard and taken into account.

To put things in perspective, the Active-Duty Army has 12 four-star generals and 46 lieutenant generals. The Air Force has 13 four-star generals and 35 lieutenant generals. The National Guard, which represents over 40 percent of the entire force structure, is represented by three lieutenant generals and zero four-star generals.

Can anyone tell me with a straight face how the Guard one four-star general and an additional three-star will endanger our national security? The only element endangered would be the Pentagon status quo which is outdated.

Facts are stubborn things. Clearly, the facts demonstrate a glaring, disproportionate number of three- and four-star generals in the Army and the Air Force when compared with the Guard.

Second, we will ensure that the Deputy Commander of the Northern Command is a member of the Guard, a new command with the mission of coordinating responses to emergencies within the United States.

The Guard is the entity best suited to respond to major incidents, and they need that capability. With both the Guard and NorthCom's missions being defense of the homeland, it only makes sense to have substantive input through a lieutenant general as deputy commander.

Finally, we must ensure the Guard plays a role in identifying and filling any gaps between civilian emergency response capabilities and those of the military. Current DOD policy prohibits procurement of supplies or equipment for providing military support to civilian authorities during emergencies except with the permission of SECDEF. That policy is outdated. It will give the National Guard Bureau, in consultation with the State adjutant generals, the budgetary power to research, validate, and make those equipment purchases.

Neither the homeland support nor the military support missions of the Guard are likely to diminish. They are needed more now than ever. But we must strengthen the decisionmaking

capability of Guard leaders within the Department of Defense.

As we heard today from General Blum, Chief of the National Guard Bureau, before the Defense Appropriations Subcommittee when he was asked questions by Senator INOUE, he responded with a football analogy. When we asked him if he was in the huddle, he said he was "not in the huddle" during the QDR.

This legislation would empower the Guard to respond in the affirmative the next time it is asked, "are you in the huddle" on this major decision.

I thank my colleagues for their past support. I ask for their support of this legislation.

Mr. President, I ask unanimous consent that congressional findings regarding National Guard Forces be printed in the RECORD.

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

NATIONAL GUARD FORCES

(a) CONGRESSIONAL FINDINGS.—The Congress finds that—

1. The Constitution of the United States recognizes a well-regulated militia is a necessity to the security of a free state.

2. The United States continues to face a wide spectrum of threats at home and abroad, including terrorism, natural disasters, proliferation of weapons of mass destruction and other emerging perils. In meeting these threats, the United States relies heavily on the men and women of the National Guard.

3. At no time in America's history has the National Guard played so critical a role in the security of our homeland and in our Nation's military objectives abroad.

4. The National Guard is a vital part of this Nation's security, and this country relies on the exemplary service provided this Nation by the members of the Guard, their families, their employers and their communities.

5. The National Guard is a critical component of the Department of Defense's contribution to the security of our Nation and has been key to the Department's accomplishments at home and abroad. Much of the success DOD has had would not have been possible without the participation of National Guard forces.

6. The National Guard's response to our Nation's emergencies in the post 9/11 world has been unparalleled.

7. Within hours of the attacks on the World Trade Center, 1,500 New York National Guard troops reported for duty. Within 24 hours of the attacks, over 8,000 New York National Guard Soldiers and Air men and women were on active duty supporting New York State's security needs. These troops provided not just a calming presence on the streets of New York during unsettling times; they provided New York's first responders with critical perimeter security support, refueling for civilian emergency vehicles, emergency lighting, power generation, communications, emergency transportation, engineering assets and other logistical support.

8. At the request of the President, State Governors supplemented the security of the Nation's airports with National Guard personnel. Their missions encompassed over 400 airports in 52 States and territories. National Guard troops along the northern and southern borders were used to support the U.S. Custom Service, the Immigration and Naturalization Service, and the Border Patrol in the heightened post 9/11 security posture.

9. In contrast to Hurricane Andrew (1992) in which National Guard forces constituted 24 percent of the military response, National Guard forces represented more than 70 percent of the military force for Hurricane Katrina.

10. The response to Hurricane Katrina proved that the National Guard is the Nation's first military responder and that the overwhelming majority of forces that respond to disasters in the United States will be National Guard who will be on the scene before the Department of Defense is requested to respond.

11. More than 9,700 National Guard soldiers and airmen were in New Orleans by August 30. National Guard deployed over 30,000 additional troops within 96 hours of the storms passing. In wake of the Hurricane Katrina devastation, the National Guard mobilized over 50,000 personnel in support of hurricane relief in the largest and fastest domestic deployment since World War II, saving over 17,000 lives. The Air National Guard flew nearly 3,500 flights and over 12,000 tons of cargo in support of all Hurricane relief in the last year.

12. The National Guard Bureau will be a part of any large-scale emergency response. As demonstrated during the Hurricane Katrina response, the National Guard Bureau is a significant joint force provider for homeland security missions.

13. The National Guard is continuously on active duty supporting State security missions, Federal security missions under Operation Noble Eagle and overseas military operations as part of Operation Enduring Freedom, Iraqi Freedom and more are engaged in regularly scheduled training and operational requirements around the Nation and the world. Under Title 32, counter-drug activities are a daily operational mission of the National Guard, fortifying a longstanding successful relationship with civil authorities.

14. The Department of the Army and the Department of the Air Force could not fulfill current Title 10 responsibilities without the Army and Air National Guard. In 2005, National Guard units at one time made up 50 percent of the combat forces in Iraq.

15. The National Guard has mobilized over 300,000 soldiers and 36,000 airmen supporting the Global War on Terror since September 11, 2001. (Need NGB confirmation)

16. Since September 11, 2001, 85 percent of the Army National Guard has been mobilized. Since September 11, 2001, the Air National Guard has flown over 206,000 sorties accumulating over 620,000 flying hours. These deployments abroad have created a battle hardened and seasoned force of experienced veterans ready for the challenges of the 21st century.

17. National Guard forces have provided: 55 percent of the Army's combat capability; 55 percent of the Air Force's airlift capability; 50 percent of the Army strategic and tactical manpower; 45 percent of all in-flight refueling missions; 33 percent of all aircraft in Operation Iraqi Freedom; 100 percent of Operation Enduring Freedom A-10 missions; 66 percent of Operation Iraqi Freedom A-10 missions; 45 percent of all F-16 fighter missions; 86 percent of Operation Iraqi Freedom tanker sorties; 94 percent of Strategic Air Defense Alert; and 75 percent of all domestic combat air patrols in the Global War on Terror.

18. The National Guard offers unique efficiencies between State and Federal, and domestic and overseas missions, operating under three different command relationships: Federal funding and Federal control; Federal funding and State control; and State funding and State control.

19. National Guardsmen and women are their State's primary emergency response

force, providing support in their communities and to civil authorities and first responders throughout their States.

20. The National Guard is invaluable to civil support mission, homeland defense and emergency preparedness. The National Guard has an undeniable record of military assistance to civilian authorities since the birth of this Nation, responding heroically and meeting every mission asked of them, particularly in times of crisis—terrorism, natural disasters, plane crashes, blizzards, wildfires, floods.

21. There must be strong agreement between State and Federal leadership as to the operational objectives during emergencies. State concerns about maintaining sovereignty must be respected. Governors, who are most intimately familiar with and better understand the National Guard's unique capabilities, must retain the ability and authority to deploy their National Guard troops in times of crisis.

22. Governors using State-to-State emergency mutual assistance compacts are an integral part of the use of National Guard resources in responding to emergencies at home.

23. The National Guard and State Adjutants General are invaluable nexus of coordination between Federal and State planning, exercising and response to emergencies and disasters. Over 50 percent of State Adjutants General are also State Emergency Managers offering unparalleled integration of planning, preparation and response capabilities in emergencies.

24. National Guard forces are also uniquely positioned to engage within the U.S. and its territories by virtue of their geographic dispersal and relationships to State and local governments.

25. The National Guard is familiar with the local area and local culture. The National Guard has close ties with first responders such as local and State law enforcement, fire departments, and other emergency service providers. The local community relies upon the National Guard because they are part of the community. National Guard personnel are more likely to have more experience working with local responders than the active component.

26. WMD Civil Support Teams are a specialized homeland security capability based entirely in the National Guard.

27. As America prepares for an influenza pandemic, the National Guard has more domestic response training and decentralized capabilities than any other military organization and ready to respond in a moment's notice.

28. The National Guard Bureau has proved its ability to plan for and respond to natural and man-made events with the establishment of Joint Force Headquarters-State, Joint Task Force State, CBRNE Enhanced Response Force Packages, CERFP, National Guard Reaction Force, NGRF, and the current development of Joint CONUS Communications Support Environment, JCCSE.

Congress finds that despite the contributions of the National Guard to the United States—

1. The Department of Defense has not adapted to the significant role of the National Guard in this nation's security.

2. The Department of Defense, the Department of the Army and the Department of the Air Force have not sufficiently integrated the National Guard into planning, procuring or decision-making processes.

3. The Department of Defense, the Department of the Army and the Department of the Air Force do not have a long-term strategy to equip the National Guard at a high level of readiness for overseas or domestic missions.

4. The Department of Defense does not adequately resource or equip the National Guard for its current operational missions. Currently the National Guard receives only 4.5 percent of the Department of Defense's budget.

5. The Army National Guard has been equipped at less than war-time readiness levels and is forced to transfer equipment to deploying units. Army National Guard units that have returned from overseas deployments have also left behind many equipment items for use by follow on units. Army officials do not track and develop plans to replace Guard equipment.

6. Army and Air National Guard forces are generally expected to perform homeland defense and civil support missions only with equipment supplied for their war-fighting mission or equipment supplied by the States.

7. In the current budget, the Department of the Air Force does not fund the Air Sovereignty Alert mission of the Air National Guard at full capacity.

8. During the BRAC process, the Air Force failed to adequately solicit input of Air Guard leadership and State Adjutants General.

9. When developing Future Total Force Strategy, the Air Force failed to adequately consult Air Guard leaders and State Adjutants General.

10. The Department of Defense does not have adequate knowledge of the role of the National Guard at home or incorporated the National Guard's significant capabilities into plans for homeland defense or security.

11. Left unchecked, the Department of Defense will continue to ignore the Federal requirements of the National Guard to perform homeland defense and civil support missions.

12. The Department of Defense has not recognized the value of including State Adjutants General in all homeland defense and military support to civilian authority planning.

13. The Department of Defense has not recognized that governors will rely on National Guard manpower and equipment before relying on Federal forces.

14. Although DOD has a Strategy for Homeland Defense and Civil Support, which recognizes the National Guard's critical role in Federal and State missions, the strategy does not detail what the Army or Air National Guard's role or requirements will be in implementing the strategy.

15. The Department of Defense and Northern Command have not articulated specific requirements or capabilities that National Guard forces need during major homeland disasters. Without formal requirements, equipment deemed necessary for the National Guard to assist civilian authorities in Katrina had not been purchased by the Department of the Army and the Department of the Air Force.

16. The readiness of the National Guard to perform homeland missions that may be needed in the future is unknown because the National Guard's roles in these missions has not been defined and requirements for manpower, equipment and training have not been established; and preparedness standards and measures have not been developed by the Department of Defense. The Department of Defense does not require the purchase of equipment specifically for military assistance to civilian authorities for the National Guard.

17. WMD Civil Support Teams' face challenges in personnel, equipment acquisition and facilities under current Department of Defense and service budgets.

18. The lack of coordination of National Guard and active duty forces hampered the military response to Katrina. Advance planning between active-duty personnel and the Guard is vital during emergencies. The Department of Defense and the National Guard

must plan and exercise together to prepare for events in the homeland.

19. The National Guard leadership and State Adjutants General are not adequately involved in Department of Defense planning guidance developed at Northern Command, including concept of operations plans and functional plans for military support to civilian authorities.

20. There was a lack of coordination of Joint Task Force Katrina and the National Guard headquarters in supporting States.

21. The Department of Defense has not adequately incorporated or funded the National Guard to participate in joint exercises in military assistance to civil authorities, which would have allowed for a more effective response to Hurricane Katrina and other homeland emergencies.

22. Northern Command does not have adequate insight into State response capabilities or adequate interface with governors, which contributed to a lack of mutual understanding and trust during the Katrina response.

23. There is an unresolved tension between the Department of Defense and the States regarding the role of the military in emergency response that could be resolved if the Department of Defense and the Department of Homeland Security adopted and made NIMS a priority for emergency management.

24. The National Guard lacked communications equipment during Hurricane Katrina, suggesting that the Pentagon does not assign homeland defense and military assistance to civilian authorities a sufficiently high priority.

25. The Department of the Army decided to reduce end-strength without substantive consultation with Guard leaders and the Air Force has decided to reduce end-strength without substantive consultation with National Guard leaders.

26. The Department of the Army currently plans to scale back the Army National Guard to 324,000 soldiers from 350,000. The Department of the Air Force plans to scale back the Air National Guard by 14,000 airmen and women. To cut Guard manpower in this time of increased homeland need, and the fluxation of current Department of Defense transformation policies affecting the Army and Air National Guard, sets up an undeniable risk to this country.

27. National Guard force structure cuts could result in the closure of over 200 National Guard community-based facilities throughout the U.S.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

1. The National Guard is a force essential to the Nation's security and safety.

2. The National Guard brings to bear significant capabilities for contingencies at home or abroad.

3. The National Guard is no longer a strategic reserve, but an operational reserve.

4. States and governors are not adequately represented at the Department of Defense.

5. The role of the National Guard Bureau as chief communicator between the Department of Defense and the Department of Homeland Security and the States needs to be enhanced.

6. The men and women of the National Guard have earned the right to be represented at the highest levels of the Department of Defense.

7. The National Guard leadership needs to be integrated into the highest offices in the Department of Defense, the Department of the Army and the Department of the Air Force.

8. The National Guard Bureau plays a critical role in planning for and responding to future terrorist attacks in the U.S.

9. The National Guard Bureau is in a unique position to understand and create re-

quirements for the National Guard for missions in support of states and other civilian authorities.

10. The National Guard Bureau plays a critical role in the development of requirements for military assistance to civilian authorities.

11. NORTHCOM lacks knowledge of its theater of operations, specifically State emergency plans and resources, and knowledge of National Guard resources. NORTHCOM needs to be reformed to include increased National Guard leadership and participation in all levels of its operations.

Mr. LEAHY. Mr President, I am pleased today to join my friend and co-chair of the Senate National Guard Caucus, the Senator from Missouri, Senator BOND, in introducing far-reaching legislation that will strengthen our Nation's defense and the National Guard, which is an inextricable part of the bedrock of our security. The National Defense Enhancement and National Guard Empowerment Act of 2006 would empower the National Guard.

It offers the Guard new authorities and a greater and more fitting voice in policy and budgetary discussions that is more in line with the reliance that we place on this force of proud men and women.

The Nation asks the Guard to provide a large part of the ground forces in Iraq, but then we give the force no say in strategic planning and budget discussions. In fact, there have been recent efforts within the armed services to cut the force precipitously.

Anyone who has watched recent events knows that the role of the Guard is dramatically changed as we come into this century.

We ask the Guard to carry out missions at home in response to disasters and possible domestic attacks, but then give the force no real ability to develop new equipment for this unique mission. And, in a crunch, our senior defense leaders—including the President—turn to the Chief of the National Guard for guidance in addressing and responding to emergencies within the domestic United States, yet those same senior Guard leaders receive only mediated and filtered advice at other points. This gap between the Guard's real world missions and its institutional position is simply unacceptable. It is not efficient, and it is not smart. It violates basic notions of logic, and it hinders our ability to get the full potential out of the National Guard.

Our legislation will take them from the 19th and 20th century structure into the 21st century's reality.

Our legislation directly addresses this troubling missions-to-authorities gap in three very specific ways. First, the National Defense Enhancement and National Guard Empowerment Act of 2006 would elevate the Chief of the National Guard to the rank of General with four-stars, also installing this senior officer on the Joint Chiefs of Staff. The Joint Chiefs is the highest military advisory body to the President and the Secretary of Defense. Without a Guard representative at the

four-star level, the Secretary and the President receive only filtered advice from the Chiefs of Staff of the Army and the Air Force about National Guard matters.

The Army and the Air Force chiefs can provide keen insights about the Guard's role as a prime military reserve to the active components. However, they are not responsible for, and therefore are not experts on, disaster relief and homeland security functions that the Guard carries out at the State level, often under the command-and-control of the Nation's governors. Placing a National Guard General on the Joint Chiefs offers the fullest and most sensible guidance to our leaders on all aspects of the Guard, and this arrangement would give the Nation's governors a straight line to the Joint Chiefs and the President on military matters.

Creating a Guard senior advisor to the Secretary of Defense and the President streamlines and formalizes an arrangement that already arises in real emergencies. During the darkest early days of Katrina, for example, the current National Guard Bureau Chief General Steven Blum was by the side of the Secretary of Defense and the President. A permanent Guard presence on the Joint Chiefs ensures that this advisory relationship is in no way last-minute and ad-hoc.

The second way that this legislation puts the National Guard's authorities more in line with its real-world missions is by giving the force more budgetary authority. The Act gives the National Guard the ability to research, develop and procure equipment that is peculiar to its unique mission in the realm of homeland security.

This authority would be similar to the authority of the Special Operations Command, given under the Nunn-Cohen legislation of the mid-1980s, to develop unique equipment for the special forces.

Last year, Congress appropriated almost \$1 billion for the National Guard to procure equipment that has application for homeland security. This legislation establishes more formal structure for the Guard to refine such equipment requirements and work in close coordination with the states to ensure an adequate force structure—fully adequate in domestic emergencies—is in place.

The final way that this legislation brings realistic authorities to the Guard is by ensuring that the Deputy Commander of Northern Command is a three-star general from the National Guard. This Command is charged with planning for the active military's response to federal emergencies, as well as coordinating the response with other federal agencies and civilian authorities. Any military response in the domestic United States will surely include the National Guard, in many cases with the State governor overseeing the effort.

Currently, there are few if any senior Guard officers at the highest reaches of

the Command, and the legislation would ensure expertise on the force exists there.

There has been a lot of discussion already about this legislation after Senator BOND and I last month expressed our intention to pursue it. To clear up any confusion, let me say what this legislation does not do. This legislation does not affect the National Guard's role as one of the primary military reserves to the Air Force and the Army, which we believe is beneficial for the country.

It also does not inflate the size of National Guard headquarters here in Washington. We put a firm cap on the size of the Guard Bureau in this legislation. The legislation further does not create any new general office positions beyond the four-star Joint Chiefs position. It only ensures that the adequate seats of representation is in place in key positions; in fact, the legislation actually removes a less influential Major General officer slot on the Joint Staff.

What this bill does do—and with great intensity—is to give the National Guard the institutional muscle commensurate with the Guard's missions. With this bill, we can ask the Guard to do all that it does, but then say that, yes, it can have a seat at the table during key discussions involving the Guard's missions and readiness. With this bill, we can tap into the Guard for situations like the war in Iraq and the response to Hurricane Katrina and tell these proud men and women that we take are committed to taking real steps to keep the size of this force steady and improve its stock of available equipment.

With this bill, we can ensure that our senior leaders—the Secretary of Defense and the President—are making decisions about the National Guard based on the best available information.

With this bill, we strengthen the National Guard, the military chain-of-command, and the Guard's ability to effectively serve each of the States and the entire Nation.

By Mr. AKAKA (for himself and Mr. INOUE):

S. 2659. A bill to amend title 38, United States Code, to provide for the eligibility of Indian tribal organizations for grants for the establishment of veterans cemeteries on trust lands; to the Committee on Veterans' Affairs.

Mr. AKAKA. Mr. President, I rise today to introduce an important piece of legislation for our Native American veterans. The Native American Veterans Cemetery Act of 2006 would provide tribal organizations eligibility for Department of Veterans Affairs grants to establish veterans cemeteries on trust lands. Currently, VA does not have the authority to make such grants.

Native American veterans have a long and proud history of military service on behalf of this Nation. Per

capita, Native Americans have the highest percentage of people serving in the U.S. Armed Forces. Native Americans have honorably served in every war fought by the United States. After completion of their service, many Native American veterans return to their communities on trust lands. Passage of this legislation would provide them the option of veterans cemetery burial in a location convenient for their families and loved ones.

Throughout my tenure in Congress, I have always fought for the rights of our indigenous peoples. The Native American Veterans Cemetery Act of 2006 is another step forward in helping native peoples. The Department of Veterans Affairs supports enactment of this legislation and estimates it to be budget neutral. It is my hope that the Senate will expeditiously proceed to the consideration of this important bill.

I ask unanimous consent that the full 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. 2659

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 "Native American Veterans Cemetery Act of 2006".

SEC. 2. ELIGIBILITY OF INDIAN TRIBAL ORGANIZATIONS FOR GRANTS FOR THE ESTABLISHMENT OF VETERANS CEMETERIES ON TRUST LANDS.

Section 2408 of title 38, United States Code, is amended by adding at the end the following new subsection:

"(f)(1) The Secretary may make grants under this subsection to any tribal organization to assist the tribal organization in establishing, expanding, or improving veterans' cemeteries on trust land owned by, or held in trust for, the tribal organization.

"(2) Grants under this subsection shall be made in the same manner, and under the same conditions, as grants to States are made under the preceding provisions of this section.

"(3) In this subsection:

"(A) The term 'tribal organization' has the meaning given that term in section 3764(4) of this title.

"(B) The term 'trust land' has the meaning given that term in section 3764(1) of this title."

By Mrs. FEINSTEIN:

S. 2660. A bill to amend the National Security Act of 1947 to require notice to Congress of certain declassifications of intelligence information, and for other purposes; to the Select Committee on Intelligence.

Mrs. FEINSTEIN. Mr. President, I introduce today legislation to require the White House to notify Congress when it declassifies information. This bill will both enhance Congress's oversight abilities and ensure that intelligence is not used for political gain.

This legislation recognizes that as the head of the executive branch, the President has the authority to declassify any information he so chooses. It

does not place any conditions or procedures on that declassification process, it only requires that the Congress be provided with notice so that it can meet its own constitutional responsibilities.

Information is usually declassified because the public's need to know outweighs the security risks to intelligence sources and methods. In such cases, it is important for the Congress to be informed so that Senators and Representatives can discuss the issues with the American people.

And if the President declassifies information so that his subordinates can discuss intelligence with reporters, Congress should be alerted so that the intelligence committees can ensure that national secrets are not being used for political purposes.

According to court filings and media reports, the Vice President's chief of staff, I. Lewis Libby, acting on the direction and authorization of the President and Vice President, disclosed information in the 2002 National Intelligence Estimate on Iraq's weapons of mass destruction to select journalists. This was not done to provide the American people with a fuller understanding of the pre-Iraq war intelligence; the Estimate was fully and publicly declassified shortly afterwards in a more appropriate manner. Rather, the selective declassification and leak was intended to stem a tide of bad press and discredit an administration critic through a subtle campaign of media manipulation.

According to the prosecutor in Mr. Libby's case, Libby provided information on Iraq's purchase of uranium from Niger to New York Times reporter Judith Miller. The Niger claim was not a "key judgment" of the NIE, meaning that it was not deemed by the intelligence community to be a priority. It was included in the body of the report "for completeness," according to the primary author. At the time, the Department of State's intelligence office found the Niger uranium claim to be "highly dubious," and the intelligence community downplayed the Niger connection afterwards:

The CIA had deleted a reference to Niger from the President's October 7, 2002 speech in Cincinnati;

Two senior intelligence officials had downplayed the assessment in testimony to the Senate Intelligence Committee;

The International Atomic Energy Agency had denounced the claim as being based on forged documents; and

The intelligence community had retracted the intelligence.

Let me say that again: the intelligence community had retracted this piece of intelligence. None of this additional information, apparently, was provided by Mr. Libby.

Had the Senate and House intelligence committees been informed of this declassification, as would be required by this legislation, Members could have corrected the public record.

I would hope that with this reporting requirement, administrations of both political parties will be deterred from improper use of intelligence.

In addition to stemming the politicization of intelligence, the bill I introduce today also notes the importance of keeping the full intelligence community informed of declassifications. If the President chooses, for whatever reason, to declassify information, the intelligence agency that had been responsible for those secrets has to take steps to protect intelligence sources and methods.

Similarly, the National Archives are to be informed upon a Presidential declassification so the Nation's records can be appropriately maintained. As has been highlighted again today with the release of the Archives audit over the reclassification of intelligence, the Archives play an important role in providing declassified intelligence to the public. To do so, it must be informed when information enters the public domain.

It should be made clear that there are more traditional procedures by which individual intelligence agencies declassify information on a regular basis, when the release of that information is seen as no longer damaging the national security. This is done thousands of times a week throughout the intelligence community.

It is important that the public have access to as much information on its government's activities as possible. To that end, I look forward, through this legislation and otherwise, to working with my colleagues and the executive branch to ensure that declassification is done as extensively and as quickly as possible without risking our national security.

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

S. 2660

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

SECTION 1. NOTICE TO CONGRESS OF CERTAIN DECLASSIFICATIONS OF INTELLIGENCE INFORMATION.

(a) NOTICE REQUIRED.—

(1) IN GENERAL.—Title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.) is amended by adding at the end the following new section:

“NOTICE TO CONGRESS ON CERTAIN DECLASSIFICATIONS OF INTELLIGENCE

“SEC. 508. (a) NOTICE REQUIRED.—Not later than 15 days after the date of the declassification of any intelligence by the President, or Vice President if authorized by Executive Order or other delegation of authority from the President, the President shall submit to the congressional intelligence committees notice on the declassification of such intelligence.

“(b) SENSE OF CONGRESS ON ADDITIONAL NOTICE.—It is the sense of Congress that, in furtherance of the protection of intelligence sources and methods and to ensure appropriate handling and dissemination of intelligence, any notice submitted to the congressional intelligence committees under subsection (a) should also be submitted to—

“(1) the Director of National Intelligence;

“(2) the Archivist of the United States; and

“(3) the heads of applicable elements of the intelligence community.

“(c) EXCEPTION.—This section does not apply to the declassification of intelligence done as part of the mandatory or systematic declassification of information as described by section 3 of Executive Order No. 13292, of March 25, 2003, or any successor Executive Order.”.

(2) CLERICAL AMENDMENT.—The table of contents for that Act is amended by inserting after the item relating to section 507 the following new item:

“Sec. 508. Notice to Congress on certain declassifications of intelligence.”.

(b) REPORTS TO CONGRESS ON CERTAIN OFFICIALS AUTHORIZED TO DECLASSIFY INFORMATION.—

(1) INITIAL REPORT.—Not later than 15 days after the date of the enactment of this Act, the President shall submit to the congressional intelligence committees a report setting forth a current list of each official of the Executive Office of the President, other than the President, who is authorized to declassify information other than information originally classified by such official.

(2) UPDATES.—Not later than 15 days after adding or removing an official from the list required by paragraph (1), the President shall submit to the congressional intelligence committees an update of the list and a notice of the addition or removal of such official from the list.

(3) CONGRESSIONAL INTELLIGENCE COMMITTEES DEFINED.—In this subsection, the term “congressional intelligence committees” means—

(A) the Select Committee on Intelligence of the Senate; and

(B) the Permanent Select Committee on Intelligence of the House of Representatives.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 446—RECOGNIZING THE 50TH ANNIVERSARY OF THE CROP SCIENCE SOCIETY OF AMERICA

Mr. FEINGOLD (for himself and Mr. KOHL) submitted the following resolution; which was considered and agreed to:

S. RES. 446

Whereas the Crop Science Society of America was founded in 1955, with Gerald O. Mott as its first President;

Whereas the Crop Science Society of America is one of the premier scientific societies in the world, as shown by its world-class journals, international and regional meetings, and development of a broad range of educational opportunities;

Whereas the science and scholarship of the Crop Science Society of America are mission-directed, with the goal of addressing agricultural challenges facing humanity;

Whereas the Crop Science Society of America significantly contributes to the scientific and technical knowledge necessary to protect and sustain natural resources on all land in the United States;

Whereas the Crop Science Society plays a key role internationally in developing sustainable agricultural management and biodiversity conservation for the protection and sound management of the crop resources of the world;

Whereas the mission of the Crop Science Society of America continues to expand, from the development of sustainable produc-

tion of food and forage, to the production of renewable energy and novel industrial products;

Whereas, in industry, extension, and basic research, the Crop Science Society of America has fostered a dedicated professional and scientific community that, in 2005, included more than 3,000 members; and

Whereas the American Society of Agronomy was the parent society that led to the formation of both the Crop Science Society of America and the Soil Science Society of America and fostered the development and the common overall management of the 3 sister societies: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the 50th anniversary year of the Crop Science Society of America;

(2) commends the Crop Science Society of America for 50 years of dedicated service to advancing the science and practice of crop science;

(3) acknowledges the promise of the Crop Science Society of America to continue enriching the lives of all citizens of the United States by improving stewardship of the environment, combating world hunger, and enhancing the quality of life for another 50 years and beyond; and

(4) respectfully requests the Secretary of the Senate to transmit an enrolled copy of this resolution to the President of the Crop Science Society of America.

SENATE RESOLUTION 447—CONGRATULATING THE UNIVERSITY OF WISCONSIN BADGERS MEN'S HOCKEY TEAM FOR WINNING THE 2006 NATIONAL COLLEGIATE ATHLETIC ASSOCIATION DIVISION I MEN'S HOCKEY CHAMPIONSHIP

Mr. FEINGOLD (for himself and Mr. KOHL) submitted the following resolution; which was considered and agreed to:

S. RES. 447

Whereas, on April 8, 2006, the University of Wisconsin men's hockey team won the Frozen Four in Milwaukee, Wisconsin, by defeating—

(1) the University of Maine Black Bears by a score of 5-2 in the semifinals; and

(2) the Boston College Eagles by a score of 2-1 in the championship game;

Whereas Robbie Earl and Tom Gilbert each scored a goal and Brian Elliott had 22 saves in the championship game;

Whereas Adam Burish, Robbie Earl, Brian Elliott, and Tom Gilbert were named to the All-Tournament Team, and Robbie Earl was named the Most Outstanding Player of the tournament;

Whereas the success of the season depended on the hard work, dedication, and performance of every player on the University of Wisconsin men's hockey team, including—

(1) Andy Brandt;

(2) Adam Burish;

(3) Ross Carlson;

(4) Shane Connelly;

(5) A.J. Degenhardt;

(6) Jake Dowell;

(7) Davis Drewiske;

(8) Robbie Earl;

(9) Brian Elliott;

(10) Josh Engel;

(11) Matthew Ford;

(12) Tom Gilbert;

(13) Tom Gorowsky;

(14) Jeff Henderson;

(15) Ryan Jeffery;

(16) Andrew Joudrey;

(17) Kyle Klubertanz;

- (18) Nick Licari;
- (19) Jeff Likens;
- (20) Ryan MacMurchy;
- (21) Matt Olinger;
- (22) Joe Pavelski;
- (23) Joe Piskula;
- (24) Jack Skille; and
- (25) Ben Street;

Whereas numerous members of the University of Wisconsin men's hockey team were recognized for their performance in the All-Western Collegiate Hockey Association, including—

(1) Tom Gilbert, who was named to the first team of the All-Western Collegiate Hockey Association;

(2) Joe Pavelski and Brian Elliott, who were named to the second team of the All-Western Collegiate Hockey Association; and

(3) Brian Elliott, who was named the All-Western Collegiate Hockey Association Goaltending Champion of the Year;

Whereas Tom Gilbert, Joe Pavelski, and Brian Elliott earned All-American honors;

Whereas, after helping the University of Wisconsin men's hockey team win the 1977 national championship as a player, Head Coach Mike Eaves won his first national championship as a coach;

Whereas the University of Wisconsin men's hockey team has won the National Collegiate Athletic Association Division I Men's Hockey Championship 6 times;

Whereas the University of Wisconsin has won 3 national championships during the 2005–2006 academic year; and

Whereas the championship victory of the University of Wisconsin men's hockey team ended a terrific season in which the team outscored its opponents 145–79 and compiled a record of 30–10–3; Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the University of Wisconsin men's hockey team, Head Coach Mike Eaves and his coaching staff, Athletic Director Barry Alvarez, and Chancellor John D. Wiley for an outstanding championship season; and

(2) respectfully requests the Secretary of the Senate to transmit an enrolled copy of this resolution to the Chancellor of the University of Wisconsin–Madison.

AMENDMENTS SUBMITTED AND PROPOSED

SA 3612. Mr. MCCONNELL submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table.

SA 3613. Mr. VOINOVICH (for himself, Mr. OBAMA, Mr. DEWINE, Mr. LEVIN, Ms. STABENOW, Mr. DURBIN, and Mr. DAYTON) submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3614. Mr. ALLARD submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3615. Mr. THOMAS (for himself and Mr. ENSIGN) submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra.

SA 3616. Mr. MCCAIN (for himself and Mr. ENSIGN) proposed an amendment to the bill H.R. 4939, supra.

SA 3617. Mr. MCCAIN (for himself and Mr. ENSIGN) proposed an amendment to the bill H.R. 4939, supra.

SA 3618. Mr. MCCAIN (for himself and Mr. ENSIGN) proposed an amendment to the bill H.R. 4939, supra.

SA 3619. Mr. MCCAIN (for himself and Mr. ENSIGN) proposed an amendment to the bill H.R. 4939, supra.

SA 3620. Mr. WARNER proposed an amendment to the bill H.R. 4939, supra.

SA 3621. Mr. WARNER (for himself, Mr. LUGAR, and Mrs. CLINTON) proposed an amendment to the bill H.R. 4939, supra.

SA 3622. Ms. STABENOW submitted an amendment intended to be proposed by her to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3623. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3624. Mr. LIEBERMAN submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3625. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3626. Mr. VITTER (for himself and Ms. LANDRIEU) submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra.

SA 3627. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra.

SA 3628. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra.

SA 3629. Mr. CHAMBLISS (for himself and Mr. ISAKSON) submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3630. Ms. LANDRIEU (for herself, Mr. VITTER, Mr. KERRY, and Mr. BAYH) submitted an amendment intended to be proposed by her to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3631. Ms. LANDRIEU (for herself, Mr. KERRY, and Mr. BAYH) submitted an amendment intended to be proposed by her to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3632. Mr. DURBIN (for himself, Ms. MIKULSKI, Mr. ALLEN, Mr. BINGAMAN, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. BIDEN, and Mr. JOHNSON) submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra.

SA 3633. Ms. STABENOW proposed an amendment to the bill H.R. 4939, supra.

SA 3634. Mr. SMITH (for himself and Mr. REED) submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3635. Mr. ALLEN (for himself and Mr. BURR) submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3636. Ms. STABENOW submitted an amendment intended to be proposed by her to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3637. Mr. BAYH submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3638. Mr. BAYH submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3639. Mr. LEVIN (for himself, Mr. DORGAN, Ms. STABENOW, and Mr. CONRAD) submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3640. Mr. SANTORUM submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3641. Mr. COBURN proposed an amendment to the bill H.R. 4939, supra.

SA 3642. Mr. AKAKA (for himself, Mrs. MURRAY, Mr. KERRY, Mr. DAYTON, Ms. STABENOW, Mr. MENENDEZ, Mr. OBAMA, Mr.

SCHUMER, Mr. DORGAN, Ms. LANDRIEU, Ms. MIKULSKI, Mrs. LINCOLN, Mr. BIDEN, Mr. ROCKEFELLER, Mrs. BOXER, Mr. REED, Mrs. CLINTON, Mr. LAUTENBERG, Mr. PRYOR, Mr. JOHNSON, and Mr. DURBIN) proposed an amendment to the bill H.R. 4939, supra.

SA 3643. Mr. SALAZAR (for himself, Mr. WARNER, and Mr. MCCAIN) submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3644. Mr. SALAZAR submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3645. Mr. SALAZAR (for himself and Mr. BAUCUS) submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3646. Mr. SALAZAR (for himself, Mr. ALLARD, Mr. MCCONNELL, and Mr. WYDEN) submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3647. Mrs. HUTCHISON (for herself and Mr. BURNS) proposed an amendment to amendment SA 3642 proposed by Mr. AKAKA (for himself, Mrs. MURRAY, Mr. KERRY, Mr. DAYTON, Ms. STABENOW, Mr. MENENDEZ, Mr. OBAMA, Mr. SCHUMER, Mr. DORGAN, Ms. LANDRIEU, Ms. MIKULSKI, Mrs. LINCOLN, Mr. BIDEN, Mr. ROCKEFELLER, Mrs. BOXER, Mr. REED, Mrs. CLINTON, Mr. LAUTENBERG, Mr. PRYOR, Mr. JOHNSON, and Mr. DURBIN) to the bill H.R. 4939, supra.

SA 3648. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra.

SA 3649. Mr. ALLEN (for himself and Mr. HARKIN) submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3650. Mr. OBAMA (for himself, Mr. AKAKA, Mrs. MURRAY, Mr. ROCKEFELLER, and Mr. JEFFORDS) submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3651. Mr. OBAMA submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3652. Mr. OBAMA (for himself, Mr. LEVIN, Mr. BAYH, Ms. LANDRIEU, and Mr. DURBIN) submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3653. Mr. OBAMA submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3654. Mr. REID (for Mr. KERRY) submitted an amendment intended to be proposed by Mr. REID to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3655. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3656. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3657. Mr. LEAHY (for himself and Mr. DURBIN) submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3658. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3659. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3660. Mr. LEAHY (for himself, Mr. COLEMAN, and Ms. MURKOWSKI) submitted an

amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3661. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3662. Mr. FEINGOLD (for himself, Mr. LEAHY, Mr. SALAZAR, Mr. BYRD, Mr. LIEBERMAN, and Ms. COLLINS) submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3663. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3664. Mr. LEAHY (for himself, Mr. COLEMAN, Ms. MURKOWSKI, and Mr. LIEBERMAN) submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3665. Mr. WYDEN proposed an amendment to the bill H.R. 4939, supra.

SA 3666. Mr. ALLARD submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3667. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3668. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3669. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3670. Mr. DORGAN (for himself, Mr. DODD, Mrs. BOXER, Mr. REED, Mr. LIEBERMAN, Mr. LEAHY, Ms. MIKULSKI, and Mr. KENNEDY) submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 3612. Mr. MCCONNELL submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; 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 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 Inter-

national Relations of the House of Representatives and the Committee on Foreign Relations of the Senate."

SA 3613. Mr. VOINOVICH (for himself, Mr. OBAMA, Mr. DEWINE, Mr. LEVIN, Ms. STABENOW, Mr. DURBIN, and Mr. DAYTON) submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 159, line 24, after "2006" insert the following: "‘Provided further, That, of the amount provided under this heading, \$400,000 shall be made available for the operation of the Chicago Sanitary and Ship Canal Demonstration Barrier, Illinois, which was constructed under section 1202(i)(3) of the Non-indigenous Aquatic Nuisance Prevention and Control Act of 1990 (16 U.S.C. 4722(i)(3))’".

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

GENERAL PROVISIONS—THIS CHAPTER

SEC. 2401. Section 1202(i)(3)(C) of the Non-indigenous Aquatic Nuisance Prevention and Control Act of 1990 (16 U.S.C. 4722(i)(3)(C)), is amended by striking "‘, to carry out this paragraph, \$750,000’" and inserting "such sums as are necessary to carry out the dispersal barrier demonstration project under this paragraph".

SA 3614. Mr. ALLARD submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

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

PROHIBITION ON USE OF FUNDS FOR CONDEMNATION OF LAND LOCATED NEAR PINON CANYON

SEC. 7032. (a) Subject to subsection (b), any funds made available to the Department of Defense pursuant to the Department of Defense Appropriations Act, 2006 (Division A of Public Law 109-148; 119 Stat. 2680) or any other Act shall not be obligated or expended to acquire land located near the Pinon Canyon Maneuver Site if the land acquisition requires—

- (1) condemnation;
- (2) seizure by a Federal entity of private property; or
- (3) any other means.

(b) The prohibition on the use of funds described in subsection (a) shall not apply to a land exchange between a willing seller and a willing buyer.

SA 3615. Mr. THOMAS (for himself and Mr. ENSIGN) submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2006, and for other purposes, namely:

TITLE I—GLOBAL WAR ON TERROR SUPPLEMENTAL APPROPRIATIONS

CHAPTER 1

DEPARTMENT OF AGRICULTURE FOREIGN AGRICULTURAL SERVICE PUBLIC LAW 480 TITLE II GRANTS

For an additional expenses for "Public Law 480 Title II Grants", during the current fiscal year, not otherwise recoverable, and unrecovered prior years' costs, including interest thereon, under the Agricultural Trade Development and Assistance Act of 1954, for commodities supplied in connection with dispositions abroad under title II of said Act, \$350,000,000, 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.

CHAPTER 2

DEPARTMENT OF DEFENSE DEPARTMENT OF DEFENSE—MILITARY MILITARY PERSONNEL MILITARY PERSONNEL, ARMY

For an additional amount for "Military Personnel, Army", \$6,506,223,000: *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.

MILITARY PERSONNEL, NAVY

For an additional amount for "Military Personnel, Navy", \$1,061,724,000: *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.

MILITARY PERSONNEL, MARINE CORPS

For an additional amount for "Military Personnel, Marine Corps", \$834,122,000: *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.

MILITARY PERSONNEL, AIR FORCE

For an additional amount for "Military Personnel, Air Force", \$1,145,363,000: *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.

RESERVE PERSONNEL, ARMY

For an additional amount for "Reserve Personnel, Army", \$166,070,000: *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.

RESERVE PERSONNEL, NAVY

For an additional amount for "Reserve Personnel, Navy", \$110,412,000: *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.

RESERVE PERSONNEL, MARINE CORPS

For an additional amount for "Reserve Personnel, Marine Corps", \$10,327,000: *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.

RESERVE PERSONNEL, AIR FORCE

For an additional amount for "Reserve Personnel, Air Force", \$1,940,000: *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.

NATIONAL GUARD PERSONNEL, ARMY

For an additional amount for "National Guard Personnel, Army", \$96,000,000: *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.

NATIONAL GUARD PERSONNEL, AIR FORCE

For an additional amount for "National Guard Personnel, Air Force", \$1,200,000: *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.

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

For an additional amount for "Operation and Maintenance, Army", \$18,380,310,000: *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.

OPERATION AND MAINTENANCE, NAVY

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Operation and Maintenance, Navy", \$2,793,600,000: *Provided*, That up to \$75,020,000 shall be available for the Department of Homeland Security, "United States Coast Guard, Operating Expenses": *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.

OPERATION AND MAINTENANCE, MARINE CORPS

For an additional amount for "Operation and Maintenance, Marine Corps", \$1,722,911,000: *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.

OPERATION AND MAINTENANCE, AIR FORCE

For an additional amount for "Operation and Maintenance, Air Force", \$5,328,869,000: *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.

OPERATION AND MAINTENANCE, DEFENSE-WIDE

For an additional amount for "Operation and Maintenance, Defense-Wide", \$3,259,929,000, of which—

(1) not to exceed \$25,000,000 may be used for the Combatant Commander Initiative Fund, to be used in support of Operation Iraqi Freedom and Operation Enduring Freedom;

(2) not to exceed \$10,000,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of Defense, and payments may be made on his certificate of necessity for confidential military purposes;

(3) not to exceed \$1,200,000,000 to remain available until expended, may be used for payments to reimburse Pakistan, Jordan, and other key cooperating nations, for logistical, military, and other support provided, or to be provided, to United States military operations, notwithstanding any other provision of law: *Provided*, That such payments may be made in such amounts as the Secretary of Defense, with the concur-

rence of the Secretary of State, and in consultation with the Director of the Office of Management and Budget, may determine, in his discretion, based on documentation determined by the Secretary of Defense to adequately account for the support provided, and such determination is final and conclusive upon the accounting officers of the United States, and 15 days following notification to the appropriate congressional committees: *Provided further*, That the Secretary of Defense shall provide quarterly reports to the congressional defense committees on the use of funds provided in this paragraph; and

(4) not to exceed \$44,500,000 for Cooperative Threat Reduction:

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.

OPERATION AND MAINTENANCE, ARMY

RESERVE

For an additional amount for "Operation and Maintenance, Army Reserve", \$100,100,000: *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.

OPERATION AND MAINTENANCE, NAVY RESERVE

For an additional amount for "Operation and Maintenance, Navy Reserve", \$236,509,000: *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.

OPERATION AND MAINTENANCE, MARINE CORPS RESERVE

For an additional amount for "Operation and Maintenance, Marine Corps Reserve", \$55,675,000: *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.

OPERATION AND MAINTENANCE, AIR FORCE RESERVE

For an additional amount for "Operation and Maintenance, Air Force Reserve", \$18,563,000: *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.

OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

For an additional amount for "Operation and Maintenance, Army National Guard", \$178,600,000: *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.

OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

For an additional amount for "Operation and Maintenance, Air National Guard", \$30,400,000: *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.

AFGHANISTAN SECURITY FORCES FUND

(INCLUDING TRANSFER OF FUNDS)

For the "Afghanistan Security Forces Fund", \$1,851,833,000, to remain available

until September 30, 2007: *Provided*, That such funds shall be available to the Secretary of Defense, notwithstanding any other provision of law, for the purpose of allowing the Commander, Office of Security Cooperation—Afghanistan, or the Secretary's designee, to provide assistance, with the concurrence of the Secretary of State, to the security forces of Afghanistan, including the provision of equipment, supplies, services, training, facility and infrastructure repair, renovation, and construction, and funding: *Provided further*, That the authority to provide assistance under this heading is in addition to any other authority to provide assistance to foreign nations: *Provided further*, That the Secretary of Defense may transfer such funds to appropriations for military personnel; operation and maintenance; Overseas Humanitarian, Disaster, and Civic Aid; procurement; research, development, test and evaluation; and defense working capital funds to accomplish the purposes provided herein: *Provided further*, That this transfer authority is in addition to any other transfer authority available to the Department of Defense: *Provided further*, That upon a determination that all or part of the funds so transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: *Provided further*, That contributions of funds for the purposes provided herein from any person, foreign government, or international organization may be credited to this Fund, and used for such purposes: *Provided further*, That the Secretary shall notify the congressional defense committees in writing upon the receipt and upon the transfer of any contribution delineating the sources and amounts of the funds received and the specific use of such contributions: *Provided further*, That the Secretary of Defense shall, not fewer than five days prior to making transfers from this appropriation account, notify the congressional defense committees in writing of the details of any such transfer: *Provided further*, That the Secretary shall submit a report no later than 30 days after the end of each fiscal quarter to the congressional defense committees summarizing the details of the transfer of funds from this appropriation: *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.

IRAQ SECURITY FORCES FUND

(INCLUDING TRANSFER OF FUNDS)

For the "Iraq Security Forces Fund", \$3,007,000,000, to remain available until September 30, 2007: *Provided*, That such funds shall be available to the Secretary of Defense, notwithstanding any other provision of law, for the purpose of allowing the Commander, Multi-National Security Transition Command—Iraq, or the Secretary's designee, to provide assistance, with the concurrence of the Secretary of State, to the security forces of Iraq, including the provision of equipment, supplies, services, training, facility and infrastructure repair, renovation, and construction, and funding: *Provided further*, That the authority to provide assistance under this heading is in addition to any other authority to provide assistance to foreign nations: *Provided further*, That the Secretary of Defense may transfer such funds to appropriations for military personnel; operation and maintenance; Overseas Humanitarian, Disaster, and Civic Aid; procurement; research, development, test and evaluation; and defense working capital funds to accomplish the purposes provided herein: *Provided*

further, That this transfer authority is in addition to any other transfer authority available to the Department of Defense: *Provided further*, That upon a determination that all or part of the funds so transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: *Provided further*, That contributions of funds for the purposes provided herein from any person, foreign government, or international organization may be credited to this Fund, and used for such purposes: *Provided further*, That the Secretary shall notify the congressional defense committees in writing upon the receipt and upon the transfer of any contribution delineating the sources and amounts of the funds received and the specific use of such contributions: *Provided further*, That the Secretary of Defense shall, not fewer than five days prior to making transfers from this appropriation account, notify the congressional defense committees in writing of the details of any such transfer: *Provided further*, That the Secretary shall submit a report no later than 30 days after the end of each fiscal quarter to the congressional defense committees summarizing the details of the transfer of funds from this appropriation: *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.

PROCUREMENT

AIRCRAFT PROCUREMENT, ARMY

For an additional amount for "Aircraft Procurement, Army", \$533,200,000, to remain available until September 30, 2008: *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.

MISSILE PROCUREMENT, ARMY

For an additional amount for "Missile Procurement, Army", \$203,300,000, to remain available until September 30, 2008: *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.

PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY

For an additional amount for "Procurement of Weapons and Tracked Combat Vehicles, Army", \$1,983,351,000, to remain available until September 30, 2008: *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.

PROCUREMENT OF AMMUNITION, ARMY

For an additional amount for "Procurement of Ammunition, Army", \$829,679,000, to remain available until September 30, 2008: *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.

OTHER PROCUREMENT, ARMY

For an additional amount for "Other Procurement, Army", \$7,528,657,000, to remain available until September 30, 2008: *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.

AIRCRAFT PROCUREMENT, NAVY

For an additional amount for "Aircraft Procurement, Navy", \$293,980,000, to remain

available until September 30, 2008: *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.

WEAPONS PROCUREMENT, NAVY

For an additional amount for "Weapons Procurement, Navy", \$90,800,000, to remain available until September 30, 2008: *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.

PROCUREMENT OF AMMUNITION, NAVY AND MARINE CORPS

For an additional amount for "Procurement of Ammunition, Navy and Marine Corps", \$330,996,000, to remain available until September 30, 2008: *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.

OTHER PROCUREMENT, NAVY

For an additional amount for "Other Procurement, Navy", \$111,719,000, to remain available until September 30, 2008: *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.

PROCUREMENT, MARINE CORPS

For an additional amount for "Procurement, Marine Corps", \$3,260,582,000, to remain available until September 30, 2008: *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.

AIRCRAFT PROCUREMENT, AIR FORCE

For an additional amount for "Aircraft Procurement, Air Force", \$663,595,000, to remain available until September 30, 2008: *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.

PROCUREMENT OF AMMUNITION, AIR FORCE

For an additional amount for "Procurement of Ammunition, Air Force", \$29,047,000, to remain available until September 30, 2008: *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.

OTHER PROCUREMENT, AIR FORCE

For an additional amount for "Other Procurement, Air Force", \$1,489,192,000, to remain available until September 30, 2008: *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.

PROCUREMENT, DEFENSE-WIDE

For an additional amount for "Procurement, Defense-Wide", \$331,353,000, to remain available until September 30, 2008: *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.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY

For an additional amount for "Research, Development, Test and Evaluation, Army",

\$424,177,000, to remain available until September 30, 2007: *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.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY

For an additional amount for "Research, Development, Test and Evaluation, Navy", \$126,845,000, to remain available until September 30, 2007: *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.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE

For an additional amount for "Research, Development, Test and Evaluation, Air Force", \$305,110,000, to remain available until September 30, 2007: *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.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE

For an additional amount for "Research, Development, Test and Evaluation, Defense-Wide", \$145,921,000, to remain available until September 30, 2007: *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.

REVOLVING AND MANAGEMENT FUNDS

DEFENSE WORKING CAPITAL FUNDS

For an additional amount for "Defense Working Capital Funds", \$502,700,000: *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.

OTHER DEPARTMENT OF DEFENSE PROGRAMS

DEFENSE HEALTH PROGRAM

For an additional amount for "Defense Health Program", \$1,153,562,000 for operation and maintenance: *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.

DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Drug Interdiction and Counter-Drug Activities, Defense", \$156,800,000, to remain available until expended: *Provided*, That these funds may be used only for such activities related to Afghanistan and the Central Asia area: *Provided further*, That the Secretary of Defense may transfer such funds only to appropriations for military personnel; operation and maintenance; procurement; and research, development, test and evaluation: *Provided further*, That the funds transferred shall be merged with and be available for the same purposes and for the same time period as the appropriation to which transferred: *Provided further*, That the transfer authority provided in this paragraph is in addition to any other transfer authority available to the Department of Defense: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not

necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: *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.

OFFICE OF THE INSPECTOR GENERAL

For an additional amount for "Office of the Inspector General", \$6,120,000, to remain available until September 30, 2007: *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.

RELATED AGENCIES

INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT

For an additional amount for the "Intelligence Community Management Account", \$158,875,000: *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.

GENERAL PROVISIONS—THIS CHAPTER (TRANSFER OF FUNDS)

SEC. 1201. Upon his determination that such action is necessary in the national interest, the Secretary of Defense may transfer between appropriations up to \$2,000,000,000 of the funds made available to the Department of Defense in this chapter: *Provided*, That the Secretary shall notify the Congress promptly of each transfer made pursuant to this authority: *Provided further*, That the transfer authority provided in this section is in addition to any other transfer authority available to the Department of Defense: *Provided further*, That the authority in this section is subject to the same terms and conditions as the authority provided in section 8005 of the Department of Defense Appropriations Act, 2006, except for the fourth proviso.

SEC. 1202. (a) AUTHORITY TO PROVIDE SUPPORT.—Of the amount appropriated by this Act under the heading "Drug Interdiction and Counter-Drug Activities, Defense", not to exceed \$40,000,000 may be made available for support for counter-drug activities of the Governments of Afghanistan and Pakistan: *Provided*, That such support shall be in addition to support provided for the counter-drug activities of such Governments under any other provision of the law.

(b) TYPES OF SUPPORT.—(1) Except as specified in subsections (b)(2) and (b)(3) of this section, the support that may be provided under the authority in this section shall be limited to the types of support specified in section 1033(c)(1) of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105-85, as amended by Public Law 106-398 and Public Law 108-136), and conditions on the provision of support as contained in such section 1033 shall apply for fiscal year 2006.

(2) The Secretary of Defense may transfer vehicles, aircraft, and detection, interception, monitoring and testing equipment to such Governments for counter-drug activities.

(3) For the Government of Afghanistan, the Secretary of Defense may also provide individual and crew-served weapons, and ammunition for counter-drug security forces.

SEC. 1203. Notwithstanding 10 U.S.C. 2208(1), the total amount of advance billings rendered or imposed for all working capital funds of the Department of Defense in fiscal year 2006 shall not exceed \$1,500,000,000: *Provided*, That the amounts made available pursuant to this section are designated as an

emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

SEC. 1204. In addition to amounts authorized in section 1202(a) of Public Law 109-163, from funds made available in this chapter to the Department of Defense, not to exceed \$423,000,000 may be used to fund the Commander's Emergency Response Program and for a similar program to assist the people of Afghanistan, to remain available until December 31, 2007.

SEC. 1205. Supervision and administration costs associated with a construction project funded with "Afghanistan Security Forces Fund" or "Iraq Security Forces Fund" appropriations may be obligated at the time a construction contract is awarded: *Provided*, That for the purpose of this section, supervision and administration costs include all in-house Government costs.

SEC. 1206. None of the funds provided in this chapter may be used to finance programs or activities denied by Congress in fiscal year 2005 and 2006 appropriations to the Department of Defense or to initiate a procurement or research, development, test and evaluation new start program without prior written notification to the congressional defense committees.

CHAPTER 3

BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

CHILD SURVIVAL AND HEALTH PROGRAMS FUND

For an additional amount for "Child Survival and Health Programs Fund", \$5,300,000, to remain available until September 30, 2007: *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.

DEVELOPMENT ASSISTANCE

For an additional amount for "Development Assistance", \$10,500,000, to remain available until September 30, 2007: *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.

INTERNATIONAL DISASTER Famine ASSISTANCE

For an additional amount for "International Disaster and Famine Assistance", \$136,290,000, to remain 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.

OPERATING EXPENSES OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

For an additional amount for "Operating Expenses of the United States Agency for International Development", \$61,600,000, to remain available until September 30, 2007: *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.

OTHER BILATERAL ECONOMIC ASSISTANCE

ECONOMIC SUPPORT FUND

For an additional amount for "Economic Support Fund", \$1,584,500,000, to remain available until September 30, 2007: *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.

DEPARTMENT OF STATE

DEMOCRACY FUND

For an additional amount for "Democracy Fund", \$10,000,000 for the advancement of democracy in Iran, to remain available until September 30, 2007: *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.

INTERNATIONAL NARCOTICS CONTROL AND LAW ENFORCEMENT

For an additional amount for "International Narcotics Control and Law Enforcement", \$107,700,000, to remain available until September 30, 2007: *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.

MIGRATION AND REFUGEE ASSISTANCE

For an additional amount for "Migration and Refugee Assistance", \$51,200,000, to remain available until September 30, 2007: *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.

DEPARTMENT OF THE TREASURY

INTERNATIONAL AFFAIRS TECHNICAL ASSISTANCE

For an additional amount for "International Affairs Technical Assistance", \$13,000,000, to remain available until September 30, 2007: *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.

MILITARY ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

PEACEKEEPING OPERATIONS

For an additional amount for "Peacekeeping Operations", \$123,000,000, to remain available until September 30, 2007: *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.

GENERAL PROVISIONS—THIS CHAPTER

(INCLUDING TRANSFER AND RESCISSION OF FUNDS)

SEC. 1301. Funds appropriated or made available by transfer in this chapter may be obligated and expended notwithstanding section 313 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103-236).

SEC. 1302. Of the funds made available under the heading "Iraq Relief and Reconstruction Fund" in chapter 2 of title II of Public Law 108-106, \$185,500,000 is hereby transferred to and merged with the appropriation for "Economic Support Fund" contained in this Act: *Provided*, That the amount transferred by this section is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

(RESCISSION OF FUNDS)

SEC. 1303. Of the funds made available for Coalition Solidarity Initiative under the heading "Peacekeeping Operations" in chapter 2 of title II of division A of Public Law 109-13, \$17,000,000 is rescinded.

SEC. 1304. Notwithstanding any other provision of law, amounts under the heading

"Iraq Relief and Reconstruction Fund" in title II of Public Law 108-106 shall remain available for one additional year from the date on which the availability of funds would otherwise have expired, if such funds are initially obligated before the expiration of the period of availability provided herein: *Provided*, That, notwithstanding section 2207(d) of Public Law 108-106, requirements of section 2207 of Public Law 108-106 shall expire on October 1, 2008.

CHAPTER 4

DEPARTMENT OF HOMELAND SECURITY

UNITED STATES COAST GUARD

OPERATING EXPENSES

For an additional amount for "Operating Expenses", \$26,692,000: *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.

CHAPTER 5

DEPARTMENT OF DEFENSE

MILITARY CONSTRUCTION

MILITARY CONSTRUCTION, ARMY

For an additional amount for "Military Construction, Army", \$287,100,000, to remain available until September 30, 2007: *Provided*, That notwithstanding any other provision of law, such funds may be obligated and expended to carry out planning and design and military construction projects not otherwise authorized by law: *Provided further*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006: *Provided further*, That none of the funds provided under this heading may be obligated or expended until after that date on which the Secretary of Defense submits an updated master plan for overseas military infrastructure to the Committees on Appropriations of the House of Representatives and Senate: *Provided further*, That, subject to the preceding proviso, \$60,000,000 of the funds provided under this heading may not be obligated or expended until after that date on which the Secretary of Defense submits a detailed plan for Counter IED/Urban Bypass Roads, Iraq, to the Committees on Appropriations of the House of Representatives and Senate.

MILITARY CONSTRUCTION, AIR FORCE

For an additional amount for "Military Construction, Air Force", \$35,600,000, to remain available until September 30, 2007: *Provided*, That notwithstanding any other provision of law, such funds may be obligated and expended to carry out planning and design and military construction projects not otherwise authorized by law: *Provided further*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006: *Provided further*, That none of the funds provided under this heading may be obligated or expended until after that date on which the Secretary of Defense submits an updated master plan for overseas military infrastructure to the Committees on Appropriations of the House of Representatives and Senate.

GENERAL PROVISION—THIS CHAPTER

SEC. 1501. The matter under the heading "Veterans Health Administration—Medical Services" in chapter 7 of title I of division B of Public Law 109-148 is amended by inserting after "calendar year 2005" the following: "and for unanticipated costs related to the Global War on Terror": *Provided*, That the provisions of this section 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 6

DEPARTMENT OF JUSTICE

LEGAL ACTIVITIES

SALARIES AND EXPENSES, UNITED STATES ATTORNEYS

For an additional amount for "Salaries and Expenses, United States Attorneys", \$3,000,000: *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.

FEDERAL BUREAU OF INVESTIGATION

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", \$99,000,000, to remain available until September 30, 2007: *Provided*, That no funding provided in this Act shall be available for obligation for a new or enhanced information technology program unless the Deputy Attorney General and the investment review board certify to the Committees on Appropriations that the information technology program has appropriate program management and contractor oversight mechanisms in place, and that the program is compatible with the enterprise architecture of the Department of Justice and Federal Bureau of Investigation: *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.

DRUG ENFORCEMENT ADMINISTRATION

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", \$5,000,000, to remain available until September 30, 2007: *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.

BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", \$4,100,000, to remain available until September 30, 2007: *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.

DEPARTMENT OF STATE AND RELATED AGENCY

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

DIPLOMATIC AND CONSULAR PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Diplomatic and Consular Programs", \$1,380,500,000, to remain available until September 30, 2007: *Provided*, That of the amount made available under this heading, \$1,326,000 shall be available for transfer to the United States Institute of Peace: *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.

OFFICE OF INSPECTOR GENERAL

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Office of Inspector General", \$25,300,000, to remain

available until September 2007, of which \$24,000,000 shall be transferred to the Special Inspector General for Iraq Reconstruction for reconstruction oversight: *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.

EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS

For an additional amount for "Educational and Cultural Exchange Programs", \$5,000,000, 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.

INTERNATIONAL ORGANIZATIONS

CONTRIBUTIONS TO INTERNATIONAL PEACEKEEPING ACTIVITIES

For an additional amount for "Contributions for International Peacekeeping Activities", \$129,800,000, to remain available until September 30, 2007: *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.

RELATED AGENCY

BROADCASTING BOARD OF GOVERNORS

INTERNATIONAL BROADCASTING OPERATIONS

For an additional amount for "International Broadcasting Operations", \$7,600,000, 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.

BROADCASTING CAPITAL IMPROVEMENTS

For an additional amount for "Broadcasting Capital Improvements", \$28,500,000, 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.

GENERAL PROVISION—THIS CHAPTER

SEC. 1601. Funds appropriated by this Act for the Broadcasting Board of Governors and the Department of State may be obligated and expended notwithstanding section 15 of the State Department Basic Authorities Act of 1956, section 313 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103-236), and section 504(a)(1) of the National Security Act of 1947.

CHAPTER 7

DEPARTMENT OF THE TREASURY

DEPARTMENTAL OFFICES

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", \$1,800,000, to remain available until September 30, 2007: *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.

TITLE II—FURTHER HURRICANE DISASTER RELIEF AND RECOVERY

CHAPTER 1

DEPARTMENT OF AGRICULTURE

EXECUTIVE OPERATIONS

WORKING CAPITAL FUND

For an additional amount for "Working Capital Fund" for necessary expenses related to the consequences of Hurricane Katrina

and other hurricanes of the 2005 season, \$25,000,000, to remain available until September 30, 2007: *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.

AGRICULTURAL RESEARCH SERVICE
BUILDINGS AND FACILITIES

For an additional amount for "Agricultural Research Service, Buildings and Facilities" for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, \$20,000,000, 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.

NATURAL RESOURCES CONSERVATION SERVICE
EMERGENCY WATERSHED PROTECTION PROGRAM

For an additional amount for "Emergency Watershed Protection Program" \$10,000,000, to remain available until September 30, 2008, for the purchase of easements on floodplain lands in disaster areas affected by Hurricane Katrina and other hurricanes of the 2005 season: *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.

CHAPTER 2
DEPARTMENT OF DEFENSE

DEPARTMENT OF DEFENSE—MILITARY
MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For an additional amount for "Military Personnel, Army", \$2,125,000, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: *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.

MILITARY PERSONNEL, NAVY

For an additional amount for "Military Personnel, Navy", \$22,002,000, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: *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.

MILITARY PERSONNEL, MARINE CORPS

For an additional amount for "Military Personnel, Marine Corps", \$3,992,000, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: *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.

MILITARY PERSONNEL, AIR FORCE

For an additional amount for "Military Personnel, Air Force", \$21,610,000, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: *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.

RESERVE PERSONNEL, ARMY

For an additional amount for "Reserve Personnel, Army", \$4,071,000, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: *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.

RESERVE PERSONNEL, NAVY

For an additional amount for "Reserve Personnel, Navy", \$10,200,000 for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: *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.

RESERVE PERSONNEL, MARINE CORPS

For an additional amount for "Reserve Personnel, Marine Corps", \$2,176,000, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: *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.

RESERVE PERSONNEL, AIR FORCE

For an additional amount for "Reserve Personnel, Air Force", \$94,000, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: *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.

NATIONAL GUARD PERSONNEL, ARMY

For an additional amount for "National Guard Personnel, Army", \$1,304,000, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: *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.

NATIONAL GUARD PERSONNEL, AIR FORCE

For an additional amount for "National Guard Personnel, Air Force", \$1,408,000, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: *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.

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, NAVY

For an additional amount for "Operation and Maintenance, Navy", \$29,913,000, to remain available until September 30, 2007, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: *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.

OPERATION AND MAINTENANCE, AIR FORCE

For an additional amount for "Operation and Maintenance, Air Force", \$37,359,000, to remain available until September 30, 2007, for necessary expenses related to the con-

sequences of Hurricane Katrina and other hurricanes of the 2005 season: *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.

OPERATION AND MAINTENANCE, NAVY RESERVE

For an additional amount for "Operation and Maintenance, Navy Reserve", \$12,755,000, to remain available until September 30, 2007, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: *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.

OPERATION AND MAINTENANCE, AIR FORCE
RESERVE

For an additional amount for "Operation and Maintenance, Air Force Reserve", \$1,277,000, to remain available until September 30, 2007, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: *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.

OPERATION AND MAINTENANCE, ARMY
NATIONAL GUARD

For an additional amount for "Operation and Maintenance, Army National Guard", \$42,307,000, to remain available until September 30, 2007, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: *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.

PROCUREMENT

PROCUREMENT OF AMMUNITION, ARMY

For an additional amount for "Procurement of Ammunition, Army", \$700,000, to remain available until September 30, 2008, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: *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.

OTHER PROCUREMENT, ARMY

For an additional amount for "Other Procurement, Army", \$9,136,000, to remain available until September 30, 2008, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: *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.

AIRCRAFT PROCUREMENT, NAVY

For an additional amount for "Aircraft Procurement, Navy", \$579,000, to remain available until September 30, 2008, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: *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.

PROCUREMENT OF AMMUNITION, NAVY AND MARINE CORPS

For an additional amount for "Procurement of Ammunition, Navy and Marine Corps", \$899,000, to remain available until September 30, 2008, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: *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.

SHIPBUILDING AND CONVERSION, NAVY (INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Shipbuilding and Conversion, Navy", \$775,236,000 to remain available until September 30, 2010, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, which shall be available for transfer within this account to replace destroyed or damaged equipment; prepare and recover naval vessels under contract; and provide for cost adjustments for naval vessels for which funds have been previously appropriated: *Provided*, That this transfer authority is in addition to any other transfer authority available to the Department of Defense: *Provided further*, That the Secretary of Defense shall, not fewer than 15 days prior to making transfers within this appropriation, notify the congressional defense committees in writing of the details of any such transfer: *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.

OTHER PROCUREMENT, NAVY

For an additional amount for "Other Procurement, Navy", \$85,040,000, to remain available until September 30, 2008, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: *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.

AIRCRAFT PROCUREMENT, AIR FORCE

For an additional amount for "Aircraft Procurement, Air Force", \$13,000,000, to remain available until September 30, 2008, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: *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.

PROCUREMENT, DEFENSE-WIDE

For an additional amount for "Procurement, Defense-Wide", \$2,797,000, to remain available until September 30, 2008, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: *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.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY

For an additional amount for "Research, Development, Test and Evaluation, Navy", \$12,000,000, to remain available until Sep-

tember 30, 2007, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: *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.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE

For an additional amount for "Research, Development, Test and Evaluation, Air Force", \$6,250,000, to remain available until September 30, 2007, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: *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.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE

For an additional amount for "Research, Development, Test and Evaluation, Defense-Wide", \$730,000, to remain available until September 30, 2007, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: *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.

REVOLVING AND MANAGEMENT FUNDS DEFENSE WORKING CAPITAL FUNDS

For an additional amount for "Defense Working Capital Funds", \$1,222,000, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: *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.

NATIONAL DEFENSE SEALIFT FUND

For an additional amount for "National Defense Sealift Fund", \$10,000,000, to remain available until expended, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: *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.

TRUST FUNDS

GENERAL FUND PAYMENT, SURCHARGE COLLECTIONS, SALES OF COMMISSARY STORES, DEFENSE

For an additional amount for "General Fund Payment, Surcharge Collections, Sales of Commissary Stores, Defense", \$10,530,000, to remain available until September 30, 2010, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: *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.

OTHER DEPARTMENT OF DEFENSE PROGRAMS

DEFENSE HEALTH PROGRAM

For an additional amount for "Defense Health Program", \$33,881,000, to remain available until September 30, 2007, for necessary expenses related to the consequences

of Hurricane Katrina and other hurricanes of the 2005 season: *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.

GENERAL PROVISION—THIS CHAPTER

SEC. 2201. None of the funds provided in this chapter may be used to finance programs or activities denied by Congress in fiscal year 2005 and 2006 appropriations to the Department of Defense or to initiate a procurement or research, development, test and evaluation new start program without prior written notification to the congressional defense committees.

CHAPTER 3

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

CONSTRUCTION

For additional amounts for "Construction" to reduce the risk of storm damage to the greater New Orleans metropolitan area by restoring the surrounding wetlands, \$100,000,000, to remain available until expended: *Provided*, That such sums shall be subject to authorization: *Provided further*, That the Chief of Engineers, acting through the Assistant Secretary of the Army for Civil Works, shall provide, at a minimum, a monthly report to the House and Senate Committees on Appropriations detailing the allocation and obligation of these funds, beginning not later than July 30, 2006: *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.

FLOOD CONTROL AND COASTAL EMERGENCIES

For additional amounts for "Flood Control and Coastal Emergencies", as authorized by section of the Flood Control Act of August 18, 1941, as amended (33 U.S.C. 701n), for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, \$1,360,000,000, to remain available until expended: *Provided*, That such sums shall be subject to authorization: *Provided further*, That the Chief of Engineers, acting through the Assistant Secretary of the Army for Civil Works, shall provide, at a minimum, a monthly report to the House and Senate Committees on Appropriations detailing the allocation and obligation of these funds, beginning not later than July 30, 2006: *Provided further*, That none of the funds provided herein shall be available until the non-federal interests have entered into binding agreements with the Secretary of the Army to pay 100 percent of the operation, maintenance, repair, replacement and rehabilitation costs of the projects: *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.

CHAPTER 4

DEPARTMENT OF HOMELAND SECURITY

OFFICE OF INSPECTOR GENERAL

(INCLUDING TRANSFERS OF FUNDS)

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, \$13,500,000, to remain available until September 30, 2007: *Provided*, That these amounts shall be transferred to the Offices of Inspector General of the Departments of Agriculture, Defense, Education, Health and Human Services, Housing and Urban Development, Justice, Labor and Transportation,

and the Environmental Protection Agency, the General Services Administration, and the Social Security Administration to carry out necessary audits and investigations of funding and programs undertaken by the respective agencies for response and recovery from the 2005 Gulf Coast hurricanes: *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.

CUSTOMS AND BORDER PROTECTION
SALARIES AND EXPENSES

For an additional amount for ‘Salaries and Expenses’ to provide for the relocation of personnel and equipment related to the New Orleans laboratory facility and for the repair and replacement of critical equipment and property damaged or caused by 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’ to rebuild and repair structures damaged by 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 TRANSFER 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, \$14,300,000, 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; and of which up to \$500,000 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 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.

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, \$80,755,000, 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.

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, \$70,000,000, 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.

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: *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.), \$9,550,000,000, 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 ASSISTANCE DIRECT LOAN PROGRAM
ACCOUNT
(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ‘Disaster Assistance Direct Loan Program Account’ for the cost of direct loans as authorized under section 417 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5184), \$151,000,000, to be used to assist local governments that were affected by Hurricane Katrina and other hurricanes of the 2005 season in providing essential services, of which \$1,000,000 is for administrative expenses to carry out the direct loan program: *Provided*, That such funds may be used to subsidize gross obligations for the principal amount of direct loans not to exceed \$200,000,000: *Provided further*, That notwithstanding section 417(b) of such Act, the amount of any such loan issued pursuant to this section may exceed \$5,000,000: *Provided further*, That notwithstanding section 417(c)(1) of such Act, such loans may not be canceled: *Provided further*, That the cost of modifying such loans shall be as defined in section 502 of the Congressional Budget Act of 1974 (2 U.S.C. 661a): *Provided further*, That of the amount provided in this chapter under the heading ‘Disaster Relief’, up to \$150,000,000 may be transferred to and merged with the funds provided under this heading, to be used to subsidize gross obligations for the principal amount of direct loans not to exceed \$200,000,000: *Provided further*, That the amounts provided or transferred 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.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 2401. The Federal Emergency Management Agency may provide funds to a State or local government or, as necessary, assume an existing agreement from such unit of government, to pay for utility costs resulting from the provision of temporary housing units to evacuees from Hurricanes Katrina and Rita if the State or local government has previously arranged to pay for such utilities on behalf of the evacuees for the term of any leases, not to exceed 12 months, contracted by or prior to February 7, 2006, notwithstanding section 408 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5174): *Provided*, That the Federal share of the costs eligible to be paid shall be 100 percent.

SEC. 2402. (a) Title III of Public Law 109-90 is amended under the heading ‘National

Flood Insurance Fund’ by striking ‘\$30,000,000 for interest on Treasury borrowings’ and inserting ‘such sums as necessary for interest on Treasury borrowings’.

(b) The provisions of this section 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 THE INTERIOR

UNITED STATES FISH AND WILDLIFE SERVICE
CONSTRUCTION

For an additional amount for ‘Construction’ for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season and for repayment of advances to other appropriation accounts from which funds were transferred for such purposes, \$132,400,000, 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.

NATIONAL PARK SERVICE

HISTORIC PRESERVATION FUND

For an additional amount for the ‘Historic Preservation Fund’ for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, \$3,000,000, to remain available until September 30, 2007: *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, \$55,400,000, 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 GEOLOGICAL SURVEY

SURVEYS, INVESTIGATIONS, AND RESEARCH

For an additional amount for ‘Surveys, Investigations, and Research’ for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season and for repayment of advances to other appropriation accounts from which funds were transferred for such purposes, \$10,200,000, 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.

MINERALS MANAGEMENT SERVICE
ROYALTY AND OFFSHORE MINERALS
MANAGEMENT

For an additional amount for ‘Royalty and Offshore Minerals Management’ for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season and for repayment of advances to other appropriation accounts from which funds were transferred for such purposes, \$15,000,000, to remain available until September 30, 2007: *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.

ENVIRONMENTAL PROTECTION AGENCY ENVIRONMENTAL PROGRAMS AND MANAGEMENT

For an additional amount for "Environmental Programs and Management" for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, \$6,000,000, to remain available until September 30, 2007: *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.

LEAKING UNDERGROUND STORAGE TANK PROGRAM

For an additional amount for the "Leaking Underground Storage Tank Program" for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, \$7,000,000, to remain available until September 30, 2007: *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.

DEPARTMENT OF AGRICULTURE FOREST SERVICE

NATIONAL FOREST SYSTEM

For an additional amount for the "National Forest System" for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, \$20,000,000, 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.

CHAPTER 6 DEPARTMENT OF DEFENSE MILITARY CONSTRUCTION

MILITARY CONSTRUCTION, NAVY AND MARINE CORPS

For an additional amount for "Military Construction, Navy and Marine Corps", for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, \$28,880,000, to remain available until September 30, 2010: *Provided*, That notwithstanding any other provision of law, such funds may be obligated or expended to carry out planning and design and military construction projects not otherwise authorized by law: *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.

MILITARY CONSTRUCTION, AIR FORCE

For an additional amount for "Military Construction, Air Force", for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, \$57,300,000, to remain available until September 30, 2010: *Provided*, That notwithstanding any other provision of law, such funds may be obligated or expended to carry out planning and design and military construction projects not otherwise authorized by law: *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.

MILITARY CONSTRUCTION, ARMY NATIONAL GUARD

For an additional amount for "Military Construction, Army National Guard", for necessary expenses related to consequences

of Hurricane Katrina and other hurricanes of the 2005 season, \$67,800,000, to remain available until September 30, 2010: *Provided*, That notwithstanding any other provision of law, such funds may be obligated or expended to carry out planning and design and military construction projects not otherwise authorized by law: *Provided further*, That the amount provided under this heading in the chapter 7 of title I of division B of Public Law 109-148 (119 Stat. 2770) shall remain available until September 30, 2010: *Provided further*, 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.

MILITARY CONSTRUCTION, AIR NATIONAL GUARD

For an additional amount for "Military Construction, Air National Guard", for necessary expenses related to consequences of Hurricane Katrina and other hurricanes of the 2005 season, \$5,800,000, to remain available until September 30, 2010: *Provided*, That notwithstanding any other provision of law, such funds may be obligated or expended to carry out planning and design and military construction projects not otherwise authorized by law: *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.

MILITARY CONSTRUCTION, NAVY RESERVE

(INCLUDING RESCISSION OF FUNDS)

For an additional amount for "Military Construction, Navy Reserve", for necessary expenses related to consequences of Hurricane Katrina and other hurricanes of the 2005 season, \$24,270,000, to remain available until September 30, 2010: *Provided*, That notwithstanding any other provision of law, such funds may be obligated or expended to carry out planning and design and military construction projects not otherwise authorized by law: *Provided further*, That the amount provided under the heading "Military Construction, Naval Reserve" in chapter 7 of title I of division B of Public Law 109-148 (119 Stat. 2771) shall remain available until September 30, 2010, except that, of such amount \$49,530,000 are rescinded: *Provided further*, 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.

DEPARTMENT OF VETERANS AFFAIRS

DEPARTMENTAL ADMINISTRATION

CONSTRUCTION, MAJOR PROJECTS

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Construction, Major Projects", for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, \$550,000,000, to remain available until expended: *Provided*, That the foregoing amount shall only be available upon enactment, by June 30, 2006, of authority under section 8104 of title 38, United States Code: *Provided further*, That up to \$275,000,000 of the amount provided under this heading may (at any time after the enactment of this Act and without regard to the preceding proviso) be transferred by the Secretary of Veterans Affairs to the "Medical Services" account, to be available only for unanticipated costs related to the Global War on Terror: *Provided further*, That the Secretary of Veterans Affairs shall, not fewer than 15 days prior to making a transfer under the authority in the preceding proviso, notify the Committees on Appropriations of the Senate and House of

Representatives in writing of the transfer: *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.

CHAPTER 7 DEPARTMENT OF JUSTICE

LEGAL ACTIVITIES

SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES

For an additional amount for "Salaries and Expenses, General Legal Activities", \$2,000,000, to remain available until September 30, 2007: *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.

SALARIES AND EXPENSES, UNITED STATES ATTORNEYS

For an additional amount for "Salaries and Expenses, United States Attorneys", \$5,000,000, to remain available until September 30, 2007: *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.

DEPARTMENT OF COMMERCE

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

PROCUREMENT, ACQUISITION AND CONSTRUCTION

For an additional amount for "Procurement, Acquisition and Construction", for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, \$11,800,000, 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.

SCIENCE

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

EXPLORATION CAPABILITIES

For an additional amount for "Exploration Capabilities", for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, \$30,000,000, 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.

RELATED AGENCIES

SMALL BUSINESS ADMINISTRATION

DISASTER LOANS PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For an additional amount for "Disaster Loans Program Account" for the cost of direct loans authorized by section 7(b) of the Small Business Act, \$1,254,000,000, to remain available until expended: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That, of the amount provided under this heading, up to \$190,000,000 may be transferred to and merged with appropriations for "Small Business Administration, Salaries and Expenses" for administrative expenses to carry out the disaster loan program: *Provided further*, That none of the funds provided under this heading may be used for indirect administrative expenses: *Provided further*,

That, of the amount provided under this heading, \$712,000,000 is hereby transferred to "Federal Emergency Management Agency, Disaster Relief" to reimburse that account for funds transferred to this account by Public Law 109-174: *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.

CHAPTER 8

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

COMMUNITY PLANNING AND DEVELOPMENT

COMMUNITY DEVELOPMENT FUND

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for the "Community development fund", for necessary expenses related to disaster relief, long-term recovery, and restoration of infrastructure in the most impacted and distressed areas related to the consequences of hurricanes in the Gulf of Mexico in 2005 in States for which the President declared a major disaster under title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) in conjunction with Hurricane Katrina, Rita, or Wilma, \$4,200,000,000, to remain available until expended, for activities authorized under title I of the Housing and Community Development Act of 1974 (Public Law 93-383): *Provided*, That funds made available under this heading shall be distributed to address the most critical recovery requirements notwithstanding funding limitations under this heading in title I of division B of Public Law 109-148: *Provided further*, That funds provided under this heading shall be administered through an entity or entities designated by the Governor of each State: *Provided further*, That such funds may not be used for activities reimbursable by or for which funds are made available by the Federal Emergency Management Agency or the Army Corps of Engineers: *Provided further*, That funds allocated under this heading shall not adversely affect the amount of any formula assistance received by a State under this heading: *Provided further*, That each State may use up to five percent of its allocation for administrative costs: *Provided further*, That not less than \$1,000,000,000 from funds made available under this heading shall be used for repair, rehabilitation, and reconstruction (including demolition, site clearance and remediation) of the affordable rental housing stock (including public and other HUD-assisted housing) in the impacted areas: *Provided further*, That in administering the funds under this heading, the Secretary of Housing and Urban Development may waive, or specify alternative requirements for, any provision of any statute or regulation that the Secretary administers in connection with the obligation by the Secretary or the use by the recipient of these funds or guarantees (except for requirements related to fair housing, nondiscrimination, labor standards, and the environment), upon a request by the State that such waiver is required to facilitate the use of such funds or guarantees, and a finding by the Secretary that such waiver would not be inconsistent with the overall purpose of the statute, as modified: *Provided further*, That the Secretary may waive the requirement that activities benefit persons of low and moderate income, except that at least 50 percent of the funds made available under this heading must benefit primarily persons of low and moderate income unless the Secretary otherwise makes a finding of compelling need: *Provided further*, That the Secretary shall publish in the Federal Register any waiver of any statute or regulation that

the Secretary administers pursuant to title I of the Housing and Community Development Act of 1974 no later than 5 days before the effective date of such waiver: *Provided further*, That every waiver made by the Secretary must be reconsidered according to the three previous provisos on the two-year anniversary of the day the Secretary published the waiver in the Federal Register: *Provided further*, That prior to the obligation of funds each State shall submit a plan to the Secretary detailing the proposed use of all funds, including criteria for eligibility and how the use of these funds will address long-term recovery and restoration of infrastructure: *Provided further*, That prior to the obligation of funds to each State, the Secretary shall ensure that such plan gives priority to infrastructure development and rehabilitation and the rehabilitation and reconstruction of the affordable rental housing stock including public and other HUD-assisted housing: *Provided further*, That each State will report quarterly to the Committees on Appropriations on all awards and uses of funds made available under this heading, including specifically identifying all awards of sole-source contracts and the rationale for making the award on a sole-source basis: *Provided further*, That the Secretary shall notify the Committees on Appropriations on any proposed allocation of any funds and any related waivers made pursuant to these provisions under this heading no later than 5 days before such waiver is made: *Provided further*, That the Secretary shall establish procedures to prevent recipients from receiving any duplication of benefits and report quarterly to the Committees on Appropriations with regard to all steps taken to prevent fraud and abuse of funds made available under this heading including duplication of benefits: *Provided further*, That of the amounts made available under this heading, the Secretary may transfer a total of up to \$15,000,000 to the Office of Inspector General and "Management and Administration, Salaries and Expenses" for costs associated with administration and oversight: *Provided further*, That none of the funds provided under this heading may be used by a State or locality as a matching requirement, share, or contribution for any other Federal program: *Provided further*, 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.

INDEPENDENT AGENCY

GENERAL SERVICES ADMINISTRATION

FEDERAL BUILDINGS FUND

For an additional amount for "Federal Buildings Fund" for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, \$37,000,000, from the General Fund and to remain available until expended: *Provided*, That notwithstanding 40 U.S.C. 3307, the Administrator of General Services is authorized to proceed with repairs and alterations for affected buildings: *Provided further*, That he 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.

TITLE III—GENERAL PROVISIONS AND TECHNICAL CORRECTIONS

SEC. 3001. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 3002. Notwithstanding subsection (b) of section 102 of title I of division B of Public Law 109-148 (119 Stat. 2748), the Secretary of

Agriculture may provide financial and technical assistance in carrying out such section in an amount up to 100 percent Federal share, as provided in regulations implementing the emergency watershed protection program: *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.

SEC. 3003. Funds appropriated pursuant to this Act, or made available by the transfer of funds in or pursuant to this Act, for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414).

(INCLUDING RESCISSION OF FUNDS)

SEC. 3004. (a) RESCISSION.—Of the unobligated balances available for "Immigration and Customs Enforcement—Automation Modernization", \$43,620,000 are rescinded.

(b) APPROPRIATION.—For an additional amount for "United States Secret Service—Salaries and Expenses" for critical investigative and protective operations, \$43,620,000: *Provided*, That none of the funds appropriated in this section or under the heading United States Secret Service "Salaries and Expenses" in any other Act may be used to support the position of the Chief Financial Officer until the Committees on Appropriations receive: (1) a comprehensive workload re-balancing report that includes funding and position requirements for current investigative and protective operations; (2) a comprehensive analysis of the methodology used to estimate current workloads and develop annual operating budgets; and (3) a budget formulation model for National Special Security Events: *Provided further*, That none of the funds appropriated in this section may be obligated until the Committees on Appropriations receive a revised Program, Project and Activity schedule based on current investigative and protective workload requirements, including a comprehensive analysis of the methodology used to estimate those requirements.

SEC. 3005. (a) The matter under the heading "Tenant-Based Rental Assistance" in chapter 9 of title I of division B of Public Law 109-148 is amended—

(1) in the first proviso, by striking "or the Stewart B. McKinney Homeless Assistance Act (Public Law 100-77)" and inserting "the McKinney-Vento Homeless Assistance Act, section 221(d)(3), 221(d)(5), or 236 of the National Housing Act, or section 101 of the Housing and Urban Development Act of 1965"; and

(2) in the second proviso, by inserting "except that paragraph (7)(A) of such section shall not apply" after "1937".

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

SEC. 3006. Notwithstanding 49 U.S.C. 5336, any funds remaining available under Federal Transit Administration grant numbers NY-03-345-00, NY-03-0325-00, NY-03-0405, NY-90-X398-00, NY-90-X373-00, NY-90-X418-00, NY-90-X465-00 together with an amount not to exceed \$19,200,000 in urbanized area formula funds that were allocated by the New York Metropolitan Transportation Council to the New York City Department of Transportation as a designated recipient under 49 U.S.C. 5307 may be made available to the New York Metropolitan Transportation Authority for eligible capital projects authorized under 49 U.S.C. 5307 and 5309.

SEC. 3007. The referenced statement of the managers under the heading "Community

Development Fund" in title II of division I of Public Law 108-447 is deemed to be amended—

(1) with respect to item number 536, by striking "an economic development planning study" and inserting "the Main Street Revitalization Project"; and

(2) with respect to item number 444, by striking "City of St. Petersburg, Florida for facilities construction and renovation for the Mid-Pinellas Science Center" and inserting "St. Petersburg College, City of Seminole, Florida for the development of a Science and Nature Park at St. Petersburg College".

SEC. 3008. (a) The second paragraph under the heading "Community Development Fund" in title III of division A of Public Law 109-115 is amended by striking "statement of managers accompanying this Act" and inserting "statement of managers correction for H.R. 3058 relating to the Economic Development Initiative submitted to the House of Representatives by the Chairman of the Committee on Appropriations of the House on November 18, 2005, and printed in the House section of the Congressional Record on such date".

(b) Section 5023 of title V of division B of Public Law 109-148 is amended by striking "in title III of Public Law 109-115 (as in effect pursuant to H. Con. Res. 308, 109th Congress)" and inserting "in title III of division A of Public Law 109-115".

(c) Each amendment made by this section shall apply as if included in the amended public law on the date of its enactment.

SEC. 3009. The statement of managers correction referenced in the second paragraph under the heading "Community Development Fund" in title III of division A of Public Law 109-115 is deemed to be amended—

(1) with respect to item number 714, by striking "construction of a senior center;" and inserting "renovation and buildout of a multipurpose center;";

(2) with respect to item number 850, by striking "City of Lancaster, Pennsylvania" and inserting "in Pennsylvania"; and

(3) with respect to item number 925, by striking "Greenwood Partnership Alliance, South Carolina for the renovation of Old Federal Courthouse;" and inserting "City of Greenwood, South Carolina for the Emerald Triangle Project;".

SEC. 3010. Section 9001 of the Deficit Reduction Act of 2005 is amended—

(1) in subsection (a), by striking "for a 1-time only obligation and expenditure";

(2) in subsection (a)(2)—

(A) by striking "for fiscal year 2007"; and

(B) by inserting before the period at the end the following: ", to remain available until September 30, 2007"; and

(3) by striking subsection (b) and inserting the following:

"(b) **EMERGENCY DESIGNATION.**—The amount provided under subsection (a)(2) 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."

SEC. 3011. (a) None of the funds made available in this Act or any other Act may be used to take any action under section 721 of the Defense Production Act of 1950 (50 U.S.C. App. 2170) or any other provision of law to approve or otherwise allow the acquisition of any leases, contracts, rights, or other obligations of P&O Ports by Dubai Ports World or any other legal entity affiliated with or controlled by Dubai Ports World.

(b) Notwithstanding any other provision of law or any prior action or decision by or on behalf of the President under section 721 of the Defense Production Act of 1950 (50 U.S.C. App. 2170), the acquisition of any leases, contracts, rights, or other obligations of P&O Ports by Dubai Ports World or any other

legal entity affiliated with or controlled by Dubai Ports World is hereby prohibited and shall have no effect.

(c) The limitation in subsection (a) and the prohibition in subsection (b) apply with respect to the acquisition of any leases, contracts, rights, or other obligations on or after January 1, 2006.

(d) In this section:

(1) The term "P&O Ports" means P&O Ports, North America, a United States subsidiary of the Peninsular and Oriental Steam Navigation Company, a company that is a national of the United Kingdom.

(2) The term "Dubai Ports World" means Dubai Ports World, a company that is partly owned and controlled by the Government of the United Arab Emirates.

SEC. 3012. (a) None of the funds appropriated in Public Law 109-102 or any prior Act making appropriations for foreign operations, export financing and related programs may be obligated or expended for assistance to the Palestinian Authority or a successor entity until the Secretary of State certifies to the Committees on Appropriations that such entity has demonstrated its commitment to the principles of non-violence, the recognition of Israel, and the acceptance of previous agreements and obligations, including the Roadmap.

(b) None of the funds appropriated under the heading "Economic Support Fund" in Public Law 109-102 or any prior Act making appropriations for foreign operations, export financing and related programs may be obligated or expended for assistance to the West Bank and Gaza until the Secretary of State reviews the current assistance program, consults with the Committees on Appropriations, and submits a revised plan for such assistance: *Provided*, That such plan shall be submitted not later than April 30, 2006, and shall contain specific and appropriate steps to ensure that United States assistance is not provided to or through any individual, private or government entity, or educational institution that the Secretary knows or has reason to believe advocates, plans, sponsors, engages in, or has engaged in, terrorist activity.

This Act may be cited as the "Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006".

TITLE IV

PANDEMIC FLU

DEPARTMENT OF HEALTH AND HUMAN SERVICES

OFFICE OF THE SECRETARY

PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY FUND

For an additional amount for "Public Health and Social Services Emergency Fund" to prepare for and respond to an influenza pandemic, including international activities and activities in foreign countries, preparedness planning, enhancing the pandemic influenza regulatory science base, accelerating pandemic influenza disease surveillance, developing registries to monitor influenza vaccine distribution and use, supporting pandemic influenza research, clinical trials and clinical trials infrastructure, and the development and purchase of vaccines, antivirals, and necessary medical supplies, \$2,300,000,000, to remain available until expended: *Provided*, That \$300,000,000 shall be for upgrading State and local capacity, \$50,000,000 shall be for laboratory capacity and research at the Centers for Disease Control and Prevention, and at least \$200,000,000 shall be for the Centers for Disease Control and Prevention to carry out global and domestic disease surveillance, laboratory capacity and research, laboratory diagnostics,

risk communication, rapid response and quarantine: *Provided further*, That products purchased with these funds may, at the discretion of the Secretary, be deposited in the Strategic National Stockpile: *Provided further*, That notwithstanding section 496(b) of the Public Health Service Act, funds may be used for the construction or renovation of privately owned facilities for the production of pandemic influenza vaccines and other biologicals, where the Secretary finds such a contract necessary to secure sufficient supplies of such vaccines or biologicals: *Provided further*, That the Secretary may negotiate a contract with a vendor under which a State may place an order with the vendor for antivirals; may reimburse a State for a portion of the price paid by the State pursuant to such an order; and may use amounts made available herein for such reimbursement: *Provided further*, That funds appropriated herein and not specifically designated under this heading may be transferred to other appropriation accounts of the Department of Health and Human Services, as determined by the Secretary to be appropriate, to be used for the purposes specified in this sentence: *Provided further*, 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.

TITLE V—BORDER SECURITY

EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR BORDER SECURITY

DEPARTMENT OF HOMELAND SECURITY

OFFICE OF THE SECRETARY AND EXECUTIVE MANAGEMENT

For an additional amount for the "Office of the Secretary and Executive Management" to provide funds for the Office of Policy, \$2,000,000: *Provided*, That the entire amount is solely for a contract with an independent non-Federal entity to conduct a needs assessment for comprehensive border security: *Provided further*, That the entire amount 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.

OFFICE OF THE CHIEF INFORMATION OFFICER

For an additional amount for the "Office of the Chief Information Officer" to replace and upgrade law enforcement communications, \$50,000,000, to remain available until expended: *Provided*, That the entire amount 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 VISITOR AND IMMIGRATION STATUS INDICATOR TECHNOLOGY

For an additional amount for "United States Visitor and Immigration Status Indicator Technology" to accelerate biometric database integration and conversion to 10-print enrollment, \$60,000,000, to remain available until expended: *Provided*, That none of the additional appropriations made available under this heading may be obligated until the Committees on Appropriations of the Senate and the House of Representatives receive and approve a plan for the expenditure of such funds: *Provided further*, That the entire amount 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.

CUSTOMS AND BORDER PROTECTION

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", \$180,000,000, of which \$80,000,000 is for border patrol vehicle replacement and \$100,000,000 is for sensor and

surveillance technology: *Provided*, That none of the additional appropriations made available under this heading may be obligated until the Committees on Appropriations of the Senate and the House of Representatives receive and approve a plan for expenditure of these funds: *Provided further*, That the entire amount 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.

AIR AND MARINE INTERDICTION, OPERATIONS, MAINTENANCE, AND PROCUREMENT

For an additional amount for "Air and Marine Interdiction, Operations, Maintenance, and Procurement" to replace air assets and upgrade air operations facilities, \$790,000,000, to remain available until expended, of which \$40,000,000 is for helicopter replacement and \$750,000,000 is for recapitalization of air assets: *Provided*, That none of the additional appropriations made available under this heading may be obligated until the Committees on Appropriations of the Senate and the House of Representatives receive and approve an expenditure plan for the complete recapitalization of Customs and Border Protection air assets and facilities: *Provided further*, That the entire amount 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", \$120,000,000, to remain available until expended: *Provided*, That none of the additional appropriations made available under this heading may be obligated until the Committees on Appropriations of the Senate and the House of Representatives receive and approve a plan for expenditure for these funds: *Provided further*, That the entire amount 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.

IMMIGRATION AND CUSTOMS ENFORCEMENT SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses" to replace vehicles, \$80,000,000: *Provided*, That the entire amount 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 ACQUISITION, CONSTRUCTION AND IMPROVEMENTS

For an additional amount for "Acquisition, Construction, and Improvements" for acquisition, construction, renovation, and improvement of vessels, aircraft, and equipment, \$600,000,000, to remain available until expended: *Provided*, That the entire amount 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 LAW ENFORCEMENT TRAINING CENTER

ACQUISITION, CONSTRUCTION, IMPROVEMENTS, AND RELATED EXPENSES

For an additional amount for "Acquisition, Construction, Improvements, and Related Expenses" for construction of the language training facility referenced in the Master Plan and information technology infrastructure improvements, \$18,000,000, to remain available until expended: *Provided*, That the entire amount 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.

GENERAL PROVISIONS—THIS TITLE REDUCTION IN FUNDING

SEC. 5001. The aggregate amount provided by chapter 3 of title I of this Act and chapter 3 of title II of this Act may not exceed \$67,062,188,000.

SA 3616. Mr. MCCAIN (for himself and Mr. ENSIGN) proposed an amendment to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On Page 229, strike lines 5 through 14.

SA 3617. Mr. MCCAIN (for himself and Mr. ENSIGN) proposed an amendment to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; as follows:

Beginning on page 224, strike line 23 through line 10 on page 225.

SA 3618. Mr. MCCAIN (for himself and Mr. ENSIGN) proposed an amendment to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; as follows:

Beginning on page 138, line 24, strike all after the ":" through "fisheries" on page 139, line 2.

SA 3619. Mr. MCCAIN (for himself and Mr. ENSIGN) proposed an amendment to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; as follows:

Beginning on page 250, strike line 24 and all that follows through page 251, line 12.

SA 3620. Mr. WARNER proposed an amendment to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. _____. Section 5062 of title 10, United States Code, is amended—

- (1) by striking subsection (b); and
- (2) by redesignating subsections (c) and (d) as subsections (b) and (c), respectively.

SA 3621. Mr. WARNER (for himself and Mr. LUGAR, and Mrs. CLINTON) proposed an amendment to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; as follows:

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

AUTHORITY TO EQUALIZE ALLOWANCES, BENEFITS, AND GRATUITIES OF PERSONNEL ON OFFICIAL DUTY IN IRAQ AND AFGHANISTAN

SEC. 1405. (a) FINDINGS.—Congress makes the following findings:

(1) As part of the United States effort to bring democracy and freedom to Iraq and Afghanistan, employees of a broad range of Federal agencies are needed to serve in those countries, furnishing expertise to their counterpart agencies in the Government of Iraq and the Government of Afghanistan.

(2) While the heads of a number of Federal agencies already possess authority to provide to their personnel on official duty

abroad allowances, benefits, and death gratuities comparable to those provided by the Secretary of State to similarly-situated Foreign Service personnel on official duty abroad, other agency heads do not possess such authority.

(3) In order to assist the United States Government in recruiting personnel to serve in Iraq and Afghanistan, and to avoid inequities in allowances, benefits, and death gratuities among similarly-situated United States Government civilian personnel on official duty in these countries, it is essential that the heads of all agencies that have personnel on official duty in Iraq and Afghanistan have the same basic authority with respect to allowances, benefits, and death gratuities for such personnel.

(b) IN GENERAL.—During any fiscal year, the head of an agency may, in the agency head's discretion, provide to an individual employed by, or assigned or detailed to, such agency allowances, benefits, and gratuities comparable to those provided by the Secretary of State to members of the Foreign Service under section 413 and chapter 9 of title I of the Foreign Service Act of 1980 (22 U.S.C. 3973; 4081 et seq.), if such individual is on official duty in Iraq or Afghanistan.

(c) CONSTRUCTION.—Nothing in this section shall be construed to impair or otherwise affect the authority of the head of an agency under any other provision of law.

(d) APPLICABILITY OF CERTAIN AUTHORITIES.—Section 912(a) of the Internal Revenue Code of 1986 shall apply with respect to amounts received as allowances or otherwise under this section in the same manner as section 912 of the Internal Revenue Code of 1986 applies with respect to amounts received by members of the Foreign Service as allowances or otherwise under chapter 9 of title I of the Foreign Service Act of 1980.

SA 3622. Ms. STABENOW submitted an amendment intended to be proposed by her to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 217, line 19, strike "(e)" and insert the following:

(e) BOVINE TUBERCULOSIS HERD INDEMNIFICATION.—The Secretary shall use \$1,500,000 of funds of the Commodity Credit Corporation to indemnify producers of cattle in the States of Michigan, Minnesota, New Mexico, and Texas for losses suffered due to bovine tuberculosis.

(f)

SA 3623. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; as follows:

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

GENERAL PROVISIONS—THIS CHAPTER

SEC. 2401. In addition to amounts made available under this chapter, \$10,000,000 shall be made available to the Assistant Secretary of the Army, Civil Works, to carry out the Napa River project of the Corps of Engineers.

SA 3624. Mr. LIEBERMAN submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; as follows:

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

SEC. ____ TEMPORARY WINDFALL PROFITS TAX; HOUSEHOLD REBATE.

(a) TEMPORARY WINDFALL PROFITS TAX.—

(1) IN GENERAL.—Subtitle E of the Internal Revenue Code of 1986 (relating to alcohol, tobacco, and certain other excise taxes) is amended by adding at the end thereof the following new chapter:

“CHAPTER 56—TEMPORARY WINDFALL PROFITS ON CRUDE OIL

“Sec. 5896. Imposition of tax.

“Sec. 5897. Windfall profit; removal price; adjusted base price; qualified investment.

“Sec. 5898. Special rules and definitions.

“SEC. 5896. IMPOSITION OF TAX.

“(a) IN GENERAL.—In addition to any other tax imposed under this title, there is hereby imposed on any integrated oil company (as defined in section 291(b)(4)) an excise tax equal to 50 percent of the windfall profit from all barrels of taxable crude oil removed from the property during any taxable year beginning in 2006.

“(b) FRACTIONAL PART OF BARREL.—In the case of a fraction of a barrel, the tax imposed by subsection (a) shall be the same fraction of the amount of such tax imposed on the whole barrel.

“(c) TAX PAID BY PRODUCER.—The tax imposed by this section shall be paid by the producer of the taxable crude oil.

“SEC. 5897. WINDFALL PROFIT; REMOVAL PRICE; ADJUSTED BASE PRICE.

“(a) GENERAL RULE.—For purposes of this chapter, the term ‘windfall profit’ means the excess of the removal price of the barrel of taxable crude oil over the adjusted base price of such barrel.

“(b) REMOVAL PRICE.—For purposes of this chapter—

“(1) IN GENERAL.—Except as otherwise provided in this subsection, the term ‘removal price’ means the amount for which the barrel of taxable crude oil is sold.

“(2) SALES BETWEEN RELATED PERSONS.—In the case of a sale between related persons, the removal price shall not be less than the constructive sales price for purposes of determining gross income from the property under section 613.

“(3) OIL REMOVED FROM PROPERTY BEFORE SALE.—If crude oil is removed from the property before it is sold, the removal price shall be the constructive sales price for purposes of determining gross income from the property under section 613.

“(4) REFINING BEGUN ON PROPERTY.—If the manufacture or conversion of crude oil into refined products begins before such oil is removed from the property—

“(A) such oil shall be treated as removed on the day such manufacture or conversion begins, and

“(B) the removal price shall be the constructive sales price for purposes of determining gross income from the property under section 613.

“(5) PROPERTY.—The term ‘property’ has the meaning given such term by section 614.

“(c) ADJUSTED BASE PRICE DEFINED.—For purposes of this chapter, the term ‘adjusted base price’ means \$40 for each barrel of taxable crude oil.

“SEC. 5898. SPECIAL RULES AND DEFINITIONS.

“(a) WITHHOLDING AND DEPOSIT OF TAX.—The Secretary shall provide such rules as are necessary for the withholding and deposit of the tax imposed under section 5896 on any taxable crude oil.

“(b) RECORDS AND INFORMATION.—Each taxpayer liable for tax under section 5896 shall keep such records, make such returns, and furnish such information (to the Secretary

and to other persons having an interest in the taxable crude oil) with respect to such oil as the Secretary may by regulations prescribe.

“(c) RETURN OF WINDFALL PROFIT TAX.—The Secretary shall provide for the filing and the time of such filing of the return of the tax imposed under section 5896.

“(d) DEFINITIONS.—For purposes of this chapter—

“(1) PRODUCER.—The term ‘producer’ means the holder of the economic interest with respect to the crude oil.

“(2) CRUDE OIL.—

“(A) IN GENERAL.—The term ‘crude oil’ includes crude oil condensates and natural gas-oline.

“(B) EXCLUSION OF NEWLY DISCOVERED OIL.—Such term shall not include any oil produced from a well drilled after the date of the enactment of the chapter, except with respect to any oil produced from a well drilled after such date on any proven oil or gas property (within the meaning of section 613A(c)(9)(A)).

“(3) BARREL.—The term ‘barrel’ means 42 United States gallons.

“(e) ADJUSTMENT OF REMOVAL PRICE.—In determining the removal price of oil from a property in the case of any transaction, the Secretary may adjust the removal price to reflect clearly the fair market value of oil removed.

“(f) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this chapter.”.

(2) CLERICAL AMENDMENT.—The table of chapters for subtitle E of the Internal Revenue Code of 1986 is amended by adding at the end the following new item:

“CHAPTER 56. TEMPORARY WINDFALL PROFIT ON CRUDE OIL.”.

(3) DEDUCTIBILITY OF WINDFALL PROFIT TAX.—The first sentence of section 164(a) of the Internal Revenue Code of 1986 (relating to deduction for taxes) is amended by inserting after paragraph (5) the following new paragraph:

“(6) The windfall profit tax imposed by section 5896.”.

(4) EFFECTIVE DATE.—The amendments made by this subsection shall apply to any taxable year beginning in 2006.

(b) HOUSEHOLD REBATE.—

(1) IN GENERAL.—Subchapter B of chapter 65 of the Internal Revenue Code of 1986 (relating to rules of special application in the case of abatements, credits, and refunds) is amended by adding at the end the following new section:

“SEC. 6430. HOUSEHOLD REBATE.

“(a) GENERAL RULE.—Except as otherwise provided in this section, each individual shall be treated as having made a payment against the tax imposed by chapter 1 for the taxable year beginning in 2006 in an amount equal to \$450.

“(b) REMITTANCE OF PAYMENT.—The Secretary shall remit to each taxpayer the payment described in subsection (a) not later than June 1, 2006.

“(c) CERTAIN PERSONS NOT ELIGIBLE.—This section shall not apply to—

“(1) any taxpayer who did not have any adjusted gross income for the preceding taxable year or whose adjusted gross income for such preceding taxable year exceeded \$40,000,

“(2) any individual with respect to whom a deduction under section 151 is allowable to another taxpayer for the taxable year beginning in 2006,

“(3) any estate or trust, or

“(4) any nonresident alien individual.”.

(2) CONFORMING AMENDMENT.—Section 1324(b)(2) of title 31, United States Code, is amended by inserting before the period “, or from section 6430 of such Code”.

(3) CLERICAL AMENDMENT.—The table of sections for subchapter B of chapter 65 of the Internal Revenue Code of 1986 is amended by adding at the end the following new item:

“Sec. 6430. Household rebate.”.

(4) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on the date of the enactment of this Act.

SA 3625. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place under the heading “DEPARTMENT OF HEALTH AND HUMAN SERVICES”—Office of the Secretary, insert the following:

**PUBLIC HEALTH AND SOCIAL SERVICES
EMERGENCY FUND**

For an additional amount for the Public Health and Social Services Emergency Fund for emergency expenses to respond to Hurricane Katrina to provide grants to public entities, not-profit entities, and Medicare and Medicaid enrolled suppliers and institutional providers that remained open and operating during Hurricane Katrina in the severely affected Parishes and Counties in the Presidentially declared disaster area on August 29, 2005, to reimburse such entities, suppliers, and providers for healthcare-related expenses or lost revenues directly attributable to the public health emergency resulting from Hurricane Katrina, \$100,000,000 to remain available until expended: *Provided*, That such funds shall not be used for expenses or lost revenues that have previously been reimbursed or that are eligible for reimbursement from other sources: *Provided further*, That amounts made available in this Act under title II under the heading “DISASTER RELIEF” for assistance under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) shall be reduced by \$100,000,000.

SA 3626. Mr. VITTER (for himself and Ms. LANDRIEU) submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 166, line 12, insert before the colon the following: “, and may be equal to not more than 50 percent of the annual operating budget of the local government”.

SA 3627. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; as follows:

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

**SMALL BUSINESS RELIEF FROM HURRICANE
KATRINA AND HURRICANE RITA**

SEC. 7032. (a) Section 3(p)(1) of the Small Business Act (15 U.S.C. 632(p)(1)) is amended—

(1) in subparagraph (D), by striking “or”;

(2) in subparagraph (E), by striking the period at the end and inserting “; or”; and

(3) by adding at the end the following:

“(F) an area in which the President has declared a major disaster (as that term is defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122)) as a result of Hurricane

Katrina of August 2005 or Hurricane Rita of September 2005.”

(b) Section 711(d) of the Small Business Competitive Demonstration Program Act of 1988 (15 U.S.C. 644 note) is amended—

(1) by striking “The Program” and inserting the following:

“(1) IN GENERAL.—Except as provided in paragraph (2), the Program”; and

(2) by adding at the end the following:

“(2) EXCEPTION.—The Program shall not apply to any contract related to relief or reconstruction from Hurricane Katrina of 2005 or Hurricane Rita of 2005.”

SA 3628. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; as follows:

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

ALLOCATION OF HURRICANE DISASTER RELIEF AND RECOVERY FUNDS TO STATES

SEC. 7032. (a) In this section the term “covered funds” means any funds that—

(1) are made available to a department or agency under title II of this Act for hurricane disaster relief and recovery; and

(2) are allocated by that department or agency for use by the States.

(b) Notwithstanding any other provision of law (including title II of this Act)—

(1) before making covered funds available to any State, the head of the department or agency administering such funds shall apply an allocation formula for all States based on critical need and physical damages; and

(2) not later than 5 days before making such covered funds available to any State, submit a report to the Committees on Appropriations of the Senate and the House of Representatives on the allocation formula that is being used.

SA 3629. Mr. CHAMBLISS (for himself and Mr. ISAKSON) submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

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

COMPREHENSIVE REVIEW ON PROCEDURES OF THE DEPARTMENT OF DEFENSE ON MORTUARY AFFAIRS

SEC. 7032. (a) REPORT.—As soon as practicable after the completion of the comprehensive review of the procedures of the Department of Defense on mortuary affairs, the Secretary of Defense shall submit to the congressional defense committees a report on the comprehensive review.

(b) ADDITIONAL ELEMENTS.—In conducting the comprehensive review described in subsection (a), the Secretary shall also address, in addition to any other matters covered by the review, the following:

(1) The utilization of additional or increased refrigeration (including icing) in combat theaters in order to enhance preservation of remains.

(2) The relocation of refrigeration assets further forward in the field.

(3) Specific times for the movement of remains from combat units.

(4) The forward location of autopsy and embalming operations.

(5) Any other matters that the Secretary considers appropriate in order to speed the return of remains to the United States in a non-decomposed state.

(c) ADDITIONAL ELEMENT OF POLICY ON CASUALTY ASSISTANCE TO SURVIVORS OF MILITARY DECEDENTS.—Section 562(b) of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163; 119 Stat. 3267; 10 U.S.C. 1475 note) is amended by adding at the end the following new paragraph:

“(12) The process by which the Department of Defense briefs survivors of military decedents on the cause of, and any investigation into, the death of such military decedents and on the processing, disposition, and transportation of the remains of such decedents, which process shall—

“(A) provide for the provision of such briefings by the most qualified Department personnel available;

“(B) ensure the provision of such briefings as soon as possible after death;

“(C) ensure that such briefings relate the most complete and accurate information available at the time of such briefings;

“(D) provide for comprehensive and timely updates of such briefings, when warranted;

“(E) ensure, to the extent possible, that incomplete or unverified information is not provided during the course of such briefings or updates; and

“(F) include procedures by which such survivors shall, upon request, receive updates or supplemental information on such briefings or updates from qualified Department personnel.”

SA 3630. Ms. LANDRIEU (for herself, Mr. VITTER, Mr. KERRY, and Mr. BAYH) submitted an amendment intended to be proposed by her to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 142, after line 24, insert the following:

GENERAL PROVISIONS—THIS CHAPTER
HURRICANE RESPONSE PLAN FOR THE 2006
HURRICANE SEASON

SEC. 2201. (a) In this section—

(1) the terms “Administration” and “Administrator” mean the Small Business Administration and the Administrator thereof, respectively;

(2) the term “Disaster Loan Program” means the disaster loan program authorized under section 7 of the Small Business Act (15 U.S.C. 636);

(3) the term “major disaster” has the meaning given the term in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122);

(4) the term “small business concern” has the meaning given the term in section 3 of the Small Business Act (15 U.S.C. 632);

(5) the term “system” means the Disaster Credit Management System of the Administration; and

(6) the term “2006 Atlantic hurricane season” means the period beginning on June 1, 2006, and ending on November 30, 2006.

(b) Not later than May 31, 2006, the Administrator shall submit to the Committee on Small Business and Entrepreneurship and the Committee on Appropriations of the Senate and the Committee on Small Business and the Committee on Appropriations of the House of Representatives a report on the status of the disaster response plan of the Administration for the 2006 Atlantic hurricane season.

(c) The report required under subsection (b) shall include—

(1) the plan of the Administrator for responding quickly and efficiently after the occurrence of a major disaster during the 2006 Atlantic hurricane season and subsequent

major disasters (including preparation and planning for disaster response resources and staff, such as identifying loss verifiers and technical assistance staff to deploy to potential disaster areas in advance of chartable events such as hurricanes);

(2) a description of how the Administrator plans to integrate and coordinate the response to a major disaster with the staff and resources of the Federal Emergency Management Agency (including details on where and when joint training sessions are planned during the 2006 Atlantic hurricane season);

(3) a description of how the Administrator plans to integrate and coordinate the response to a major disaster with the technical assistance programs of the Administration (including the small business development centers);

(4) the contingency plans of the Administration, if any, for handling increases in the volume of applications under the Disaster Loan Program during the 2006 Atlantic hurricane season (including detailed plans for using local banks, credit unions, and businesses in an area in which the President declares a major disaster or the hiring of additional loan processing and loss verification staff);

(5) any available or revised surge plans for the system (including surge plans for loss verification, loan processing, mailroom, customer service or call center operations, and a continuity of operations plan);

(6) information on the plans of the Administration, if any, for upgrading the Disaster Loan Program application processing system, including—

(A) the user capacity of the system; and

(B) the estimated cost for upgrading the software and equipment to handle additional users;

(7) the number of full-time equivalent employees and job descriptions for the planning and disaster response staff of the Administration;

(8) information (including potential cost estimates) on whether—

(A) the Administrator plans to hire full-time planning staff during the 2006 Atlantic hurricane season; and

(B) such full-time planner would be hired in the Office of Disaster Assistance or in another office of the Administration;

(9) the inservice and preservice training procedures for disaster response staff of the Administration;

(10) information on the logistical support plans of the Administration (including equipment and staffing needs, and detailed information on how such plans will be scalable depending on the size and scope of the major disaster);

(11) information on the procurement procedures of the Administration for acquiring equipment and staff, including—

(A) standard procurement procedures during nondisaster periods;

(B) standard procurement procedures before and after major disasters;

(C) whether the Administration meets the criteria to be exempt from the normal General Services Administration procurement process for its disaster response; and

(D) whether any administrative or legislative changes are needed to allow the Administration to be exempt from the normal General Service Administration procurement process in response to a disaster; and

(12) a description of the findings and recommendations of the Administrator, if any, based on a review of the response of the Administration to Hurricane Katrina of 2005, Hurricane Rita of 2005, and Hurricane Wilma of 2005.

SA 3631. Ms. LANDRIEU (for herself, Mr. KERRY, and Mr. BAYH) submitted

an amendment intended to be proposed by her to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 142, after line 24, insert the following:

GENERAL PROVISIONS—THIS CHAPTER

DISASTER LOAN PROGRAM MONTHLY ACCOUNTING REPORT

SEC. 2201. (a) In this section—

(1) the term “applicable period” means the period beginning on the date on which the President declares a major disaster and ending on the date that is 30 days after the later of the closing date for applications for physical disaster loans for such disaster and the closing date for applications for economic injury disaster loans for such disaster; and

(2) the term “major disaster” has the meaning given the term in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122).

(b) Not later than the fifth business day of each month during the applicable period for a major disaster, the Administrator of the Small Business Administration shall provide to the Committee on Small Business and Entrepreneurship and the Committee on Appropriations of the Senate and to the Committee on Small Business and the Committee on Appropriations of the House of Representatives a report on the operation of the disaster loan program authorized under section 7 of the Small Business Act (15 U.S.C. 636) for such disaster during the preceding month.

(c) Each report under subsection (b) shall include—

(1) the daily average lending volume, in number of loans and dollars, and the percent by which each category has increased or decreased since the previous report under subsection (b);

(2) the weekly average lending volume, in number of loans and dollars, and the percent by which each category has increased or decreased since the previous report under subsection (b);

(3) the amount of funding spent over the month for loans, both in appropriations and program level, and the percent by which each category has increased or decreased since the previous report under subsection (b);

(4) the amount of funding available for loans, both in appropriations and program level, and the percent by which each category has increased or decreased, noting the source of any additional funding;

(5) an estimate of how long the available funding for such loans will last, based on the spending rate;

(6) the amount of funding spent over the month for staff, along with the number of staff, and the percent by which each category has increased or decreased since the previous report under subsection (b);

(7) the amount of funding spent over the month for administrative costs, and the percent by which such spending has increased or decreased since the previous report under subsection (b);

(8) the amount of funding available for salaries and expenses combined, and the percent by which such funding has increased or decreased, noting the source of any additional funding; and

(9) an estimate of how long the available funding for salaries and expenses will last, based on the spending rate.

SA 3632. Mr. DURBIN (for himself, Ms. MIKULSKI, Mr. ALLEN, Mr. BINGA-

MAN, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. BIDEN, and Mr. JOHNSON) submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 117, between lines 9 and 10, insert the following:

NONREDUCTION IN PAY WHILE FEDERAL EMPLOYEE IS PERFORMING ACTIVE SERVICE IN THE UNIFORMED SERVICES OR NATIONAL GUARD

SEC. 1312. (a) SHORT TITLE.—This section may be cited as the “Reservists Pay Security Act of 2006”.

(b) **IN GENERAL.**—Subchapter IV of chapter 55 of title 5, United States Code, is amended by adding at the end the following:

“§ 5538. Nonreduction in pay while serving in the uniformed services or National Guard

“(a) An employee who is absent from a position of employment with the Federal Government in order to perform active duty in the uniformed services pursuant to a call or order to active duty under a provision of law referred to in section 101(a)(13)(B) of title 10 shall be entitled, while serving on active duty, to receive, for each pay period described in subsection (b), an amount equal to the amount by which—

“(1) the amount of basic pay which would otherwise have been payable to such employee for such pay period if such employee’s civilian employment with the Government had not been interrupted by that service, exceeds (if at all)

“(2) the amount of pay and allowances which (as determined under subsection (d))—

“(A) is payable to such employee for that service; and

“(B) is allocable to such pay period.

“(b)(1) Amounts under this section shall be payable with respect to each pay period (which would otherwise apply if the employee’s civilian employment had not been interrupted)—

“(A) during which such employee is entitled to reemployment rights under chapter 43 of title 38 with respect to the position from which such employee is absent (as referred to in subsection (a)); and

“(B) for which such employee does not otherwise receive basic pay (including by taking any annual, military, or other paid leave) to which such employee is entitled by virtue of such employee’s civilian employment with the Government.

“(2) For purposes of this section, the period during which an employee is entitled to reemployment rights under chapter 43 of title 38—

“(A) shall be determined disregarding the provisions of section 4312(d) of title 38; and

“(B) shall include any period of time specified in section 4312(e) of title 38 within which an employee may report or apply for employment or reemployment following completion of service on active duty to which called or ordered as described in subsection (a).

“(c) Any amount payable under this section to an employee shall be paid—

“(1) by such employee’s employing agency;

“(2) from the appropriation or fund which would be used to pay the employee if such employee were in a pay status; and

“(3) to the extent practicable, at the same time and in the same manner as would basic pay if such employee’s civilian employment had not been interrupted.

“(d) The Office of Personnel Management shall, in consultation with Secretary of Defense, prescribe any regulations necessary to carry out the preceding provisions of this section.

“(e)(1) The head of each agency referred to in section 2302(a)(2)(C)(ii) shall, in consultation with the Office, prescribe procedures to ensure that the rights under this section apply to the employees of such agency.

“(2) The Administrator of the Federal Aviation Administration shall, in consultation with the Office, prescribe procedures to ensure that the rights under this section apply to the employees of that agency.

“(f) For purposes of this section—

“(1) the terms ‘employee’, ‘Federal Government’, and ‘uniformed services’ have the same respective meanings as given them in section 4303 of title 38;

“(2) the term ‘employing agency’, as used with respect to an employee entitled to any payments under this section, means the agency or other entity of the Government (including an agency referred to in section 2302(a)(2)(C)(ii)) with respect to which such employee has reemployment rights under chapter 43 of title 38; and

“(3) the term ‘basic pay’ includes any amount payable under section 5304.”.

(c) **CLERICAL AMENDMENT.**—The table of sections for chapter 55 of title 5, United States Code, is amended by inserting after the item relating to section 5537 the following:

“5538. Nonreduction in pay while serving in the uniformed services or National Guard.”.

(d) **EFFECTIVE DATE.**—The amendments made by this section shall apply with respect to pay periods (as described in section 5538(b) of title 5, United States Code, as amended by this section) beginning on or after the date of enactment of this Act.

SA 3633. Ms. STABENOW proposed an amendment to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; as follows:

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

TITLE VIII—OIL COMPANY ACCOUNTABILITY

SEC. 8001. ENERGY TAX REBATE.

(a) **IN GENERAL.**—Subchapter B of chapter 65 of the Internal Revenue Code of 1986 (relating to rules of special application in the case of abatements, credits, and refunds) is amended by adding at the end the following new section:

“SEC. 6430. ENERGY TAX REBATE.

“(a) **GENERAL RULE.**—Except as otherwise provided in this section, each individual shall be treated as having made a payment against the tax imposed by chapter 1 for the taxable year beginning in 2006 in an amount equal to \$500.

“(b) **REMITTANCE OF PAYMENT.**—The Secretary shall remit to each taxpayer the payment described in subsection (a) not later than 30 days after the date of the enactment of this section.

“(c) **CERTAIN PERSONS NOT ELIGIBLE.**—This section shall not apply to—

“(1) any individual who did not have any adjusted gross income for the preceding taxable year or whose adjusted gross income for such preceding taxable year exceeded \$120,000,

“(2) any individual with respect to whom a deduction under section 151 is allowable to another taxpayer for the taxable year beginning in 2006,

“(3) any estate or trust, or

“(4) any nonresident alien individual.”.

(b) **CONFORMING AMENDMENT.**—Section 1324(b)(2) of title 31, United States Code, is amended by inserting before the period “,” or from section 6430 of such Code”.

(c) CLERICAL AMENDMENT.—The table of sections for subchapter B of chapter 65 of the Internal Revenue Code of 1986 is amended by adding at the end the following new item:

“Sec. 6430. Energy tax rebate.”.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

SEC. 8002. REVALUATION OF LIFO INVENTORIES OF LARGE INTEGRATED OIL COMPANIES.

(a) GENERAL RULE.—Notwithstanding any other provision of law, if a taxpayer is an applicable integrated oil company for its last taxable year ending in calendar year 2005, the taxpayer shall—

(1) increase, effective as of the close of such taxable year, the value of each historic LIFO layer of inventories of crude oil, natural gas, or any other petroleum product (within the meaning of section 4611) by the layer adjustment amount, and

(2) decrease its cost of goods sold for such taxable year by the aggregate amount of the increases under paragraph (1).

If the aggregate amount of the increases under paragraph (1) exceed the taxpayer's cost of goods sold for such taxable year, the taxpayer's gross income for such taxable year shall be increased by the amount of such excess.

(b) LAYER ADJUSTMENT AMOUNT.—For purposes of this section—

(1) IN GENERAL.—The term “layer adjustment amount” means, with respect to any historic LIFO layer, the product of—

(A) \$18.75, and

(B) the number of barrels of crude oil (or in the case of natural gas or other petroleum products, the number of barrel-of-oil equivalents) represented by the layer.

(2) BARREL-OF-OIL EQUIVALENT.—The term “barrel-of-oil equivalent” has the meaning given such term by section 29(d)(5) (as in effect before its redesignation by the Energy Tax Incentives Act of 2005).

(c) APPLICATION OF REQUIREMENT.—

(1) NO CHANGE IN METHOD OF ACCOUNTING.—Any adjustment required by this section shall not be treated as a change in method of accounting.

(2) UNDERPAYMENTS OF ESTIMATED TAX.—No addition to the tax shall be made under section 6655 of the Internal Revenue Code of 1986 (relating to failure by corporation to pay estimated tax) with respect to any underpayment of an installment required to be paid with respect to the taxable year described in subsection (a) to the extent such underpayment was created or increased by this section.

(d) APPLICABLE INTEGRATED OIL COMPANY.—For purposes of this section, the term “applicable integrated oil company” means an integrated oil company (as defined in section 291(b)(4) of the Internal Revenue Code of 1986) which has an average daily worldwide production of crude oil of at least 500,000 barrels for the taxable year and which had gross receipts in excess of \$1,000,000,000 for its last taxable year ending during calendar year 2005. For purposes of this subsection all persons treated as a single employer under subsections (a) and (b) of section 52 of the Internal Revenue Code of 1986 shall be treated as 1 person and, in the case of a short taxable year, the rule under section 448(c)(3)(B) shall apply.

SEC. 8003. MODIFICATIONS OF FOREIGN TAX CREDIT RULES APPLICABLE TO LARGE INTEGRATED OIL COMPANIES WHICH ARE DUAL CAPACITY TAXPAYERS.

(a) IN GENERAL.—Section 901 of the Internal Revenue Code of 1986 (relating to credit for taxes of foreign countries and of possessions of the United States) is amended by re-

designating subsection (m) as subsection (n) and by inserting after subsection (l) the following new subsection:

“(m) SPECIAL RULES RELATING TO LARGE INTEGRATED OIL COMPANIES WHICH ARE DUAL CAPACITY TAXPAYERS.—

“(1) GENERAL RULE.—Notwithstanding any other provision of this chapter, any amount paid or accrued by a dual capacity taxpayer which is a large integrated oil company to a foreign country or possession of the United States for any period shall not be considered a tax—

“(A) if, for such period, the foreign country or possession does not impose a generally applicable income tax, or

“(B) to the extent such amount exceeds the amount (determined in accordance with regulations) which—

“(i) is paid by such dual capacity taxpayer pursuant to the generally applicable income tax imposed by the country or possession, or

“(ii) would be paid if the generally applicable income tax imposed by the country or possession were applicable to such dual capacity taxpayer.

Nothing in this paragraph shall be construed to imply the proper treatment of any such amount not in excess of the amount determined under subparagraph (B).

“(2) DUAL CAPACITY TAXPAYER.—For purposes of this subsection, the term ‘dual capacity taxpayer’ means, with respect to any foreign country or possession of the United States, a person who—

“(A) is subject to a levy of such country or possession, and

“(B) receives (or will receive) directly or indirectly a specific economic benefit (as determined in accordance with regulations) from such country or possession.

“(3) GENERALLY APPLICABLE INCOME TAX.—For purposes of this subsection—

“(A) IN GENERAL.—The term ‘generally applicable income tax’ means an income tax (or a series of income taxes) which is generally imposed under the laws of a foreign country or possession on income derived from the conduct of a trade or business within such country or possession.

“(B) EXCEPTIONS.—Such term shall not include a tax unless it has substantial application, by its terms and in practice, to—

“(i) persons who are not dual capacity taxpayers, and

“(ii) persons who are citizens or residents of the foreign country or possession.

“(4) LARGE INTEGRATED OIL COMPANY.—For purposes of this subsection, the term ‘large integrated oil company’ means, with respect to any taxable year, an integrated oil company (as defined in section 291(b)(4)) which—

“(A) had gross receipts in excess of \$1,000,000,000 for such taxable year, and

“(B) has an average daily worldwide production of crude oil of at least 500,000 barrels for such taxable year.”.

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply to taxes paid or accrued in taxable years beginning after the date of the enactment of this Act.

(2) CONTRARY TREATY OBLIGATIONS UPHELD.—The amendments made by this section shall not apply to the extent contrary to any treaty obligation of the United States.

SEC. 8004. NONAPPLICATION OF AMORTIZATION OF GEOLOGICAL AND GEOPHYSICAL EXPENDITURES TO LARGE INTEGRATED OIL COMPANIES.

(a) IN GENERAL.—Section 167(h) of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

“(5) NONAPPLICATION TO LARGE INTEGRATED OIL COMPANIES.—This subsection shall not apply to any expenses paid or incurred dur-

ing any taxable year by any taxpayer which is an integrated oil company (as defined in section 291(b)(4) of the Internal Revenue Code of 1986) which has gross receipts in excess of \$500,000,000 for such taxable year. For purposes of this subsection all persons treated as a single employer under subsections (a) and (b) of section 52 of the Internal Revenue Code of 1986 shall be treated as 1 person and, in the case of a short taxable year, the rule under section 448(c)(3)(B) shall apply.”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SA 3634. Mr. SMITH (for himself and Mr. REED) submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 128, between lines 10 and 11, insert the following:

DEPARTMENT OF VETERANS AFFAIRS

VETERANS HEALTH ADMINISTRATION

MEDICAL SERVICES

For an additional amount for “Medical Services” for the Department of Veterans Affairs to increase mental health staffing at community-based outpatient clinics, to establish post-traumatic stress disorder (PTSD) and readjustment related service programs with primary care physicians, mental health clinicians, and post-traumatic stress disorder coordinators, and to provide access to family therapy services, \$29,000,000, to remain available until September 30, 2007: *Provided*, That the Secretary of Veterans Affairs shall certify to Congress not later than October 15, 2007, whether funds appropriated under this heading were expended for the specific purposes for which they are provided under this heading, and for no other purpose: *Provided further*, That the Secretary include with the certification required under the preceding proviso a report describing the degree to which funds described in that proviso improved mental health staffing in community-based outpatient clinics, provided for family therapy services, and improved mental health care for veterans generally and veterans from Operation Iraqi Freedom and Operation Enduring Freedom in particular: *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.

SA 3635. Mr. ALLEN (for himself and Mr. BURR) submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; as follows:

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

FEDERAL FUELS LIST

SEC. 7. (a) Section 211(c)(4)(C) of the Clean Air Act (42 U.S.C. 7545(c)(4)(C)) is amended by striking the second clause (v) and inserting the following:

“(vi)(I) The Administrator shall have no authority, when considering a State implementation plan or a State implementation plan revision, to approve under this paragraph any fuel included in such plan or revision if the effect of such approval would be to increase the total number of fuels approved under this paragraph as of September 1, 2004, in all State implementation plans.

“(II) The Administrator, in consultation with the Secretary of Energy (referred to in this clause as the ‘Secretary’), shall—

“(aa) determine the total number of fuels approved under this paragraph as of September 1, 2004, in all State implementation plans; and

“(bb) not later than 90 days after the date of enactment of this item, publish in the Federal Register a list of the fuels described in item (aa), including the states and Petroleum Administration for Defense District in which they are used.

“(III) The Administrator—

“(aa) shall remove a fuel from the list published under subclause (II) if the fuel ceases to be included in a State implementation plan or if a fuel in a State implementation plan is identical to a Federal fuel formulation implemented by the Administrator; and

“(bb) reduce the total number of fuels authorized under the list published under subclause (II) appropriately.

“(IV) Subclause (I) shall not limit the authority of the Administrator to approve a control or prohibition respecting any new fuel under this paragraph in an implementation plan of a State, or a revision to such a plan, after the date of enactment of this subclause if the new fuel completely replaces a fuel on the list published under subclause (II).

“(V)(aa) Except as provided in item (bb), in considering the implementation plan of a State or a revision to such a plan, the Administrator shall have no authority under this paragraph to approve any fuel unless that fuel was, as of the date of the consideration, approved in at least 1 State implementation plan in the applicable Petroleum Administration for Defense District.

“(bb) The Administrator may approve as part of a State implementation plan, or a revision to such a plan, a fuel with a summer-time Reid Vapor Pressure of 7.0 psi, but such an approval by the Administrator shall not cause an increase in the total number of fuels on the list published under subclause (II) as of the date of consideration.

“(VI) Nothing in this clause affects any available authority of States to require the use of any fuel additive registered in accordance with subsection (b), including any fuel additive registered in accordance with that subsection after the date of enactment of this subclause.

“(vii)(I) Clause (vi), including the limitations of the authority of the Administrator and the cap on the total number of fuels permitted, shall remain in effect until the harmonization of fuels under subclause (V) is achieved, at which time clause (v) shall no longer apply and the limitations of the authority of the Administrator under subclause (IV) shall apply.

“(II)(aa) Not later than 1 year after the date of enactment of this clause, the Administrator, in coordination with the Secretary and after providing notice and an opportunity for public comment, shall identify and publish in the Federal Register a list, to be known as the ‘Federal Fuels List’, containing 5 gasolines and diesel fuels to be used in States that have not received a waiver under section 209(b).

“(bb) The list shall include 1 Federal on-road diesel fuel (which shall grandfather the sulfur phase down in the ultra low sulfur diesel fuel regulations of the Administrator in effect as of the date of enactment of enactment of this clause and shall permit the implementation of 1 alternative diesel fuel, approved under this subparagraph before that date for a State that has not received a section 209(b) waiver, only in the State in which it was approved before that date), 1 conventional gasoline for ozone attainment areas, 1 reformulated gasoline (RFG) meeting the re-

quirements of subsection (k), and 2 additional gasolines with Reid vapor pressure (RVP) controls for use in ozone attainment areas of varying degrees of severity.

“(cc) None of the fuels identified under this subclause shall control fuel sulfur or toxics levels beyond levels required by regulations of the Administrator.

“(III)(aa) Gasolines and diesel fuels shall be included on the Federal Fuels List based on an analysis by the Administrator of the ability of the fuels to reduce ozone emissions to assist States in attaining established ozone standards under this Act, and on an analysis by the Secretary that the adoption of the Federal Fuels List will not result in a reduction in supply or in producibility, including that caused by a reduction in domestic refining capacity as a result of the adoption of the Federal Fuels List.

“(bb) In the event the Secretary concludes that adoption of the Federal Fuels List will result in a reduction in supply or in producibility, the Administrator and the Secretary shall report that conclusion to Congress, and suspend the implementation of this clause.

“(cc) The Administrator and the Secretary shall conduct the study required under section 1541(c) of the Energy Policy Act of 2005 (Public Law 109-58; 119 Stat. 1108) on the timetable required in that section to provide Congress with legislative recommendations for modifications to the proposed Federal Fuels List only if the Secretary concludes that adoption of the Federal Fuels List will result in a reduction in supply or in producibility.

“(IV)(aa) On publication of the Federal Fuels List, the Administrator shall have no authority, in considering a State implementation plan or State implementation plan revisions, to approve under this subparagraph any fuel included in such plan or plan revision if the proposed fuel is not 1 of the fuels on the Federal Fuels List or to approve an implementation plan or plan revision of a State to move from 1 fuel on the Federal Fuels List to another unless, after consultation with the Secretary, the Administrator publishes in the Federal Register, after notice and opportunity for public comment, a finding that, in the judgment of the Administrator, the plan or plan revision to adopt a different fuel on the Federal Fuels List will not cause fuel supply or distribution disruptions in the affected area or contiguous areas.

“(bb) A finding of the Administrator under item (aa) shall include an assessment of reasonably foreseeable supply or distribution emergencies that could occur in the affected area or contiguous area and how adoption of the particular fuel revisions would effect alternative supply options during reasonably foreseeable supply or distribution emergencies.

“(V) The Administrator, in consultation with the Secretary, shall—

“(aa) develop a plan to harmonize the currently approved fuels in State implementation plans with the fuels included on the Federal Fuels List; and

“(bb) not later than 18 months after the date of enactment of this subclause, promulgate implementing regulations for this plan.

“(VI) The harmonization plan under subclause (V) shall be fully implemented by the States by not later than December 31, 2008.”

(b) Section 1541 of the Energy Policy Act of 2005 (Public Law 109-58; 119 Stat. 1106) is amended by striking subsection (c) and inserting the following:

“(c) STUDY AND REPORT TO CONGRESS ON BOUTIQUE FUELS.—

“(1) JOINT STUDY.—The Administrator of the Environmental Protection Agency and the Secretary shall undertake a study of the

effects of the State plan provisions adopted pursuant to section 211(c)(4)(C) of the Clean Air Act (42 U.S.C. 7545(c)(4)(C)) on—

- “(A) air quality;
- “(B) the number of fuel blends;
- “(C) fuel availability;
- “(D) fuel fungibility; and
- “(E) fuel costs.

“(2) FOCUS OF STUDY.—

“(A) IN GENERAL.—The primary focus of the study required under paragraph (1) shall be to determine how to develop a Federal fuels system that maximizes motor fuel fungibility and supply, preserves air quality standards, and reduces motor fuel price volatility that results from the proliferation of boutique fuels, and to recommend to Congress such legislative changes as are necessary to implement such a system.

“(B) INCLUSIONS.—The study under paragraph (1) shall include an analysis of—

- “(i) the impacts on overall energy supply, distribution, and use as a result of the legislative changes recommended;
- “(ii) the impact on ozone emissions and supply of a mandatory reduction in the number of fuel blends to 5, including—

“(I) a fuel blend of on-road Federal diesel fuel (which shall grandfather the sulfur phase down in the ultra low sulfur diesel fuel regulations of the Administrator and shall permit the implementation of, one alternative diesel fuel, blend approved under this subparagraph before the date of enactment of this subclause for a State that has not received a section 209(b) waiver, only in the State in which it was approved before that date);

“(II) a fuel blend of conventional gasoline for ozone attainment areas;

“(III) a fuel blend of reformulated gasoline (RFG) meeting the requirements of subsection (k); and

“(IV) 2 gasolines blends with Reid vapor pressure (RVP) controls for use in ozone attainment areas of varying degrees of severity.

“(3) CONDUCT OF STUDY.—

“(A) IN GENERAL.—In carrying out this subsection, the Administrator and the Secretary shall—

- “(i) use sound science and objective science practices;
- “(ii) consider the best available science;
- “(iii) use data collected by accepted means; and
- “(iv) consider and include a description of the weight of the scientific evidence.

“(B) COORDINATION WITH OTHER STUDIES.—The Administrator and the Secretary shall—

“(i) coordinate the study required by this section with other studies required by this Act; and

“(ii) avoid duplication of effort with regard to those studies, to the maximum extent practicable.

“(4) RESPONSIBILITY OF ADMINISTRATOR.—In carrying out the study under this subsection, the Administrator shall—

“(A) coordinate obtaining comments from affected parties interested in the air quality impact assessment portion of the study;

“(B) use sound and objective science practices; and

“(C) take into consideration the best available science; and

“(D) take into consideration and include a description of the weight of the scientific evidence.

“(5) RESPONSIBILITY OF SECRETARY.—In carrying out the study under this subsection, the Secretary shall coordinate obtaining comments from affected parties interested in the fuel availability, number of fuel blends, fuel fungibility and fuel costs portion of the study.

“(6) REPORT TO CONGRESS.—Not later than 1 year after the date of enactment of this Act,

the Administrator and the Secretary shall jointly submit to Committee on Energy and Commerce of the House of Representatives and the Committee on Environment and Public Works of the Senate a report describing the results of the study under this subsection, including any recommended regulatory and legislative changes.

“(7) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Administrator and the Secretary \$500,000 for the completion of the study under this subsection.”.

SA 3636. Ms. STABENOW submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; as follows:

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

TITLE VIII—OIL COMPANY ACCOUNTABILITY

SEC. 8001. ENERGY TAX REBATE.

(a) IN GENERAL.—Subchapter B of chapter 65 of the Internal Revenue Code of 1986 (relating to rules of special application in the case of abatements, credits, and refunds) is amended by adding at the end the following new section:

“SEC. 6430. ENERGY TAX REBATE.

“(a) GENERAL RULE.—Except as otherwise provided in this section, each individual shall be treated as having made a payment against the tax imposed by chapter 1 for the taxable year beginning in 2006 in an amount equal to \$500.

“(b) REMITTANCE OF PAYMENT.—The Secretary shall remit to each taxpayer the payment described in subsection (a) not later than 30 days after the date of the enactment of this section.

“(c) CERTAIN PERSONS NOT ELIGIBLE.—This section shall not apply to—

“(1) any individual who did not have any adjusted gross income for the preceding taxable year or whose adjusted gross income for such preceding taxable year exceeded \$120,000,

“(2) any individual with respect to whom a deduction under section 151 is allowable to another taxpayer for the taxable year beginning in 2006,

“(3) any estate or trust, or

“(4) any nonresident alien individual.”.

(b) CONFORMING AMENDMENT.—Section 1324(b)(2) of title 31, United States Code, is amended by inserting before the period “, or from section 6430 of such Code”.

(c) CLERICAL AMENDMENT.—The table of sections for subchapter B of chapter 65 of the Internal Revenue Code of 1986 is amended by adding at the end the following new item:

“Sec. 6430. Energy tax rebate.”.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

SEC. 8002. REVALUATION OF LIFO INVENTORIES OF LARGE INTEGRATED OIL COMPANIES.

(a) GENERAL RULE.—Notwithstanding any other provision of law, if a taxpayer is an applicable integrated oil company for its last taxable year ending in calendar year 2005, the taxpayer shall—

(1) increase, effective as of the close of such taxable year, the value of each historic LIFO layer of inventories of crude oil, natural gas, or any other petroleum product (within the meaning of section 4611) by the layer adjustment amount, and

(2) decrease its cost of goods sold for such taxable year by the aggregate amount of the increases under paragraph (1).

If the aggregate amount of the increases under paragraph (1) exceed the taxpayer's cost of goods sold for such taxable year, the taxpayer's gross income for such taxable year shall be increased by the amount of such excess.

(b) LAYER ADJUSTMENT AMOUNT.—For purposes of this section—

(1) IN GENERAL.—The term “layer adjustment amount” means, with respect to any historic LIFO layer, the product of—

(A) \$18.75, and

(B) the number of barrels of crude oil (or in the case of natural gas or other petroleum products, the number of barrel-of-oil equivalents) represented by the layer.

(2) BARREL-OF-OIL EQUIVALENT.—The term “barrel-of-oil equivalent” has the meaning given such term by section 29(d)(5) (as in effect before its redesignation by the Energy Tax Incentives Act of 2005).

(c) APPLICATION OF REQUIREMENT.—

(1) NO CHANGE IN METHOD OF ACCOUNTING.—Any adjustment required by this section shall not be treated as a change in method of accounting.

(2) UNDERPAYMENTS OF ESTIMATED TAX.—No addition to the tax shall be made under section 6655 of the Internal Revenue Code of 1986 (relating to failure by corporation to pay estimated tax) with respect to any underpayment of an installment required to be paid with respect to the taxable year described in subsection (a) to the extent such underpayment was created or increased by this section.

(d) APPLICABLE INTEGRATED OIL COMPANY.—For purposes of this section, the term “applicable integrated oil company” means an integrated oil company (as defined in section 291(b)(4) of the Internal Revenue Code of 1986) which has an average daily worldwide production of crude oil of at least 500,000 barrels for the taxable year and which had gross receipts in excess of \$1,000,000,000 for its last taxable year ending during calendar year 2005. For purposes of this subsection all persons treated as a single employer under subsections (a) and (b) of section 52 of the Internal Revenue Code of 1986 shall be treated as 1 person and, in the case of a short taxable year, the rule under section 448(c)(3)(B) shall apply.

SEC. 8003. MODIFICATIONS OF FOREIGN TAX CREDIT RULES APPLICABLE TO LARGE INTEGRATED OIL COMPANIES WHICH ARE DUAL CAPACITY TAXPAYERS.

(a) IN GENERAL.—Section 901 of the Internal Revenue Code of 1986 (relating to credit for taxes of foreign countries and of possessions of the United States) is amended by redesignating subsection (m) as subsection (n) and by inserting after subsection (l) the following new subsection:

“(m) SPECIAL RULES RELATING TO LARGE INTEGRATED OIL COMPANIES WHICH ARE DUAL CAPACITY TAXPAYERS.—

“(1) GENERAL RULE.—Notwithstanding any other provision of this chapter, any amount paid or accrued by a dual capacity taxpayer which is a large integrated oil company to a foreign country or possession of the United States for any period shall not be considered a tax—

“(A) if, for such period, the foreign country or possession does not impose a generally applicable income tax, or

“(B) to the extent such amount exceeds the amount (determined in accordance with regulations) which—

“(i) is paid by such dual capacity taxpayer pursuant to the generally applicable income tax imposed by the country or possession, or

“(ii) would be paid if the generally applicable income tax imposed by the country or possession were applicable to such dual capacity taxpayer.

Nothing in this paragraph shall be construed to imply the proper treatment of any such amount not in excess of the amount determined under subparagraph (B).

“(2) DUAL CAPACITY TAXPAYER.—For purposes of this subsection, the term ‘dual capacity taxpayer’ means, with respect to any foreign country or possession of the United States, a person who—

“(A) is subject to a levy of such country or possession, and

“(B) receives (or will receive) directly or indirectly a specific economic benefit (as determined in accordance with regulations) from such country or possession.

“(3) GENERALLY APPLICABLE INCOME TAX.—For purposes of this subsection—

“(A) IN GENERAL.—The term ‘generally applicable income tax’ means an income tax (or a series of income taxes) which is generally imposed under the laws of a foreign country or possession on income derived from the conduct of a trade or business within such country or possession.

“(B) EXCEPTIONS.—Such term shall not include a tax unless it has substantial application, by its terms and in practice, to—

“(i) persons who are not dual capacity taxpayers, and

“(ii) persons who are citizens or residents of the foreign country or possession.

“(4) LARGE INTEGRATED OIL COMPANY.—For purposes of this subsection, the term ‘large integrated oil company’ means, with respect to any taxable year, an integrated oil company (as defined in section 291(b)(4)) which—

“(A) had gross receipts in excess of \$1,000,000,000 for such taxable year, and

“(B) has an average daily worldwide production of crude oil of at least 500,000 barrels for such taxable year.”.

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply to taxes paid or accrued in taxable years beginning after the date of the enactment of this Act.

(2) CONTRARY TREATY OBLIGATIONS UPHELD.—The amendments made by this section shall not apply to the extent contrary to any treaty obligation of the United States.

SEC. 8004. NONAPPLICATION OF AMORTIZATION OF GEOLOGICAL AND GEOPHYSICAL EXPENDITURES TO LARGE INTEGRATED OIL COMPANIES.

(a) IN GENERAL.—Section 167(h) of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

“(5) NONAPPLICATION TO LARGE INTEGRATED OIL COMPANIES.—This subsection shall not apply to any expenses paid or incurred during any taxable year by any taxpayer which is an integrated oil company (as defined in section 291(b)(4) of the Internal Revenue Code of 1986) which has gross receipts in excess of \$500,000,000 for such taxable year. For purposes of this subsection all persons treated as a single employer under subsections (a) and (b) of section 52 of the Internal Revenue Code of 1986 shall be treated as 1 person and, in the case of a short taxable year, the rule under section 448(c)(3)(B) shall apply.”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SA 3637. Mr. BAYH submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 117, between lines 9 and 10, insert the following:

NEXT GENERATION PROTECTIVE GEAR FOR SMALL-ARMS AND BIOTERRORISM THREATS TO TROOPS

SEC. 1312. (a) ADDITIONAL AMOUNT FOR RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, DEFENSE-WIDE.—The amount appropriated by this chapter under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, DEFENSE-WIDE" is hereby increased by \$10,000,000.

(b) AVAILABILITY OF AMOUNT.—Of the amount appropriated by this chapter under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, DEFENSE-WIDE", as increased by subsection (a), \$10,000,000 shall be available for grants to research institutions of higher education for research and development on next generation protective gear for small-arms threats and bioterrorism threats to troops.

SA 3638. Mr. BAYH submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 117, between lines 9 and 10, insert the following:

INCOME REPLACEMENT PAYMENTS FOR RESERVES EXPERIENCING EXTENDED AND FREQUENT MOBILIZATION FOR ACTIVE DUTY SERVICE

SEC. 1312. (a) MODIFICATION OF ELIGIBILITY.—Section 910(b)(1) of title 10, United States Code, is amended by striking "18 continuous months of service" and inserting "six continuous months of service".

(b) FUNDING.—

(1) ADDITIONAL AMOUNT FOR MILITARY PERSONNEL.—The aggregate amount appropriated by this chapter under the heading "MILITARY PERSONNEL" is hereby increased by \$27,000,000.

(2) AVAILABILITY.—Of the amounts appropriated by this chapter under the heading "MILITARY PERSONNEL", as increased by paragraph (1), \$27,000,000 shall be available in fiscal year 2006 for the payment of income replacement payments for Reserves experiencing extended and frequent mobilization for active duty service under section 910 of title 10, United States Code, as a result of the amendment made by subsection (a).

SA 3639. Mr. LEVIN (for himself, Mr. DORGAN, Ms. STABENOW, and Mr. CONRAD) submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 126, between lines 14 and 15, insert the following:

CUSTOMS AND BORDER PROTECTION

For an additional amount for "Customs and Border Protection", \$12,000,000, for the Northern Border airwings in Michigan and North Dakota: Provided, That the amount provided under this heading is designated as an emergency requirement under section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

SA 3640. Mr. SANTORUM submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes;

which was ordered to lie on the table; as follows:

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

DEMOCRACY PROGRAMS AND ACTIVITIES IN IRAN

SEC. 7032. (a) Congress makes the following findings:

(1) The people of the United States have long demonstrated an interest in the well-being of the people of Iran, dating back to the 1830s.

(2) Famous Americans such as Howard Baker, Dr. Samuel Martin, Jane E. Doolittle, and Louis G. Dreyfus, Jr., made significant contributions to Iranian society by furthering the educational opportunities of the people of Iran and improving the opportunities of the less fortunate citizens of Iran.

(3) Iran and the United States were allies following World War II, and through the late 1970s Iran was as an important regional ally of the United States and a key bulwark against Soviet influence.

(4) In November 1979, following the arrival of Mohammed Reza Shah Pahlavi in the United States, a mob of students and extremists seized the United States Embassy in Tehran, Iran, holding United States diplomatic personnel hostage until January 1981.

(5) Following the seizure of the United States Embassy, Ayatollah Ruhollah Khomeini, leader of the repressive revolutionary movement in Iran, expressed support for the actions of the students in taking American citizens hostage.

(6) Despite the presidential election of May 1997, an election in which an estimated 91 percent of the electorate participated, control of the internal and external affairs of the Islamic Republic of Iran is still exercised by the courts in Iran and the Revolutionary Guards, Supreme Leader, and Council of Guardians of the Government of Iran.

(7) The election results of the May 1997 election and the high level of voter participation in that election demonstrate that the people of Iran favor economic and political reforms and greater interaction with the United States and the Western world in general.

(8) Efforts by the United States to improve relations with Iran have been rebuffed by the Government of Iran.

(9) The Clinton Administration eased sanctions against Iran and promoted people-to-people exchanges, but the Leader of the Islamic Revolution Ayatollah Ali Khamenei, the Militant Clerics' Society, the Islamic Coalition Organization, and Supporters of the Party of God have all opposed efforts to open Iranian society to Western influences and have opposed efforts to change the dynamic of relations between the United States and Iran.

(10) For the past two decades, the Department of State has found Iran to be the leading sponsor of international terrorism in the world.

(11) In 1983, the Iran-sponsored Hezbollah terrorist organization conducted suicide terrorist operations against United States military and civilian personnel in Beirut, Lebanon, resulting in the deaths of hundreds of Americans.

(12) The United States intelligence community and law enforcement personnel have linked Iran to attacks against American military personnel at Khobar Towers in Saudi Arabia in 1996 and to al Qaeda attacks against civilians in Saudi Arabia in 2004.

(13) According to the Department of State's Patterns of Global Terrorism 2001 report, "Iran's Islamic Revolutionary Guard Corps and Ministry of Intelligence and Security continued to be involved in the planning and support of terrorist acts and supported a variety of groups that use terrorism to pursue their goals," and "Iran continued to provide Lebanese Hizballah and the Palestinian rejectionist groups—notably HAMAS, the Palestinian Islamic Jihad, and the [Popular Front for the Liberation of Palestine-General Command]—with varying amounts of funding, safehaven, training and weapons".

(14) Iran currently operates more than 10 radio and television stations broadcasting in Iraq that incite violent actions against United States and coalition personnel in Iraq.

(15) The current leaders of Iran, Ayatollah Ali Khamenei and Hashemi Rafsanjani, have repeatedly called upon Muslims to kill Americans in Iraq and install a theocratic regime in Iraq.

(16) The Government of Iran has admitted pursuing a clandestine nuclear program, which the United States intelligence community believes may include a nuclear weapons program.

(17) The Government of Iran has failed to meet repeated pledges to arrest and extradite foreign terrorists in Iran.

(18) The United States Government believes that the Government of Iran supports terrorists and extremist religious leaders in Iraq with the clear intention of subverting coalition efforts to bring peace and democracy to Iraq.

(19) The Ministry of Defense of Iran confirmed in July 2003 that it had successfully conducted the final test of the Shahab-3 missile, giving Iran an operational intermediate-range ballistic missile capable of striking both Israel and United States troops throughout the Middle East and Afghanistan.

(b) Congress declares that it should be the policy of the United States—

(1) to support efforts by the people of Iran to exercise self-determination over the form of government of their country; and

(2) to actively support a national referendum in Iran with oversight by international observers and monitors to certify the integrity and fairness of the referendum.

(c)(1) The President is authorized, notwithstanding any other provision of law, to provide financial and political assistance (including the award of grants) to foreign and domestic individuals, organizations, and entities that support democracy and the promotion of democracy in Iran. Such assistance includes funding for—

(A) the Broadcasting Board of Governors for efforts to cultivate and support independent broadcasters that broadcast into Iran;

(B) cultural and student exchanges;

(C) the promotion of human rights and civil society activities in Iran; and

(D) assistance to student organizations, labor unions, and trade associations in Iran.

(2) It is the sense of Congress that financial and political assistance under this section be provided to an individual, organization, or entity that—

(A) opposes the use of terrorism;

(B) advocates the adherence by Iran to nonproliferation regimes for nuclear, chemical, and biological weapons and materiel;

(C) is dedicated to democratic values and supports the adoption of a democratic form of government in Iran;

(D) is dedicated to respect for human rights, including the fundamental equality of women;

(E) works to establish equality of opportunity for people; and

(F) supports freedom of the press, freedom of speech, freedom of association, and freedom of religion.

(3) The President may provide assistance under this subsection using amounts made available pursuant to the authorization of appropriations under paragraph (7).

(4) Not later than 15 days before each obligation of assistance under this subsection, and in accordance with the procedures under section 634A of the Foreign Assistance Act of 1961 (22 U.S.C. 2394-1), the President shall notify the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on International Relations and the Committee on Appropriations of the House of Representatives.

(5) It is the sense of Congress that in order to ensure maximum coordination among Federal agencies, if the President provides the assistance under this section, the President should appoint an individual who shall—

(A) serve as special assistant to the President on matters relating to Iran; and

(B) coordinate among the appropriate directors of the National Security Council on issues regarding such matters.

(6) It is the sense of Congress that—

(A) support for a transition to democracy in Iran should be expressed by United States representatives and officials in all appropriate international fora;

(B) representatives of the Government of Iran should be denied access to all United States Government buildings;

(C) efforts to bring a halt to the nuclear weapons program of Iran, including steps to end the supply of nuclear components or fuel to Iran, should be intensified, with particular attention focused on the cooperation regarding such program—

(i) between the Government of Iran and the Government of the Russian Federation; and

(ii) between the Government of Iran and individuals from China, Malaysia, and Pakistan, including the network of Dr. Abdul Qadeer (A. Q.) Khan; and

(D) officials and representatives of the United States should—

(i) strongly and unequivocally support indigenous efforts in Iran calling for free, transparent, and democratic elections; and

(ii) draw international attention to violations by the Government of Iran of human rights, freedom of religion, freedom of assembly, and freedom of the press.

(7) There is authorized to be appropriated to the Department of State \$100,000,000 to carry out activities under this subsection.

(d) Not later than 15 days before designating a democratic opposition organization as eligible to receive assistance under subsection (b), the President shall notify the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on International Relations and the Committee on Appropriations of the House of Representatives of the proposed designation. The notification may be in classified form.

(e)(1)(A) The amount appropriated by chapter 2 of title I for the Broadcasting Board of Governors under the heading "INTERNATIONAL BROADCASTING OPERATIONS" is hereby increased by \$12,500,000.

(B) The amount appropriated by chapter 4 of title I for other bilateral assistance for the Department of State under the heading "DEMOCRACY FUND" is hereby increased by \$12,500,000.

(2)(A) Of the amount appropriated by chapter 2 of title I for the Broadcasting Board of Governors under the heading "INTERNATIONAL BROADCASTING OPERATIONS", as increased by paragraph (1)(A), \$12,500,000 shall be made available for democracy programs and activities in Iran.

(B) Of the amount appropriated by chapter 4 of title I for other bilateral assistance for the Department of State under the heading "DEMOCRACY FUND", as increased by paragraph (1)(B), \$12,500,000 shall be made available for democracy programs and activities in Iran.

(3) The amount appropriated or otherwise made available by chapter 3 of title I under the heading "OTHER PROCUREMENT, ARMY" and available for Army modularity is hereby reduced by \$25,000,000.

SA 3641. Mr. COBURN proposed an amendment to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; as follows:

Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available in title II, chapter 9 of this Act, for the Federal Railroad Administration under the heading "Capital Grants for Rail Line Relocation Projects" may be available for the Rail Line Relocation Capital Grant program, and the amount made available under such heading is reduced by \$700,000,000.

Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available in title II, chapter 2 of this Act, for the National Oceanic and Atmospheric Administration under the heading "Operations, Research, and Facilities" may be available for the National Marine Fisheries Service to implement seafood promotion strategies, and the amount made available under such heading is reduced by \$15,000,000.

Notwithstanding any other provision of this Act, Sec. 7030(b) of this Act shall not take effect.

Notwithstanding any other provision of this Act, Sec. 2303 of this Act shall not take effect.

Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available in title II, chapter 9 of this Act, for the Federal Highway Administration under the heading "Emergency Relief Program" may be available for the projects listed in the Federal Highway Administration emergency relief backlog table, and the amount made available under such heading is reduced by \$594,000,000.

Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available in title II, chapter 2 of this Act, for the National Oceanic and Atmospheric Administration under the heading "Operations, Research, and Facilities" may be available for the National Marine Fisheries Service to study for three years the profitability of shrimp and reef fish fisheries, and the amount made available under such heading is reduced by \$20,000,000.

Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available in title II, chapter 7 of this Act, for the Corporation for National and Community Service under the heading "National and Community Service Programs, Operating Expenses" may be available for the AmeriCorps National Civilian Community Corps, and the amount made available under such heading is reduced by \$20,000,000.

Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available in title I, chapter 3 of this Act, for the Navy under the heading "Aircraft Procurement, Navy" may be available for the procurement of V-22 aircraft, and the amount made available under such heading is reduced by \$230,000,000.

Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available in title II, chapter 4 of this Act, for the Army Corps of Engineers under the heading "Construction" may be available for the acceleration of the American River (Common Features) project in California, and the amount made avail-

able under such heading is reduced by \$3,300,000.

Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available in title II, chapter 2 of this Act, for the National Oceanic and Atmospheric Administration under the heading "Operations, Research, and Facilities" may be available for the National Marine Fisheries Service to equip fishing vessels with logbooks to record haul-by-haul catch data, and the amount made available under such heading is reduced by \$10,000,000.

Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available in title II, chapter 8 of this Act, for the Armed Forces Retirement Home under the heading "Major Construction" may be available for the Armed Forces Retirement Home, and the amount made available under such heading is reduced by \$176,000,000.

Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available in title II, chapter 2 of this Act, for the National Oceanic and Atmospheric Administration under the heading "Operations, Research, and Facilities" may be available for the National Marine Fisheries Service to equip the off-shore shrimp and reef fishery with electronic vessel monitoring systems, and the amount made available under such heading is reduced by \$10,000,000.

Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available in title II, chapter 2 of this Act, for the National Oceanic and Atmospheric Administration under the heading "Operations, Research, and Facilities" may be available for the National Marine Fisheries Service to assist New England coastal communities that were impacted by a red tide outbreak, and the amount made available under such heading is reduced by \$20,000,000.

Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available in title II, chapter 4 of this Act, for the Army Corps of Engineers under the heading "Construction" may be available for the acceleration of the South Sacramento Streams project in California, and the amount made available under such heading is reduced by \$6,250,000.

Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available in title II, chapter 2 of this Act, for the National Oceanic and Atmospheric Administration under the heading "Operations, Research, and Facilities" may be available for the National Marine Fisheries Service to develop temporary marine services centers, and the amount made available under such heading is reduced by \$50,000,000.

Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available in title II, chapter 2 of this Act, for the National Oceanic and Atmospheric Administration under the heading "Operations, Research, and Facilities" may be available for the National Marine Fisheries Service for replacement of private fisheries infrastructure, and the amount made available under such heading is reduced by \$90,000,000.

Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available in title II, chapter 2 of this Act, for the National Oceanic and Atmospheric Administration under the heading "Operations, Research, and Facilities" may be available for the National Marine Fisheries Service to employ fishers and vessel owners, and the amount made available under such heading is reduced by \$25,000,000.

Notwithstanding any other provision of this Act, none of the funds appropriated or

otherwise made available in title II, chapter 2 of this Act, for the National Oceanic and Atmospheric Administration under the heading "Operations, Research, and Facilities" may be available for the National Marine Fisheries Service to replace damaged fishing gear, and the amount made available under such heading is reduced by \$200,000,000.

Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available in title II, chapter 4 of this Act, for the Army Corps of Engineers under the heading "Construction" may be available for the acceleration of construction of the Sacramento Riverbank Protection Project in California, and the amount made available under such heading is reduced by \$11,300,000.

SA 3642. Mr. AKAKA (for himself, Mrs. MURRAY, Mr. KERRY, Mr. DAYTON, Ms. STABENOW, Mr. MENENDEZ, Mr. OBAMA, Mr. SCHUMER, Mr. DORGAN, Ms. LANDRIEU, Ms. MIKULSKI, Mrs. LINCOLN, Mr. BIDEN, Mr. ROCKEFELLER, Mrs. BOXER, Mr. REED, Mrs. CLINTON, Mr. LAUTENBERG, Mr. PRYOR, Mr. JOHNSON, and Mr. DURBIN) proposed an amendment to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 128, between lines 10 and 11, insert the following:

DEPARTMENT OF VETERANS AFFAIRS
VETERANS HEALTH ADMINISTRATION
MEDICAL SERVICES

For an additional amount for "Medical Services" for necessary expenses for furnishing, as authorized by law, outpatient and inpatient care and treatment to beneficiaries of the Department of Veterans Affairs and veterans as described in paragraphs (1) through (8) of section 1705(a) of title 38, United States Code, including care and treatment in facilities not under the jurisdiction of the department and including medical supplies and equipment and salaries and expenses of healthcare employees hired under title 38, United States Code, and to aid State homes as authorized under section 1741 of title 38, United States Code, \$430,000,000 plus reimbursements: *Provided*, That of the amount under this heading, \$168,000,000 shall be available to address the needs of servicemembers in need of mental health care, including post-traumatic stress disorder: *Provided further*, That of the amount under this heading, \$80,000,000 shall be available for the provision of readjustment counseling under section 1712A of title 38, United States Code (commonly referred to as "Vet Centers"): *Provided further*, That of the amount under this heading \$182,000,000 shall be available to meet current and pending care and treatment requirements: *Provided further*, That the amount under this heading shall remain available until expended: *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.

SA 3643. Mr. SALAZAR (for himself, Mr. WARNER, and Mr. MCCAIN) submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 117, between lines 9 and 10, insert the following:

RENAMING OF DEATH GRATUITY PAYABLE FOR DEATHS OF MEMBERS OF THE ARMED FORCES AS FALLEN HERO COMPENSATION

SEC. 1312. (a) IN GENERAL.—Subchapter II of chapter 75 of title 10, United States Code, is amended as follows:

(1) In section 1475(a), by striking "have a death gratuity paid" and inserting "have fallen hero compensation paid".

(2) In section 1476(a)—
(A) in paragraph (1), by striking "a death gratuity" and inserting "fallen hero compensation"; and

(B) in paragraph (2), by striking "A death gratuity" and inserting "Fallen hero compensation".

(3) In section 1477(a), by striking "A death gratuity" and inserting "Fallen hero compensation".

(4) In section 1478(a), by striking "The death gratuity" and inserting "The amount of fallen hero compensation".

(5) In section 1479(1), by striking "the death gratuity" and inserting "fallen hero compensation".

(6) In section 1489—

(A) in subsection (a), by striking "a gratuity" in the matter preceding paragraph (1) and inserting "fallen hero compensation"; and

(B) in subsection (b)(2), by inserting "or other assistance" after "lesser death gratuity".

(b) CLERICAL AMENDMENTS.—(1) Such subchapter is further amended by striking "Death Gratuity:" each place it appears in the heading of sections 1475 through 1480 and 1489 and inserting "Fallen Hero Compensation:".

(2) The table of sections at the beginning of such subchapter is amended by striking "Death gratuity:" in the items relating to sections 1474 through 1480 and 1489 and inserting "Fallen hero compensation:".

(c) GENERAL REFERENCES.—Any reference to a death gratuity payable under subchapter II of chapter 75 of title 10, United States Code, in any law, regulation, document, paper, or other record of the United States shall be deemed to be a reference to fallen hero compensation payable under such subchapter, as amended by this section.

SA 3644. Mr. SALAZAR submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 102, line 15, insert after "the threats," the following: "the current strategy for predeployment training of members of the Armed Forces on improvised explosive devices,"

SA 3645. Mr. SALAZAR (for himself and Mr. BAUCUS) submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 246, between lines 8 and 9, insert the following:

HAZARDOUS FUELS AND FOREST HEALTH PROJECTS

SEC. _____. In addition to any other funds made available by this Act, there is appropriated to the Secretary of Agriculture, acting through the Chief of the Forest Service, Wildland Fire Management, \$30,000,000 for hazardous fuels and forest health projects focused on reducing the risk of catastrophic

fires and mitigating the effects of widespread insect infestations: *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.

SA 3646. Mr. SALAZAR (for himself, Mr. ALLARD, Mr. MCCONNELL, and Mr. WYDEN) submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; as follows:

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

SENSE OF THE SENATE ON DESTRUCTION OF CHEMICAL WEAPONS

SEC. 7032. (a) The Senate makes the following findings:

(1) The Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction, done at Paris on January 13, 1993 (commonly referred to as the "Chemical Weapons Convention"), requires all United States chemical weapons stockpiles be destroyed by April 29, 2012.

(2) On April 10, 2006, the Department of Defense notified Congress that the United States would not meet the deadline under the Chemical Weapons Convention for destruction of United States chemical weapons stockpiles.

(3) Destroying existing chemical weapons is a homeland security imperative, an arms control priority, and required by United States law.

(4) The elimination and nonproliferation of chemical weapons of mass destruction is of utmost importance to the national security of the United States.

(b) It is the sense of the Senate that—

(1) the United States is committed to making every effort to safely dispose of its chemical weapons stockpiles by the Chemical Weapons Convention deadline of April 29, 2012, or as soon thereafter as possible, and will carry out all of its other obligations under the Convention; and

(2) the Secretary of Defense should prepare a comprehensive schedule for safely destroying the United States chemical weapons stockpiles to prevent further delays in the destruction of such stockpiles, and the schedule should be submitted annually to the congressional defense committees.

SA 3647. Mrs. HUTCHISON (for herself and Mr. BURNS) proposed an amendment to amendment SA 3642 proposed by Mr. AKAKA (for himself, Mrs. MURRAY, Mr. KERRY, Mr. DAYTON, Ms. STABENOW, Mr. MENENDEZ, Mr. OBAMA, Mr. SCHUMER, Mr. DORGAN, Ms. LANDRIEU, Ms. MIKULSKI, Mrs. LINCOLN, Mr. BIDEN, Mr. ROCKEFELLER, Mrs. BOXER, Mr. REED, Mrs. CLINTON, Mr. LAUTENBERG, Mr. PRYOR, Mr. JOHNSON, and Mr. DURBIN) to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; as follows:

Before the period at the end of the amendment insert the following:

Provided further, That these amounts shall be available only to the extent that an official budget request for the entire amount is submitted to the Congress by the President that includes designation of the entire amount of the request as an emergency requirement.

SA 3648. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 139, line 8, insert after “and” the following: “replace or”. On page 139, line 17, insert after “docks” the following: “vessels”. On page 140, line 22, after “repairing” and “vessels and”

SA 3649. Mr. ALLEN (for himself and Mr. HARKIN) submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ JUSTICE FOR FORMER AMERICAN HOSTAGES IN IRAN.

(a) FINDINGS.—Congress finds that—

(1) on November 4, 1979, the Iranian militants seized the United States Embassy in Tehran, Iran, and held 52 Americans hostage for 444 days until their negotiated release on January 20, 1981;

(2) on January 19, 1981, the United States Department of State entered into a series of agreements with Iran that came to be known as the Algiers Accords. The accords established the United States-Iran Claims Tribunal to adjudicate United States and Iranian commercial claims. The Accords, however, precluded the 52 American hostages or their families from bringing suit against Iran for their seizure, detention, torture, and injuries;

(3) on December 29, 2000, the 52 American hostages and their spouses and children filed suit in the United States District Court for the District of Columbia, pursuant to the Antiterrorism and Effective Death Penalty Act of 1996 (Public Law 104-132);

(4) on August 6, 2001, the District Court entered a default judgment against Iran after certifying the case as a class action;

(5) the United States Department of State intervened in the case of the former American hostages and their families, and successfully moved to vacate the decision against Iran by invoking the Algiers Accords;

(6) the former American Hostages and their families have been denied the rights given every other American citizen to prosecute their claims against a state sponsor of terrorism pursuant to the Antiterrorism and Effective Death Penalty Act of 1996; and

(7) a common fund should be established to recognize these American heroes.

(b) COMMON FUND FOR HOSTAGES.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of the Treasury, in consultation with the Secretary of State, shall commence payments to a common fund to be established and administered by the certified class representatives for the former American hostages in Iran and their survivors (as identified in case number 1:00CV03110 (EGS) of the United States District Court for the District of Columbia).

(2) ADMINISTRATION.—The common fund shall—

(A) be administered to pay claims to the Americans held hostage in Iran and to members of their families, and the estates of those hostages and family members who have since died, who were identified as class members in case number 1:00CV03110 (EGS) of the United States District Court for the District of Columbia; and

(B) be administered for the purpose of satisfying such claims, as approved by the certified class representatives identified in that case number.

(c) FUNDING.—Payments to the common fund under subsection (b) shall be derived from the liquidation of blocked assets (as defined in section 201(d)(2) of the Terrorism Risk Insurance Act of 2002 (Public Law 107-297; 28 U.S.C. 1610 note) with respect to Iran, and from amounts in the Iran Foreign Military Sales Fund account within the Foreign Military Sales Fund. The Secretary of the Treasury may use the interest in the Iran Foreign Military Sales Fund account, the principal in the account, or liquidate assets for purposes of this subsection.

(d) AMOUNT.—The Secretary of the Treasury shall make payments into the fund in amounts equal to—

(1) for each former hostage identified as a class member under subsection (b)(1), \$1,000 for each day of captivity;

(2) for each spouse and child identified as a class member under subsection (b)(1), \$500 for each day of captivity of the former hostages; and

(3) interest on each amount under paragraph (1) and (2), calculated at the historical daily prime rate, as published by the Board of Governors of the Federal Reserve System, for the period from the date of the release of the hostages until the date of payment under this section.

(e) TAXES.—Payments to the former American hostages and their family members pursuant to this section shall be exempt from Federal taxes.

SA 3650. Mr. OBAMA (for himself, Mr. AKAKA, Mrs. MURRAY, Mr. ROCKEFELLER, and Mr. JEFFORDS) submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 128, between lines 10 and 11, insert the following:

**DEPARTMENT OF VETERANS AFFAIRS
DEPARTMENTAL ADMINISTRATION
GENERAL OPERATING EXPENSES**

For an additional amount for “General Operating Expenses”, \$80,000,000, to improve timeliness and accuracy of claims processing, rating, and adjudication, 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.

SA 3651. Mr. OBAMA submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert:

SEC. ____ WORKING FAMILY TAX RELIEF.

For purposes of section 24(d) of the Internal Revenue Code of 1986 (relating to portion of child tax credit made refundable), in the case of any taxable year beginning during 2006 or 2007, with respect to any taxpayer who had a primary residence in the Hurricane Katrina disaster area (as defined in section 1400M(2) of such Code) on August 28, 2005, clause (i) of section 24(d)(1)(B) of such Code shall be applied by substituting 10 per-

cent of the taxpayer's earned income for such taxable year for the amount which would otherwise be determined under such clause for such taxable year. A taxpayer may elect not to have this section apply for any taxable year.

SA 3652. Mr. OBAMA (for himself, Mr. LEVIN, Mr. BAYH, Ms. LANDRIEU, and Mr. DURBIN) submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 165, line 20, after “Provided, That” insert the following: “\$1,000,000 shall be for the efforts of the Director of the Federal Emergency Management Agency, in consultation with the Secretary of Health and Human Services, ongoing on the date of enactment of this Act to assist individuals displaced by Hurricane Katrina of 2005, in locating members of their family: *Provided further*, That not later than 1 year after the date of enactment of this Act, the Secretary of Homeland Security, in consultation with the Secretary of Health and Human Services, shall conduct an assessment regarding how to modify the Louisiana family assistance call center model for use in major disasters (as that term is defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122)) occurring after the date of enactment of this Act: *Provided further*, That not later than 1 year after the date of the conclusion of the assessment conducted under the preceding proviso, the Secretary of Homeland Security, in consultation with the Secretary of Health and Human Services, shall issue regulations to implement the findings of such assessment, to the maximum extent practicable: *Provided further*, That”.

SA 3653. Mr. OBAMA submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 165, lines 20, after “Provided, That” insert the following: “\$500,000 shall be for the Secretary of Homeland Security, acting through the Office of State and Local Government Coordination and Preparedness and the Office for Civil Rights and Civil Liberties, to take appropriate actions to carry out recommendation 43 (regarding improving evacuation procedures for people with special needs) in the report by the Assistant to the President for Homeland Security and Counterterrorism entitled ‘The Federal Response to Hurricane Katrina: Lessons Learned,’ dated February 23, 2006: *Provided further*, That”.

SA 3654. Mr. REID (for Mr. KERRY) submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 128, between lines 10 and 11, insert the following:

**DEPARTMENT OF VETERANS AFFAIRS
SUPPORT FOR MENTAL HEALTH AND
READJUSTMENT PROGRAMS**

SEC. 1601. Congress makes the following findings:

(1) Not all the wounds caused by war are physical.

(2) In July of 2004, the New England Journal of Medicine reported that one of every six combat veterans in Iraq and Afghanistan showed symptoms of major depression, anxiety, or post-traumatic stress disorder (PTSD).

(3) A more recent study in the *Journal of the American Medical Association* found that 19.1 percent of returning veterans from Iraq, and 11.3 percent of veterans returning from Afghanistan, reported mental health problems.

(4) Historic experience reveals that soldiers will return from war having to cope with a range of emotional issues, regardless of whether or not they are diagnosed with post-traumatic stress disorder.

(5) Care for veterans is an ongoing cost of war.

(6) The New Hampshire National Guard pioneered a new approach to meeting the mental health and readjustment needs of its soldiers.

(7) The New Hampshire model stipulates that as part of a comprehensive return and readjustment program, members of the National Guard receive individual counseling with counselors from Vet Centers who specialize in treating war trauma and related readjustment issues.

(8) The counseling is both mandatory and confidential, destroying any stigma associated with seeking help for emotional mental health problems.

(9) Of the first 810 soldiers to pass through the screening process, nearly 200 have received counseling.

(10) Counselors at Vet Centers are highly trained in readjustment counseling. Sixty percent of the counselors in Vet Centers are veterans themselves, 40 percent are combat veterans, and all are very experienced with helping veterans and their families deal with the challenges of readjustment.

(11) The greatest obstacle to the adoption of the New Hampshire program nationwide is the lack of resources available to Vet Centers.

(12) In fiscal year 2004, Vet Centers served 125,859 veterans in more than 1,000,000 visits.

(13) Even without the war in Iraq, Vet Centers were already overloaded with cases.

(14) In fiscal year 2005, Vet Centers were expected to provide services to nearly 14,000 veterans of Iraq and Afghanistan in almost 44,000 office visits, and more than 3,800 of these veterans had post-traumatic stress disorder.

(15) As of the end of February 2006, Vet Centers provided services to 70,547 veterans of operations in Iraq and Afghanistan in 2006.

MEDICAL SERVICES

For an additional amount for "Medical Services", \$100,000,000, for the Readjustment Counseling Services of the Department of Veterans Affairs to expand transition programs, increase screening for post-traumatic stress disorder (PTSD), and expand resources available for treatment of post-traumatic stress disorder: *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.

SA 3655. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

REPORT ON ASSISTANCE FOR IRAQ

SEC. . Not later than 30 days after the date of enactment of this Act, the Secretary of State shall submit to the Committees on Appropriations a report setting forth the procedures in place to ensure that United States assistance is not provided to security force units in Iraq credibly alleged to be involved in gross human rights violations, including the procedures for vetting all police, military and other security force units receiving such assistance, monitoring the use of such assistance, and maintaining a list of units ineligible to receive such assistance.

SA 3656. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . TRAVEL DOCUMENT PLAN.

Section 7209(b)(1) of the Intelligence Reform and Terrorism Prevention Act of 2004 (8 U.S.C. 1185 note) is amended by striking "January 1, 2008" and inserting "June 1, 2009".

SA 3657. Mr. LEAHY (for himself and Mr. DURBIN) submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 118, line 7, strike "\$136,290,000" and insert in lieu thereof "\$171,290,000".

SA 3658. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 120, line 13, after the colon insert the following:

Provided further, That of the funds appropriated under this heading for assistance for Iraq, not less than \$16,000,000 shall be made available to the United States Agency for International Development for continued support for its Iraq Civil Society and Media Program: *Provided further*, That funds made available under the previous proviso shall be in addition to funds appropriated by this Act that are available to the United States Agency for International Development for Iraq

SA 3659. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 117, line 25, strike "\$10,500,000" and insert in lieu thereof "\$20,500,000".

On page 117, line 26, after "That" insert the following:

of the funds appropriated under this heading, \$10,000,000 shall be made available for assistance for Guatemala for recovery and reconstruction activities related to Hurricane Stan: *Provided further*, That

SA 3660. Mr. LEAHY (for himself, Mr. COLEMAN, and Ms. MURKOWSKI) sub-

mitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

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

INELIGIBILITY FOR ADMISSION FOR ALIENS

SEC. 7032. Section 212(a)(3)(B) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)(B)) is amended—

(1) in clause (vi)(III), by striking "which" before "engages in, or has a subgroup" and inserting in lieu thereof "that the Secretary of the State, in consultation with or upon the request of the Attorney General or Secretary of Homeland Security, has certified"; and

(2) by adding at the end, the following new clause:

"(vii) EXCEPTION FOR INVOLUNTARY MATERIAL SUPPORT.—An individual has not provided material support for the purposes of subclause (VI) of clause (iv) if the individual establishes to the satisfaction of the consular officer when applying for a visa (or to the satisfaction of the Attorney General or Secretary of Homeland Security when applying for admission) that such support was involuntary or for purposes of protecting the alien or another person from the use of, or the threat of, unlawful force that a reasonable person in the alien's situation would not have resisted."

SA 3661. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 121, line 5, after the colon, insert the following: *Provided further*, That funds made available under this heading shall be subject to the regular notification procedures of the Committees on Appropriations:

SA 3662. Mr. FEINGOLD (for himself, Mr. LEAHY, Mr. SALAZAR, Mr. BYRD, Mr. LIEBERMAN, and Ms. COLLINS) submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

SEC.—. For purposes of oversight by and determining the termination date of the Office of the Special Inspector General for Iraq Reconstruction under section 3001(o) of the Emergency Supplemental Appropriations Act for Defense and for the Reconstruction of Iraq and Afghanistan, 2004 (Public Law 108-106; 5 U.S.C. App. 8G note), as amended by section 1203 of the Ronald W. Reagan National Defense Authorization Act, 2005 (Public Law 108-375; 118 Stat. 2081), and section 599 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2006 (Public Law 109-102; 119 Stat. 2240), the following funds shall be deemed amounts appropriated or otherwise made available for the Iraq Relief and Reconstruction Fund:

(1) Funds appropriated or otherwise made available by this Act for assistance for Iraq under the headings "OPERATING EXPENSES OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT", "ECONOMIC SUPPORT FUND",

"INTERNATIONAL NARCOTICS CONTROL AND LAW ENFORCEMENT," and "INTERNATIONAL AFFAIRS TECHNICAL ASSISTANCE".

(2) Funds appropriated or otherwise made available for assistance for Iraq by title II of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2006 (Public Law 109-102) under the heading "ECONOMIC SUPPORT FUND".

SA 3663. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 121, line 1, strike "in Iran" and insert in lieu thereof:

, of which \$34,750,000 shall be made available to promote democracy in Iran and of which \$5,000,000 shall be made available for election assistance in the Democratic Republic of the Congo

On page 121, line 2, after "heading" insert "for assistance for Iran".

SA 3664. Mr. LEAHY (for himself, Mr. COLEMAN, Ms. MURKOWSKI, and Mr. LIEBERMAN) submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

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

INELIGIBILITY FOR ADMISSION FOR ALIENS

SEC. 7032. Section 212(a)(3)(B) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)(B)) is amended—

(1) in clause (vi)(III), by striking "which" before "engages in, or has a subgroup" and inserting in lieu thereof "that the Secretary of the State, in consultation with or upon the request of the Attorney General or Secretary of Homeland Security, has certified"; and

(2) by adding at the end, the following new clause:

"(vii) EXCEPTION FOR INVOLUNTARY MATERIAL SUPPORT.—An individual has not provided material support for the purposes of subclause (VI) of clause (iv) if the individual establishes to the satisfaction of the Secretary of State, Attorney General or Secretary of Homeland Security that such support was involuntary or for purposes of protecting the alien or another person from the use of, or the threat of, unlawful force that a reasonable person in the alien's situation would not have resisted."

SA 3665. Mr. WYDEN proposed an amendment to the bill H.R. 4939, making emergency supplemental appropriations for fiscal year ending September 30, 2006, and for other purposes; as follows:

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

PROHIBITION OF FUNDS FOR OIL AND NATURAL GAS ROYALTY RELIEF

SEC. 7032. (a) No funds made available under this Act or any other Act for any fiscal year for royalty and offshore minerals management may be used by the Secretary of the Interior to provide relief from a requirement to pay a royalty for the production of oil or natural gas from Federal land during any period in which—

(1) for the production of oil, the average price of crude oil in the United States is greater than \$55 a barrel; and

(2) for the production of natural gas, the average price of natural gas in the United States is \$10 per 1,000 cubic feet of natural gas.

(b) In administering funds made available for royalty or offshore minerals management, the Secretary of the Interior may waive or specify alternative requirements if the Secretary of the Interior determines that royalty relief is necessary to avoid oil or natural gas supply disruptions as a consequence of hurricanes or other natural disasters.

SA 3666. Mr. ALLARD submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

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

PROHIBITION ON USE OF FUNDS FOR CONDEMNATION OF LAND LOCATED NEAR PINON CANYON

SEC. 7032. (a) In this section, the term "fair market value" means the value of a parcel of land, as determined by an appraisal performed by an independent, certified appraiser in accordance with the Uniform Standards of Professional Appraisal Practice.

(b) Subject to subsection (c), any funds made available to the Department of Defense pursuant to the Department of Defense Appropriations Act, 2006 (Division A of Public Law 109-148; 119 Stat. 2680), the Military Quality of Life and Veterans Affairs Appropriations Act, 2006 (Public Law 109-114; 119 Stat. 2372), or any other Act shall not be obligated or expended to acquire land located near the Pinon Canyon Maneuver Site if the land acquisition requires—

- (1) condemnation;
 - (2) seizure by a Federal entity of private property; or
 - (3) eminent domain.
- (c) The prohibition on the use of funds described in subsection (b) shall not apply to a land exchange between a willing seller and a willing buyer in which the exchanged land is purchased for an amount that does not exceed the fair market value of that land.

SA 3667. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 161, line 17, strike "\$60,000,000" and insert "\$80,000,000".

On page 161, line 19, insert ", and in Jefferson Parish in the vicinity of Jean Lafitte," after "Plaquemines Parish".

On page 162, line 4, strike "\$641,500,000" and insert "\$621,500,000".

SA 3668. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

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

LA LOUTRE RIDGE PROJECT

SEC. 7 _____. For purposes of chapter 3 of title I of division B of the Department of De-

fense, Emergency Supplemental Appropriations to Address Hurricanes in the Gulf of Mexico, and Pandemic Influenza Act, 2006 (Public Law 109-148; 119 Stat. 2761), the water control structure in the vicinity of La Loutre Ridge shall be considered to be an authorized operations and maintenance activity of the Corps of Engineers.

SA 3669. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 200, line 21, insert "Provided further, That no State shall be allocated less than 3.5 percent of the amount provided under this heading;" after "impacted areas:".

SA 3670. Mr. DORGAN (for himself, Mr. DODD, Mrs. BOXER, Mr. REED, Mr. LIEBERMAN, Mr. LEAHY, Ms. MIKULSKI, and Mr. KENNEDY) submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; as follows:

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

SEC. _____. WINDFALL PROFITS TAX; ENERGY CONSUMER REBATE.

(a) WINDFALL PROFITS TAX.—

(1) IN GENERAL.—Subtitle E of the Internal Revenue Code of 1986 (relating to alcohol, tobacco, and certain other excise taxes) is amended by adding at the end the following new chapter:

"CHAPTER 56—WINDFALL PROFITS ON CRUDE OIL

"Sec. 5896. Imposition of tax.

"Sec. 5897. Windfall profit; removal price; adjusted base price; qualified investment.

"Sec. 5898. Special rules and definitions.

"SEC. 5896. IMPOSITION OF TAX.

"(a) IN GENERAL.—In addition to any other tax imposed under this title, there is hereby imposed on any integrated oil company (as defined in section 291(b)(4)) which has an average daily worldwide production of crude oil of at least 500,000 barrels for the taxable year an excise tax equal to the excess of—

"(1) the amount equal to 50 percent of the windfall profit from all barrels of taxable crude oil removed from the property during each taxable year, over

"(2) the amount of qualified investment by such company during such taxable year.

"(b) FRACTIONAL PART OF BARREL.—In the case of a fraction of a barrel, the tax imposed by subsection (a) shall be the same fraction of the amount of such tax imposed on the whole barrel.

"(c) TAX PAID BY PRODUCER.—The tax imposed by this section shall be paid by the producer of the taxable crude oil.

"SEC. 5897. WINDFALL PROFIT; REMOVAL PRICE; ADJUSTED BASE PRICE; QUALIFIED INVESTMENT.

"(a) GENERAL RULE.—For purposes of this chapter, the term 'windfall profit' means the excess of the removal price of the barrel of taxable crude oil over the adjusted base price of such barrel.

"(b) REMOVAL PRICE.—For purposes of this chapter—

"(1) IN GENERAL.—Except as otherwise provided in this subsection, the term 'removal price' means the amount for which the barrel of taxable crude oil is sold.

"(2) SALES BETWEEN RELATED PERSONS.—In the case of a sale between related persons,

the removal price shall not be less than the constructive sales price for purposes of determining gross income from the property under section 613.

“(3) OIL REMOVED FROM PROPERTY BEFORE SALE.—If crude oil is removed from the property before it is sold, the removal price shall be the constructive sales price for purposes of determining gross income from the property under section 613.

“(4) REFINING BEGUN ON PROPERTY.—If the manufacture or conversion of crude oil into refined products begins before such oil is removed from the property—

“(A) such oil shall be treated as removed on the day such manufacture or conversion begins, and

“(B) the removal price shall be the constructive sales price for purposes of determining gross income from the property under section 613.

“(5) PROPERTY.—The term ‘property’ has the meaning given such term by section 614.

“(C) ADJUSTED BASE PRICE DEFINED.—

“(1) IN GENERAL.—For purposes of this chapter, the term ‘adjusted base price’ means \$40 for each barrel of taxable crude oil plus an amount equal to—

“(A) such base price, multiplied by

“(B) the inflation adjustment for the calendar year in which the taxable crude oil is removed from the property.

The amount determined under the preceding sentence shall be rounded to the nearest cent.

“(2) INFLATION ADJUSTMENT.—

“(A) IN GENERAL.—For purposes of paragraph (1), the inflation adjustment for any calendar year after 2006 is the percentage by which—

“(i) the implicit price deflator for the gross national product for the preceding calendar year, exceeds

“(ii) such deflator for the calendar year ending December 31, 2005.

“(B) FIRST REVISION OF PRICE DEFLATOR USED.—For purposes of subparagraph (A), the first revision of the price deflator shall be used.

“(d) QUALIFIED INVESTMENT.—For purposes of this chapter—

“(1) IN GENERAL.—The term ‘qualified investment’ means any amount paid or incurred with respect to—

“(A) section 263(c) costs,

“(B) qualified refinery property (as defined in section 179C(c) and determined without regard to any termination date),

“(C) any qualified facility described in paragraph (1), (2), (3), or (4) of section 45(d) (determined without regard to any placed in service date),

“(D) any facility for the production of alcohol used as a fuel (within the meaning of section 40) or biodiesel or agri-biodiesel used as a fuel (within the meaning of section 40A).

“(2) SECTION 263(C) COSTS.—For purposes of this subsection, the term ‘section 263(c) costs’ means intangible drilling and development costs incurred by the taxpayer which (by reason of an election under section 263(c)) may be deducted as expenses for purposes of this title (other than this paragraph). Such term shall not include costs incurred in drilling a nonproductive well.

“SEC. 5898. SPECIAL RULES AND DEFINITIONS.

“(a) WITHHOLDING AND DEPOSIT OF TAX.—The Secretary shall provide such rules as are necessary for the withholding and deposit of the tax imposed under section 5896 on any taxable crude oil.

“(b) RECORDS AND INFORMATION.—Each taxpayer liable for tax under section 5896 shall keep such records, make such returns, and furnish such information (to the Secretary and to other persons having an interest in the taxable crude oil) with respect to such

oil as the Secretary may by regulations prescribe.

“(c) RETURN OF WINDFALL PROFIT TAX.—The Secretary shall provide for the filing and the time of such filing of the return of the tax imposed under section 5896.

“(d) DEFINITIONS.—For purposes of this chapter—

“(1) PRODUCER.—The term ‘producer’ means the holder of the economic interest with respect to the crude oil.

“(2) CRUDE OIL.—

“(A) IN GENERAL.—The term ‘crude oil’ includes crude oil condensates and natural gas—

“(B) EXCLUSION OF NEWLY DISCOVERED OIL.—Such term shall not include any oil produced from a well drilled after the date of the enactment of this chapter, except with respect to any oil produced from a well drilled after such date on any proven oil or gas property (within the meaning of section 613A(c)(9)(A)).

“(3) BARREL.—The term ‘barrel’ means 42 United States gallons.

“(e) ADJUSTMENT OF REMOVAL PRICE.—In determining the removal price of oil from a property in the case of any transaction, the Secretary may adjust the removal price to reflect clearly the fair market value of oil removed.

“(f) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this chapter.

“(g) TERMINATION.—This section shall not apply to taxable crude oil removed after the date which is 3 years after the date of the enactment of this section.”

(2) CLERICAL AMENDMENT.—The table of chapters for subtitle E of the Internal Revenue Code of 1986 is amended by adding at the end the following new item:

“CHAPTER 56. WINDFALL PROFIT ON CRUDE OIL.”

(3) DEDUCTIBILITY OF WINDFALL PROFIT TAX.—The first sentence of section 164(a) of the Internal Revenue Code of 1986 (relating to deduction for taxes) is amended by inserting after paragraph (5) the following new paragraph:

“(6) The windfall profit tax imposed by section 5896.”

(4) EFFECTIVE DATE.—

(A) IN GENERAL.—The amendments made by this subsection shall apply to crude oil removed after the date of the enactment of this Act, in taxable years ending after such date.

(B) TRANSITIONAL RULES.—For the period ending December 31, 2006, the Secretary of the Treasury or the Secretary’s delegate shall prescribe rules relating to the administration of chapter 56 of the Internal Revenue Code of 1986. To the extent provided in such rules, such rules shall supplement or supplant for such period the administrative provisions contained in chapter 56 of such Code (or in so much of subtitle F of such Code as relates to such chapter 56).

(b) ENERGY CONSUMER REBATE.—

(1) IN GENERAL.—Subchapter B of chapter 65 of the Internal Revenue Code of 1986 (relating to rules of special application in the case of abatements, credits, and refunds) is amended by adding at the end the following new section:

“SEC. 6430. ENERGY CONSUMER REBATE.

“(a) GENERAL RULE.—Except as otherwise provided in this section, each individual shall be treated as having made a payment against the tax imposed by chapter 1 for each taxable year beginning after December 31, 2005, in an amount equal to the lesser of—

“(1) the amount of the taxpayer’s liability for tax for such taxpayer’s preceding taxable year, or

“(2) the applicable amount.

“(b) LIABILITY FOR TAX.—For purposes of this section, the liability for tax for any taxable year shall be the excess (if any) of—

“(1) the sum of—

“(A) the taxpayer’s regular tax liability (within the meaning of section 26(b)) for the taxable year,

“(B) the tax imposed by section 55(a) with respect to such taxpayer for the taxable year, and

“(C) the taxpayer’s social security taxes (within the meaning of section 24(d)(2)) for the taxable year, over

“(2) the sum of the credits allowable under part IV of subchapter A of chapter 1 (other than the credits allowable under subpart C thereof, relating to refundable credits) for the taxable year.

“(c) APPLICABLE AMOUNT.—For purposes of this section, the applicable amount for any taxpayer shall be determined by the Secretary not later than the date specified in subsection (d)(1) taking into account the number of such taxpayers and the amount of revenues in the Treasury resulting from the tax imposed by section 5896 for the calendar year preceding the taxable year.

“(d) DATE PAYMENT DEEMED MADE.—

“(1) IN GENERAL.—The payment provided by this section shall be deemed made on February 1 of the calendar year ending with or within the taxable year (July 1, in the case of calendar year 2006).

“(2) REMITTANCE OF PAYMENT.—The Secretary shall remit to each taxpayer the payment described in paragraph (1) not later than the date which is 30 days after the date specified in paragraph (1).

“(e) CERTAIN PERSONS NOT ELIGIBLE.—This section shall not apply to—

“(1) any individual with respect to whom a deduction under section 151 is allowable to another taxpayer for a taxable year beginning in the calendar year in which such individual’s taxable year begins,

“(2) any estate or trust, or

“(3) any nonresident alien individual.”

(2) CONFORMING AMENDMENT.—Section 1324(b)(2) of title 31, United States Code, is amended by inserting before the period “, or from section 6430 of such Code”.

(3) CLERICAL AMENDMENT.—The table of sections for subchapter B of chapter 65 of the Internal Revenue Code of 1986 is amended by adding at the end the following new item:

“Sec. 6430. Energy consumer rebate.”

(4) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on the date of the enactment of this Act.

NOTICES OF INTENT

Mr. DORGAN. Mr. President, I submit the following notice in writing: In accordance with rule V of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend paragraph 4 of rule XVI for the purpose of proposing to the bill H.R. 4939 amendment No. 3670. (The amendment is printed in today’s RECORD under “Text of amendments.”)

Mr. DOMENICI. Mr. President, I submit the following notice in writing: In accordance with Rule V of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend paragraph 4 of rule XVI for the purpose of proposing to the bill H.R. 4939 the attached amendment, as follows:

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

TITLE VIII—GAS TAX RELIEF AND REBATE **Subtitle A—Fuel Tax Holiday Rebate**

SEC. 8101. FUEL TAX HOLIDAY REBATE.

(a) IN GENERAL.—Subchapter B of chapter 65 of the Internal Revenue Code of 1986 (relating to rules of special application in the case of abatements, credits, and refunds) is amended by adding at the end the following new section:

“SEC. 6430. FUEL TAX HOLIDAY REBATE.

“(a) GENERAL RULE.—Except as otherwise provided in this section, each individual shall be treated as having made a payment against the tax imposed by chapter 1 for the taxable year beginning in 2006 in an amount equal to \$100.

“(b) REMITTANCE OF PAYMENT.—The Secretary shall remit to each taxpayer the payment described in subsection (a) not later than August 30, 2006.

“(c) CERTAIN PERSONS NOT ELIGIBLE.—This section shall not apply to—

“(1) any taxpayer who did not have any adjusted gross income for the preceding taxable year or whose adjusted gross income for such preceding taxable year exceeded the threshold amount (as determined under section 151(d)(3)(C) for such preceding taxable year),

“(2) any individual with respect to whom a deduction under section 151 is allowable to another taxpayer for the taxable year beginning in 2006,

“(3) any estate or trust, or

“(4) any nonresident alien individual.”.

(b) CONFORMING AMENDMENT.—Section 1324(b)(2) of title 31, United States Code, is amended by inserting before the period “, or from section 6430 of such Code”.

(c) CLERICAL AMENDMENT.—The table of sections for subchapter B of chapter 65 of the Internal Revenue Code of 1986 is amended by adding at the end the following new item:

“Sec. 6430. Fuel tax holiday rebate.”.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

Subtitle B—Price Gouging

SEC. 8201. SHORT TITLE.

This subtitle may be cited as the “Gasoline Consumer Anti-Price-Gouging Protection Act”.

SEC. 8202. PROTECTION OF CONSUMERS AGAINST PRICE GOUGING.

It is unlawful for any person to increase the price at which that person sells, or offers to sell, gasoline or petroleum distillates to the public (for purposes other than resale) in, or for use in, an area covered by an emergency proclamation by an unconscionable amount while the proclamation is in effect.

SEC. 8203. JUSTIFIABLE PRICE INCREASES.

(a) IN GENERAL.—The prohibition in section 8202 does not apply to the extent that the increase in the retail price of the gasoline or petroleum distillate is attributable to—

(1) an increase in the wholesale cost of gasoline and petroleum distillates for the region in which the area to which a proclamation under section 8202 applies is located;

(2) an increase in the replacement costs for gasoline or petroleum distillate sold;

(3) an increase in operational costs; or

(4) regional, national, or international market conditions.

(b) OTHER MITIGATING FACTORS.—In determining whether a violation of section 8202 has occurred, there also shall be taken into account, among other factors, the price that would reasonably equate supply and demand in a competitive and freely functioning market and whether the price at which the gasoline or petroleum distillate was sold reasonably reflects additional costs, not within the control of the seller, that were paid or incurred by the seller.

SEC. 8204. FEDERAL AND STATE PROCLAMATIONS.

(a) IN GENERAL.—For purposes of this subtitle—

(1) the President may issue an emergency proclamation for any area within the United States in which an abnormal market disruption has occurred or is reasonably expected to occur; and

(2) the chief executive officer of any State may issue an emergency proclamation for any such area within that State.

(b) SCOPE AND DURATION.—

(1) IN GENERAL.—An emergency proclamation issued under subsection (a) shall specify with particularity—

(A) the geographic area to which it applies;

(B) the period for which the proclamation applies; and

(C) the event, circumstance, or condition that is the reason such a proclamation is determined to be necessary.

(2) LIMITATIONS.—An emergency proclamation issued under subsection (a)—

(A) may not apply for a period of more than 30 consecutive days (renewable for a consecutive period of not more than 30 days); and

(B) may apply to a period of not more than 7 days preceding the occurrence of an event, circumstance, or condition that is the reason such a proclamation is determined to be necessary.

SEC. 8205. ENFORCEMENT BY FEDERAL TRADE COMMISSION.

(a) VIOLATION IS UNFAIR OR DECEPTIVE ACT OR PRACTICE.—This subtitle shall be enforced by the Federal Trade Commission as if the violation of section 8202 were an unfair or deceptive act or practice proscribed under a rule issued under section 18(a)(1)(B) of the Federal Trade Commission Act (15 U.S.C. 57a(a)(1)(B)).

(b) ACTIONS BY THE COMMISSION.—The Commission shall prevent any person from violating this subtitle in the same manner, by the same means, and with the same jurisdiction, powers, and duties as though all applicable terms and provisions of the Federal Trade Commission Act (15 U.S.C. 41 et seq.) were incorporated into and made a part of this subtitle. Any entity that violates any provision of this subtitle is subject to the penalties and entitled to the privileges and immunities provided in the Federal Trade Commission Act in the same manner, by the same means, and with the same jurisdiction, power, and duties as though all applicable terms and provisions of the Federal Trade Commission Act were incorporated into and made a part of this subtitle.

(c) REGULATIONS.—Not later than 180 days after the date of enactment of this Act, the Federal Trade Commission shall prescribe such regulations as may be necessary or appropriate to implement this subtitle.

SEC. 8206. ENFORCEMENT BY STATES.

(a) IN GENERAL.—A State, as *parens patriae*, may bring a civil action on behalf of its residents in an appropriate district court of the United States to enforce the provisions of this subtitle, whenever the chief legal officer of the State has reason to believe that the interests of the residents of the State have been or are being threatened or adversely affected by a violation of this subtitle or a regulation under this subtitle.

(b) NOTICE.—The State shall serve written notice to the Federal Trade Commission of any civil action under subsection (a) prior to initiating such civil action. The notice shall include a copy of the complaint to be filed to initiate such civil action, except that if it is not feasible for the State to provide such prior notice, the State shall provide such notice immediately upon instituting such civil action.

(c) AUTHORITY TO INTERVENE.—Upon receiving the notice required by subsection (b), the Commission may intervene in such civil action and upon intervening—

(1) be heard on all matters arising in such civil action; and

(2) file petitions for appeal of a decision in such civil action.

(d) CONSTRUCTION.—For purposes of bringing any civil action under subsection (a), nothing in this section shall prevent the chief legal officer of a State from exercising the powers conferred on that officer by the laws of such State to conduct investigations or to administer oaths or affirmations or to compel the attendance of witnesses or the production of documentary and other evidence.

(e) VENUE; SERVICE OF PROCESS.—In a civil action brought under subsection (a)—

(1) the venue shall be a judicial district in which the violation occurred;

(2) process may be served without regard to the territorial limits of the district or of the State in which the civil action is instituted; and

(3) a person who participated in an alleged violation that is being litigated in the civil action may be joined in the civil action without regard to the residence of the person.

(f) LIMITATION ON STATE ACTION WHILE FEDERAL ACTION IS PENDING.—If the Commission has instituted a civil action or an administrative action for violation of this subtitle, the chief legal officer of the State in which the violation occurred may not bring an action under this section during the pendency of that action against any defendant named in the complaint of the Commission or the other agency for any violation of this subtitle alleged in the complaint.

(g) ENFORCEMENT OF STATE LAW.—Nothing contained in this section shall prohibit an authorized State official from proceeding in State court to enforce a civil or criminal statute of such State.

SEC. 8207. PENALTIES.

(a) CIVIL PENALTY.—

(1) IN GENERAL.—In addition to any penalty applicable under the Federal Trade Commission Act any person who violates this subtitle is punishable by a civil penalty of—

(A) not more than \$500,000, in the case of an independent small business marketer of gasoline (within the meaning of section 324(c) of the Clean Air Act (42 U.S.C. 7625(c)); and

(B) not more than \$5,000,000 in the case of any other person.

(2) METHOD OF ASSESSMENT.—The penalty provided by paragraph (1) shall be assessed in the same manner as civil penalties imposed under section 5 of the Federal Trade Commission Act (15 U.S.C. 45).

(3) MULTIPLE OFFENSES; MITIGATING FACTORS.—In assessing the penalty provided by subsection (a)—

(A) each day of a continuing violation shall be considered a separate violation; and

(B) the Commission shall take into consideration the seriousness of the violation and the efforts of the person committing the violation to remedy the harm caused by the violation in a timely manner.

(b) CRIMINAL PENALTY.—

(1) IN GENERAL.—In addition to any penalty applicable under the Federal Trade Commission Act, the violation of this subtitle is punishable by a fine of not more than \$1,000,000, imprisonment for not more than 2 years, or both.

(2) ENFORCEMENT.—The criminal penalty provided by paragraph (1) may be imposed only pursuant to a criminal action brought by the Attorney General or other officer of the Department of Justice, or any attorney specially appointed by the Attorney General

of the United States, in accordance with section 515 of title 28, United States Code.

SEC. 8208. DEFINITIONS.

In this subtitle:

(1) **ABNORMAL MARKET DISRUPTION.**—The term “abnormal market disruption” means there is a reasonable likelihood that, in the absence of a proclamation under section 8204(a), there will be an increase in the average retail price of gasoline or petroleum distillates in the area to which the proclamation applies as a result of a change in the market, whether actual or imminently threatened, resulting from weather, a natural disaster, strike, civil disorder, war, military action, a national or local emergency, or other similar cause, that adversely affects the availability or delivery gasoline or petroleum distillates.

(2) **STATE.**—The term “State” means the several States of the United States and the District of Columbia.

(3) **UNCONSCIONABLE AMOUNT.**—The term “unconscionable amount” means, with respect to any person to whom section 8202 applies, a significant increase in the price at which gasoline or petroleum distillates are sold or offered for sale by that person that increases the price, for the same grade of gasoline or petroleum distillate, to an amount that—

(A) substantially exceeds the average price at which gasoline or petroleum distillates were sold or offered for sale by that person during the 30-day period immediately preceding the sale or offer; and

(B) cannot be justified by taking into account the factors described in section —03(b).

SEC. 8209. EFFECTIVE DATE.

This subtitle shall take effect on the date on which a final rule issued by the Federal Trade Commission under section 8205(c) is published in the Federal Register.

Subtitle C—Tax Provisions

SEC. 8301. REPEAL OF THE LIMITATION ON NUMBER OF NEW QUALIFIED HYBRID AND ADVANCED LEAN-BURN TECHNOLOGY VEHICLES ELIGIBLE FOR CREDIT.

(a) **IN GENERAL.**—Subsection (f) of section 30B of the Internal Revenue Code of 1986 is repealed.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall take effect as if included in the amendment made by section 1341(a) of the Energy Policy Act of 2005.

SEC. 8302. EXCEPTION FROM DEPRECIATION LIMITATION FOR CERTAIN ALTERNATIVE AND ELECTRIC PASSENGER AUTOMOBILES.

(a) **IN GENERAL.**—Paragraph (1) of section 280F(a) of the Internal Revenue Code of 1986 (relating to limitation) is amended by adding at the end the following new subparagraph:

“(D) **SPECIAL RULE FOR CERTAIN ALTERNATIVE MOTOR VEHICLES AND QUALIFIED ELECTRIC VEHICLES.**—Subparagraph (A) shall not apply to any motor vehicle for which a credit is allowable under section 30 or 30B.”.

(b) **CONFORMING AMENDMENT.**—Subparagraph (C) of section 280F(a)(1) of the Internal Revenue Code of 1986 is amended by striking clause (ii) and by redesignating clause (iii) as clause (ii).

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply to property placed in service after the date of the enactment of this Act.

SEC. 8303. EXTENSION OF ELECTION TO EXPENSE CERTAIN REFINERIES.

(a) **IN GENERAL.**—Section 179C(c)(1) of the Internal Revenue Code of 1986 (defining qualified refinery property) is amended—

(1) by striking “and before January 1, 2012” in subparagraph (B) and inserting “and, in the case of any qualified refinery described in subsection (d)(1), before January 1, 2012”, and

(2) by inserting “if described in subsection (d)(1)” after “of which” in subparagraph (F)(i).

(b) **CONFORMING AMENDMENT.**—Subsection (d) of section 179C of the Internal Revenue Code of 1986 is amended to read as follows:

“(d) **QUALIFIED REFINERY.**—For purposes of this section, the term ‘qualified refinery’ means any refinery located in the United States which is designed to serve the primary purpose of processing liquid fuel from—

“(1) crude oil, or

“(2) qualified fuels (as defined in section 45K(c)).”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall take effect as if included in the amendment made by section 1323(a) of the Energy Policy Act of 2005.

SEC. 8304. 5-YEAR AMORTIZATION OF GEOLOGICAL AND GEOPHYSICAL EXPENDITURES FOR CERTAIN MAJOR INTEGRATED OIL COMPANIES.

(a) **IN GENERAL.**—Section 167(h) of the Internal Revenue Code of 1986 (relating to amortization of geological and geophysical expenditures) is amended by adding at the end the following new paragraph:

“(5) **SPECIAL RULE FOR MAJOR INTEGRATED OIL COMPANIES.**—

“(A) **IN GENERAL.**—In the case of an integrated oil company described in subparagraph (B), paragraphs (1) and (4) shall be applied by substituting ‘5-year’ for ‘24 month’.

“(B) **INTEGRATED OIL COMPANY DESCRIBED.**—An integrated oil company is described in this subparagraph if such company is an integrated oil company (as defined in section 291(b)(4)) which—

“(i) has an average daily worldwide production of crude oil of at least 500,000 barrels for the taxable year,

“(ii) had gross receipts in excess of \$1,000,000,000 for its last taxable year ending during calendar year 2005, and

“(iii) has an ownership interest (within the meaning of section 613A(d)(3)) in crude oil refiner of 15 percent or more.

For purposes of the preceding sentence, all persons treated as a single employer under subsections (a) and (b) of section shall be treated as 1 person and, in case of a short taxable year, the rule under section 448(c)(3)(B) shall apply”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall take effect as if included in the amendment made by section 1329 of the Energy Policy Act of 2005.

SEC. 8305. REPEAL OF LIFO METHOD OF INVENTORY ACCOUNTING.

(a) **IN GENERAL.**—Sections 472, 473, and 474 of the Internal Revenue Code of 1986 are repealed.

(b) **CONFORMING AMENDMENTS.**—

(1) Section 56(g)(4)(D)(iii) of such Code is repealed.

(2) Section 312(n)(4) of such Code is repealed.

(3) Section 1363(d) of such Code is repealed.

(c) **EFFECTIVE DATE.**—The repeals made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

(d) **CHANGE IN METHOD OF ACCOUNTING.**—In the case of any taxpayer required by the repeals made by subsection (a) to change its method accounting for its first taxable year beginning after the date of the enactment of this Act—

(1) such change shall be treated as initiated by the taxpayer,

(2) such change shall be treated as made with the consent of the Secretary of the Treasury, and

(3) the net amount of the adjustments required to be taken into account by the taxpayer under section 481 of the Internal Revenue Code of 1986 shall be taken into account

ratably over the 20-taxable year period beginning with the first taxable year beginning after such date of enactment.

Subtitle D—CAFE Standards

SEC. 8401. CLARIFICATION OF AUTHORITY OF SECRETARY OF TRANSPORTATION TO AMEND FUEL ECONOMY STANDARDS FOR PASSENGER VEHICLES.

Section 32902(c) of title 49, United States Code, is amended—

(1) in paragraph (1), by striking “(1) Subject to paragraph (2) of this subsection, the” and inserting “The”; and

(2) by striking paragraph (2).

Subtitle E—Alternative Fuels

SEC. 8501. PRODUCTION INCENTIVES FOR CELLULOSE BIOFUELS.

Section 942(f) of the Energy Policy Act of 2005 (42 U.S.C. 16251(f)) is amended by striking “\$250,000,000” and inserting “\$150,000,000 for fiscal year 2007, \$200,000,000 for fiscal year 2008, and \$250,000,000 for each of fiscal years 2009 through 2011”.

SEC. 8502. ADVANCED ENERGY INITIATIVE FOR VEHICLES.

(a) **PURPOSES.**—The purposes of this section are—

(1) to enable and promote, in partnership with industry, comprehensive development, demonstration, and commercialization of a wide range of electric drive components, systems, and vehicles using diverse electric drive transportation technologies;

(2) to make critical public investments to help private industry, institutions of higher education, National Laboratories, and research institutions to expand innovation, industrial growth, and jobs in the United States;

(3) to expand the availability of the existing electric infrastructure for fueling light duty transportation and other on-road and nonroad vehicles that are using petroleum and are mobile sources of emissions—

(A) including the more than 3,000,000 reported units (such as electric forklifts, golf carts, and similar nonroad vehicles) in use on the date of enactment of this Act; and

(B) with the goal of enhancing the energy security of the United States, reduce dependence on imported oil, and reduce emissions through the expansion of grid-supported mobility;

(4) to accelerate the widespread commercialization of all types of electric drive vehicle technology into all sizes and applications of vehicles, including commercialization of plug-in hybrid electric vehicles and plug-in hybrid fuel cell vehicles; and

(5) to improve the energy efficiency of and reduce the petroleum use in transportation.

(b) **DEFINITIONS.**—In this section:

(1) **BATTERY.**—The term “battery” means an energy storage device used in an on-road or nonroad vehicle powered in whole or in part using an off-board or on-board source of electricity.

(2) **ELECTRIC DRIVE TRANSPORTATION TECHNOLOGY.**—The term “electric drive transportation technology” means—

(A) a vehicle that—

(i) uses an electric motor for all or part of the motive power of the vehicle; and

(ii) may use off-board electricity, including battery electric vehicles, fuel cell vehicles, engine dominant hybrid electric vehicles, plug-in hybrid electric vehicles, plug-in hybrid fuel cell vehicles, and electric rail; or

(B) equipment relating to transportation or mobile sources of air pollution that uses an electric motor to replace an internal combustion engine for all or part of the work of the equipment, including corded electric equipment linked to transportation or mobile sources of air pollution.

(3) **ENGINE DOMINANT HYBRID ELECTRIC VEHICLE.**—The term “engine dominant hybrid

electric vehicle" means an on-road or nonroad vehicle that—

(A) is propelled by an internal combustion engine or heat engine using—

(i) any combustible fuel; and
(ii) an on-board, rechargeable storage device; and

(B) has no means of using an off-board source of electricity.

(4) **FUEL CELL VEHICLE.**—The term "fuel cell vehicle" means an on-road or nonroad vehicle that uses a fuel cell (as defined in section 803 of the Energy Policy Act of 2005 (42 U.S.C. 16152)).

(5) **INITIATIVE.**—The term "Initiative" means the Advanced Battery Initiative established by the Secretary under subsection (f)(1).

(6) **NONROAD VEHICLE.**—The term "nonroad vehicle" has the meaning given the term in section 216 of the Clean Air Act (42 U.S.C. 7550).

(7) **PLUG-IN HYBRID ELECTRIC VEHICLE.**—The term "plug-in hybrid electric vehicle" means an on-road or nonroad vehicle that is propelled by an internal combustion engine or heat engine using—

(A) any combustible fuel;
(B) an on-board, rechargeable storage device; and
(C) a means of using an off-board source of electricity.

(8) **PLUG-IN HYBRID FUEL CELL VEHICLE.**—The term "plug-in hybrid fuel cell vehicle" means a fuel cell vehicle with a battery powered by an off-board source of electricity.

(9) **INDUSTRY ALLIANCE.**—The term "Industry Alliance" means the entity selected by the Secretary under subsection (f)(2).

(10) **INSTITUTION OF HIGHER EDUCATION.**—The term "institution of higher education" has the meaning given the term in section 2 of the Energy Policy Act of 2005 (42 U.S.C. 15801).

(11) **SECRETARY.**—The term "Secretary" means the Secretary of Energy.

(c) **GOALS.**—The goals of the electric drive transportation technology program established under subsection (e) shall be to develop, in partnership with industry and institutions of higher education, projects that focus on—

(1) innovative electric drive technology developed in the United States;

(2) growth of employment in the United States in electric drive design and manufacturing;

(3) validation of the plug-in hybrid potential through fleet demonstrations; and

(4) acceleration of fuel cell commercialization through comprehensive development and commercialization of the electric drive technology systems that are the foundational technology of the fuel cell vehicle system.

(d) **ASSESSMENT.**—Not later than 120 days after the date of enactment of this Act, the Secretary shall offer to enter into an arrangement with the National Academy of Sciences—

(1) to conduct an assessment (in cooperation with industry, standards development organizations, and other entities, as appropriate), of state-of-the-art battery technologies with potential application for electric drive transportation;

(2) to identify knowledge gaps in the scientific and technological bases of battery manufacture and use;

(3) to identify fundamental research areas that would likely have a significant impact on the development of superior battery technologies for electric drive vehicle applications; and

(4) to recommend steps to the Secretary to accelerate the development of battery technologies for electric drive transportation.

(e) **PROGRAM.**—The Secretary shall conduct a program of research, development, demonstration, and commercial application for electric drive transportation technology, including—

(1) high-capacity, high-efficiency batteries;

(2) high-efficiency on-board and off-board charging components;

(3) high-powered drive train systems for passenger and commercial vehicles and for nonroad equipment;

(4) control system development and power train development and integration for plug-in hybrid electric vehicles, plug-in hybrid fuel cell vehicles, and engine dominant hybrid electric vehicles, including—

(A) development of efficient cooling systems;

(B) analysis and development of control systems that minimize the emissions profile when clean diesel engines are part of a plug-in hybrid drive system; and

(C) development of different control systems that optimize for different goals, including—

(i) battery life;

(ii) reduction of petroleum consumption; and

(iii) green house gas reduction;

(5) nanomaterial technology applied to both battery and fuel cell systems;

(6) large-scale demonstrations, testing, and evaluation of plug-in hybrid electric vehicles in different applications with different batteries and control systems, including—

(A) military applications;

(B) mass market passenger and light-duty truck applications;

(C) private fleet applications; and

(D) medium- and heavy-duty applications;

(7) a nationwide education strategy for electric drive transportation technologies providing secondary and high school teaching materials and support for education offered by institutions of higher education that is focused on electric drive system and component engineering;

(8) development, in consultation with the Administrator of the Environmental Protection Agency, of procedures for testing and certification of criteria pollutants, fuel economy, and petroleum use for light-, medium-, and heavy-duty vehicle applications, including consideration of—

(A) the vehicle and fuel as a system, not just an engine; and

(B) nightly off-board charging; and

(9) advancement of battery and corded electric transportation technologies in mobile source applications by—

(A) improvement in battery, drive train, and control system technologies; and

(B) working with industry and the Administrator of the Environmental Protection Agency—

(i) to understand and inventory markets; and

(ii) to identify and implement methods of removing barriers for existing and emerging applications.

(f) **ADVANCED BATTERY INITIATIVE.**—

(1) **IN GENERAL.**—The Secretary shall establish and carry out an Advanced Battery Initiative in accordance with this subsection to support research, development, demonstration, and commercial application of battery technologies.

(2) **INDUSTRY ALLIANCE.**—Not later than 180 days after the date of enactment of this Act, the Secretary shall competitively select an Industry Alliance to represent participants who are private, for-profit firms, the primary business of which is the manufacturing of batteries.

(3) **RESEARCH.**—

(A) **GRANTS.**—The Secretary shall carry out research activities of the Initiative through competitively-awarded grants to—

(i) researchers, including Industry Alliance participants;

(ii) small businesses;

(iii) National Laboratories; and

(iv) institutions of higher education.

(B) **INDUSTRY ALLIANCE.**—The Secretary shall annually solicit from the Industry Alliance—

(i) comments to identify advanced battery technology needs relevant to electric drive technology;

(ii) an assessment of the progress of research activities of the Initiative; and

(iii) assistance in annually updating advanced battery technology roadmaps.

(4) **AVAILABILITY TO THE PUBLIC.**—The information and roadmaps developed under this subsection shall be available to the public.

(5) **PREFERENCE.**—In making awards under this subsection, the Secretary shall give preference to participants in the Industry Alliance.

(g) **COST SHARING.**—In carrying out this section, the Secretary shall require cost sharing in accordance with section 988 of the Energy Policy Act of 2005 (42 U.S.C. 16352).

(h) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to carry out this section \$300,000,000 for each of fiscal years 2007 through 2012.

Subtitle F—Strategic Petroleum Reserve

SEC. 8601. STRATEGIC PETROLEUM RESERVE.

(a) **FINDINGS.**—The Senate finds that—

(1) the Strategic Petroleum Reserve, as established by the Energy Policy and Conservation Act (42 U.S.C. 6201 et seq.), provides the United States with an emergency crude oil supply reserve that ensures that a disruption in commercial oil supplies will not threaten the United States economy;

(2) the Energy Policy Act of 2005 (42 U.S.C. 15801 et seq.) strengthened the Strategic Petroleum Reserve by authorizing a capacity of 1,000,000,000 barrels of crude oil;

(3) as of the date of enactment of this Act, the inventory in the Strategic Petroleum Reserve is sufficiently large enough to guard against supply disruptions during the time period for the temporary cessation of deposits described in subsection (b)(1); and

(4) the cessation of deposits to the Strategic Petroleum Reserve will add approximately 2,000,000 barrels of crude oil supply into the market.

(b) **SENSE OF THE SENATE.**—It is the sense of the Senate that—

(1) consistent with the authority granted under the Energy Policy and Conservation Act (42 U.S.C. 6201 et seq.), the Secretary of Energy should cease deposits to the Strategic Petroleum Reserve for a period of not less than 6 months;

(2) the Secretary of Energy should continue to work toward establishing the infrastructure necessary to achieve the 1,000,000,000 barrels of crude oil capacity authorized under the Energy Policy Act of 2005 (42 U.S.C. 15801 et seq.); and

(3) after the temporary cessation of deposits to the Strategic Petroleum Reserve, the Secretary of Energy should continue to increase the inventory of crude oil in the Strategic Petroleum Reserve to work toward meeting the authorized capacity level to enhance the energy security of the United States.

Subtitle G—Arctic Coastal Plain Domestic Energy

SEC. 8701. SHORT TITLE.

This subtitle may be cited as the "Arctic Coastal Plain Domestic Energy Security Act of 2006".

SEC. 8702. DEFINITIONS.

In this subtitle:

(1) **COASTAL PLAIN.**—The term "Coastal Plain" means that area identified as such in

the map entitled "Arctic National Wildlife Refuge", dated August 1980, as referenced in section 1002(b) of the Alaska National Interest Lands Conservation Act of 1980 (16 U.S.C. 3142(b)(1)), comprising approximately 1,549,000 acres, and as described in appendix I to part 37 of title 50, Code of Federal Regulations.

(2) SECRETARY.—The term "Secretary", except as otherwise provided, means the Secretary of the Interior or the Secretary's designee.

SEC. 8703. LEASING PROGRAM FOR LANDS WITHIN THE COASTAL PLAIN.

(a) IN GENERAL.—The Secretary shall take such actions as are necessary—

(1) to establish and implement in accordance with this Act a competitive oil and gas leasing program under the Mineral Leasing Act (30 U.S.C. 181 et seq.) that will result in an environmentally sound program for the exploration, development, and production of the oil and gas resources of the Coastal Plain; and

(2) to administer the provisions of this subtitle through regulations, lease terms, conditions, restrictions, prohibitions, stipulations, and other provisions that ensure the oil and gas exploration, development, and production activities on the Coastal Plain will result in no significant adverse effect on fish and wildlife, their habitat, subsistence resources, and the environment, and including, in furtherance of this goal, by requiring the application of the best commercially available technology for oil and gas exploration, development, and production to all exploration, development, and production operations under this subtitle in a manner that ensures the receipt of fair market value by the public for the mineral resources to be leased.

(b) REPEAL.—Section 1003 of the Alaska National Interest Lands Conservation Act of 1980 (16 U.S.C. 3143) is repealed.

(c) COMPLIANCE WITH REQUIREMENTS UNDER CERTAIN OTHER LAWS.—

(1) COMPATIBILITY.—For purposes of the National Wildlife Refuge System Administration Act of 1966, the oil and gas leasing program and activities authorized by this section in the Coastal Plain are deemed to be compatible with the purposes for which the Arctic National Wildlife Refuge was established, and that no further findings or decisions are required to implement this determination.

(2) ADEQUACY OF THE DEPARTMENT OF THE INTERIOR'S LEGISLATIVE ENVIRONMENTAL IMPACT STATEMENT.—The "Final Legislative Environmental Impact Statement" (April 1987) on the Coastal Plain prepared pursuant to section 1002 of the Alaska National Interest Lands Conservation Act of 1980 (16 U.S.C. 3142) and section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)) is deemed to satisfy the requirements under the National Environmental Policy Act of 1969 that apply with respect to actions authorized to be taken by the Secretary to develop and promulgate the regulations for the establishment of a leasing program authorized by this subtitle before the conduct of the first lease sale.

(3) COMPLIANCE WITH NEPA FOR OTHER ACTIONS.—Before conducting the first lease sale under this subtitle, the Secretary shall prepare an environmental impact statement under the National Environmental Policy Act of 1969 with respect to the actions authorized by this subtitle that are not referred to in paragraph (2). Notwithstanding any other law, the Secretary is not required to identify nonleasing alternative courses of action or to analyze the environmental effects of such courses of action. The Secretary shall only identify a preferred action for such leasing and a single leasing alter-

native, and analyze the environmental effects and potential mitigation measures for those two alternatives. The identification of the preferred action and related analysis for the first lease sale under this subtitle shall be completed within 18 months after the date of the enactment of this Act. The Secretary shall only consider public comments that specifically address the Secretary's preferred action and that are filed within 20 days after publication of an environmental analysis. Notwithstanding any other law, compliance with this paragraph is deemed to satisfy all requirements for the analysis and consideration of the environmental effects of proposed leasing under this subtitle.

(d) RELATIONSHIP TO STATE AND LOCAL AUTHORITY.—Nothing in this subtitle shall be considered to expand or limit State and local regulatory authority.

(e) SPECIAL AREAS.—

(1) IN GENERAL.—The Secretary, after consultation with the State of Alaska, the city of Kaktovik, and the North Slope Borough, may designate up to a total of 45,000 acres of the Coastal Plain as a Special Area if the Secretary determines that the Special Area is of such unique character and interest so as to require special management and regulatory protection. The Secretary shall designate as such a Special Area the Sadlerochit Spring area, comprising approximately 4,000 acres as depicted on such map as shall be identified by the Secretary.

(2) MANAGEMENT.—Each such Special Area shall be managed so as to protect and preserve the area's unique and diverse character including its fish, wildlife, and subsistence resource values.

(3) EXCLUSION FROM LEASING OR SURFACE OCCUPANCY.—The Secretary may exclude any Special Area from leasing. If the Secretary leases a Special Area, or any part thereof, for purposes of oil and gas exploration, development, production, and related activities, there shall be no surface occupancy of the lands comprising the Special Area.

(4) DIRECTIONAL DRILLING.—Notwithstanding the other provisions of this subsection, the Secretary may lease all or a portion of a Special Area under terms that permit the use of horizontal drilling technology from sites on leases located outside the area.

(f) LIMITATION ON CLOSED AREAS.—The Secretary's sole authority to close lands within the Coastal Plain to oil and gas leasing and to exploration, development, and production is that set forth in this subtitle.

(g) REGULATIONS.—

(1) IN GENERAL.—The Secretary shall prescribe such regulations as may be necessary to carry out this subtitle, including rules and regulations relating to protection of the fish and wildlife, their habitat, subsistence resources, and environment of the Coastal Plain, by no later than 15 months after the date of the enactment of this Act.

(2) REVISION OF REGULATIONS.—The Secretary shall periodically review and, if appropriate, revise the rules and regulations issued under subsection (a) to reflect any significant biological, environmental, or engineering data that come to the Secretary's attention.

SEC. 8704. LEASE SALES.

(a) IN GENERAL.—Lands may be leased pursuant to this subtitle to any person qualified to obtain a lease for deposits of oil and gas under the Mineral Leasing Act (30 U.S.C. 181 et seq.).

(b) PROCEDURES.—The Secretary shall, by regulation, establish procedures for—

(1) receipt and consideration of sealed nominations for any area in the Coastal Plain for inclusion in, or exclusion (as provided in subsection (c)) from, a lease sale;

(2) the holding of lease sales after such nomination process; and

(3) public notice of and comment on designation of areas to be included in, or excluded from, a lease sale.

(c) LEASE SALE BIDS.—Bidding for leases under this subtitle shall be by sealed competitive cash bonus bids.

(d) ACREAGE MINIMUM IN FIRST SALE.—In the first lease sale under this subtitle, the Secretary shall offer for lease those tracts the Secretary considers to have the greatest potential for the discovery of hydrocarbons, taking into consideration nominations received pursuant to subsection (b)(1), but in no case less than 200,000 acres.

(e) TIMING OF LEASE SALES.—The Secretary shall—

(1) conduct the first lease sale under this subtitle within 22 months after the date of the enactment of this Act; and

(2) conduct additional sales so long as sufficient interest in development exists to warrant, in the Secretary's judgment, the conduct of such sales.

SEC. 8705. GRANT OF LEASES BY THE SECRETARY.

(a) IN GENERAL.—The Secretary may grant to the highest responsible qualified bidder in a lease sale conducted pursuant to section 8704 any lands to be leased on the Coastal Plain upon payment by the lessee of such bonus as may be accepted by the Secretary.

(b) SUBSEQUENT TRANSFERS.—No lease issued under this subtitle may be sold, exchanged, assigned, sublet, or otherwise transferred except with the approval of the Secretary. Prior to any such approval the Secretary shall consult with, and give due consideration to the views of, the Attorney General.

SEC. 8706. LEASE TERMS AND CONDITIONS.

(a) IN GENERAL.—An oil or gas lease issued pursuant to this subtitle shall—

(1) provide for the payment of a royalty of not less than 12½ percent in amount or value of the production removed or sold from the lease, as determined by the Secretary under the regulations applicable to other Federal oil and gas leases;

(2) provide that the Secretary may close, on a seasonal basis, portions of the Coastal Plain to exploratory drilling activities as necessary to protect caribou calving areas and other species of fish and wildlife;

(3) require that the lessee of lands within the Coastal Plain shall be fully responsible and liable for the reclamation of lands within the Coastal Plain and any other Federal lands that are adversely affected in connection with exploration, development, production, or transportation activities conducted under the lease and within the Coastal Plain by the lessee or by any of the subcontractors or agents of the lessee;

(4) provide that the lessee may not delegate or convey, by contract or otherwise, the reclamation responsibility and liability to another person without the express written approval of the Secretary;

(5) provide that the standard of reclamation for lands required to be reclaimed under this subtitle shall be, as nearly as practicable, a condition capable of supporting the uses which the lands were capable of supporting prior to any exploration, development, or production activities, or upon application by the lessee, to a higher or better use as approved by the Secretary;

(6) contain terms and conditions relating to protection of fish and wildlife, their habitat, and the environment as required pursuant to section 8703(a)(2);

(7) provide that the lessee, its agents, and its contractors use best efforts to provide a fair share, as determined by the level of obligation previously agreed to in the 1974 agreement implementing section 29 of the Federal Agreement and Grant of Right of Way for

the Operation of the Trans-Alaska Pipeline, of employment and contracting for Alaska Natives and Alaska Native Corporations from throughout the State;

(8) prohibit the export of oil produced under the lease; and

(9) contain such other provisions as the Secretary determines necessary to ensure compliance with the provisions of this subtitle and the regulations issued under this subtitle.

(b) **PROJECT LABOR AGREEMENTS.**—The Secretary, as a term and condition of each lease under this subtitle and in recognizing the Government's proprietary interest in labor stability and in the ability of construction labor and management to meet the particular needs and conditions of projects to be developed under the leases issued pursuant to this subtitle and the special concerns of the parties to such leases, shall require that the lessee and its agents and contractors negotiate to obtain a project labor agreement for the employment of laborers and mechanics on production, maintenance, and construction under the lease.

SEC. 8707. COASTAL PLAIN ENVIRONMENTAL PROTECTION.

(a) **NO SIGNIFICANT ADVERSE EFFECT STANDARD TO GOVERN AUTHORIZED COASTAL PLAIN ACTIVITIES.**—The Secretary shall, consistent with the requirements of section 8703, administer the provisions of this subtitle through regulations, lease terms, conditions, restrictions, prohibitions, stipulations, and other provisions that—

(1) ensure the oil and gas exploration, development, and production activities on the Coastal Plain will result in no significant adverse effect on fish and wildlife, their habitat, and the environment;

(2) require the application of the best commercially available technology for oil and gas exploration, development, and production on all new exploration, development, and production operations; and

(3) ensure that the maximum amount of surface acreage covered by production and support facilities, including airstrips and any areas covered by gravel berms or piers for support of pipelines, does not exceed 2,000 acres on the Coastal Plain.

(b) **SITE-SPECIFIC ASSESSMENT AND MITIGATION.**—The Secretary shall also require, with respect to any proposed drilling and related activities, that—

(1) a site-specific analysis be made of the probable effects, if any, that the drilling or related activities will have on fish and wildlife, their habitat, and the environment;

(2) a plan be implemented to avoid, minimize, and mitigate (in that order and to the extent practicable) any significant adverse effect identified under paragraph (1); and

(3) the development of the plan shall occur after consultation with the agency or agencies having jurisdiction over matters mitigated by the plan.

(c) **REGULATIONS TO PROTECT COASTAL PLAIN FISH AND WILDLIFE RESOURCES, SUBSISTENCE USERS, AND THE ENVIRONMENT.**—Before implementing the leasing program authorized by this subtitle, the Secretary shall prepare and promulgate regulations, lease terms, conditions, restrictions, prohibitions, stipulations, and other measures designed to ensure that the activities undertaken on the Coastal Plain under this subtitle are conducted in a manner consistent with the purposes and environmental requirements of this subtitle.

(d) **COMPLIANCE WITH FEDERAL AND STATE ENVIRONMENTAL LAWS AND OTHER REQUIREMENTS.**—The proposed regulations, lease terms, conditions, restrictions, prohibitions, and stipulations for the leasing program under this subtitle shall require compliance with all applicable provisions of Federal and

State environmental law and shall also require the following:

(1) Standards at least as effective as the safety and environmental mitigation measures set forth in items 1 through 29 at pages 167 through 169 of the "Final Legislative Environmental Impact Statement" (April 1987) on the Coastal Plain.

(2) Seasonal limitations on exploration, development, and related activities, where necessary, to avoid significant adverse effects during periods of concentrated fish and wildlife breeding, denning, nesting, spawning, and migration.

(3) That exploration activities, except for surface geological studies, be limited to the period between approximately November 1 and May 1 each year and that exploration activities shall be supported by ice roads, winter trails with adequate snow cover, ice pads, ice airstrips, and air transport methods, except that such exploration activities may occur at other times, if the Secretary finds that such exploration will have no significant adverse effect on the fish and wildlife, their habitat, and the environment of the Coastal Plain.

(4) Design safety and construction standards for all pipelines and any access and service roads, that—

(A) minimize, to the maximum extent possible, adverse effects upon the passage of migratory species such as caribou; and

(B) minimize adverse effects upon the flow of surface water by requiring the use of culverts, bridges, and other structural devices.

(5) Prohibitions on public access and use on all pipeline access and service roads.

(6) Stringent reclamation and rehabilitation requirements, consistent with the standards set forth in this subtitle, requiring the removal from the Coastal Plain of all oil and gas development and production facilities, structures, and equipment upon completion of oil and gas production operations, except that the Secretary may exempt from the requirements of this paragraph those facilities, structures, or equipment that the Secretary determines would assist in the management of the Arctic National Wildlife Refuge and that are donated to the United States for that purpose.

(7) Appropriate prohibitions or restrictions on access by all modes of transportation.

(8) Appropriate prohibitions or restrictions on sand and gravel extraction.

(9) Consolidation of facility siting.

(10) Appropriate prohibitions or restrictions on use of explosives.

(11) Avoidance, to the extent practicable, of springs, streams, and river system; the protection of natural surface drainage patterns, wetlands, and riparian habitats; and the regulation of methods or techniques for developing or transporting adequate supplies of water for exploratory drilling.

(12) Avoidance or reduction of air traffic-related disturbance to fish and wildlife.

(13) Treatment and disposal of hazardous and toxic wastes, solid wastes, reserve pit fluids, drilling muds and cuttings, and domestic wastewater, including an annual waste management report, a hazardous materials tracking system, and a prohibition on chlorinated solvents, in accordance with applicable Federal and State environmental law.

(14) Fuel storage and oil spill contingency planning.

(15) Research, monitoring, and reporting requirements.

(16) Field crew environmental briefings.

(17) Avoidance of significant adverse effects upon subsistence hunting, fishing, and trapping by subsistence users.

(18) Compliance with applicable air and water quality standards.

(19) Appropriate seasonal and safety zone designations around well sites, within which subsistence hunting and trapping shall be limited.

(20) Reasonable stipulations for protection of cultural and archeological resources.

(21) All other protective environmental stipulations, restrictions, terms, and conditions deemed necessary by the Secretary.

(e) **CONSIDERATIONS.**—In preparing and promulgating regulations, lease terms, conditions, restrictions, prohibitions, and stipulations under this section, the Secretary shall consider the following:

(1) The stipulations and conditions that govern the National Petroleum Reserve-Alaska leasing program, as set forth in the 1999 Northeast National Petroleum Reserve-Alaska Final Integrated Activity Plan/Environmental Impact Statement.

(2) The environmental protection standards that governed the initial Coastal Plain seismic exploration program under parts 37.31 to 37.33 of title 50, Code of Federal Regulations.

(3) The land use stipulations for exploratory drilling on the KIC-ASRC private lands that are set forth in Appendix 2 of the August 9, 1983, agreement between Arctic Slope Regional Corporation and the United States.

(f) **FACILITY CONSOLIDATION PLANNING.**—

(1) **IN GENERAL.**—The Secretary shall, after providing for public notice and comment, prepare and update periodically a plan to govern, guide, and direct the siting and construction of facilities for the exploration, development, production, and transportation of Coastal Plain oil and gas resources.

(2) **OBJECTIVES.**—The plan shall have the following objectives:

(A) Avoiding unnecessary duplication of facilities and activities.

(B) Encouraging consolidation of common facilities and activities.

(C) Locating or confining facilities and activities to areas that will minimize impact on fish and wildlife, their habitat, and the environment.

(D) Utilizing existing facilities wherever practicable.

(E) Enhancing compatibility between wildlife values and development activities.

(g) **ACCESS TO PUBLIC LANDS.**—The Secretary shall—

(1) manage public lands in the Coastal Plain subject to section subsections (a) and (b) of section 811 of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3121); and

(2) ensure that local residents shall have reasonable access to public lands in the Coastal Plain for traditional uses.

SEC. 8708. EXPEDITED JUDICIAL REVIEW.

(a) **FILING OF COMPLAINT.**—

(1) **DEADLINE.**—Subject to paragraph (2), any complaint seeking judicial review of any provision of this subtitle or any action of the Secretary under this subtitle shall be filed in any appropriate district court of the United States—

(A) except as provided in subparagraph (B), within the 90-day period beginning on the date of the action being challenged; or

(B) in the case of a complaint based solely on grounds arising after such period, within 90 days after the complainant knew or reasonably should have known of the grounds for the complaint.

(2) **VENUE.**—Any complaint seeking judicial review of an action of the Secretary under this subtitle may be filed only in the United States Court of Appeals for the District of Columbia.

(3) **LIMITATION ON SCOPE OF CERTAIN REVIEW.**—Judicial review of a Secretarial decision to conduct a lease sale under this subtitle, including the environmental analysis

thereof, shall be limited to whether the Secretary has complied with the terms of this subtitle and shall be based upon the administrative record of that decision. The Secretary's identification of a preferred course of action to enable leasing to proceed and the Secretary's analysis of environmental effects under this subtitle shall be presumed to be correct unless shown otherwise by clear and convincing evidence to the contrary.

(b) **LIMITATION ON OTHER REVIEW.**—Actions of the Secretary with respect to which review could have been obtained under this section shall not be subject to judicial review in any civil or criminal proceeding for enforcement.

SEC. 8709. FEDERAL AND STATE DISTRIBUTION OF REVENUES.

(a) **IN GENERAL.**—Notwithstanding any other provision of law, of the amount of adjusted bonus, rental, and royalty revenues from oil and gas leasing and operations authorized under this subtitle—

(1) 50 percent shall be paid to the State of Alaska; and

(2) except as provided in section 712(d), the balance shall be deposited into the Treasury as miscellaneous receipts.

(b) **PAYMENTS TO ALASKA.**—Payments to the State of Alaska under this section shall be made semiannually.

(c) **USE OF BONUS PAYMENTS FOR LOW-INCOME HOME ENERGY ASSISTANCE.**—Amounts that are received by the United States as bonuses for leases under this subtitle and deposited into the Treasury under subsection (a)(2) may be appropriated to the Secretary of the Health and Human Services, in addition to amounts otherwise available, to provide assistance under the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8621 et seq.).

SEC. 8710. RIGHTS-OF-WAY ACROSS THE COASTAL PLAIN.

(a) **EXEMPTION.**—Title XI of the Alaska National Interest Lands Conservation Act of 1980 (16 U.S.C. 3161 et seq.) shall not apply to the issuance by the Secretary under section 28 of the Mineral Leasing Act (30 U.S.C. 185) of rights-of-way and easements across the Coastal Plain for the transportation of oil and gas.

(b) **TERMS AND CONDITIONS.**—The Secretary shall include in any right-of-way or easement referred to in subsection (a) such terms and conditions as may be necessary to ensure that transportation of oil and gas does not result in a significant adverse effect on the fish and wildlife, subsistence resources, their habitat, and the environment of the Coastal Plain, including requirements that facilities be sited or designed so as to avoid unnecessary duplication of roads and pipelines.

(c) **REGULATIONS.**—The Secretary shall include in regulations under section 8703(g) provisions granting rights-of-way and easements described in subsection (a) of this section.

SEC. 8711. CONVEYANCE.

In order to maximize Federal revenues by removing clouds on title to lands and clarifying land ownership patterns within the Coastal Plain, the Secretary, notwithstanding the provisions of section 1302(h)(2) of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3192(h)(2)), shall convey—

(1) to the Kaktovik Inupiat Corporation the surface estate of the lands described in paragraph 1 of Public Land Order 6959, to the extent necessary to fulfill the Corporation's entitlement under section 12 of the Alaska Native Claims Settlement Act (43 U.S.C. 1611) in accordance with the terms and conditions of the Agreement between the Department of the Interior, the United States Fish

and Wildlife Service, the Bureau of Land Management, and the Kaktovik Inupiat Corporation effective January 22, 1993; and

(2) to the Arctic Slope Regional Corporation the remaining subsurface estate to which it is entitled pursuant to the August 9, 1983, agreement between the Arctic Slope Regional Corporation and the United States of America.

SEC. 8712. LOCAL GOVERNMENT IMPACT AID AND COMMUNITY SERVICE ASSISTANCE.

(a) **FINANCIAL ASSISTANCE AUTHORIZED.**—

(1) **IN GENERAL.**—The Secretary may use amounts available from the Coastal Plain Local Government Impact Aid Assistance Fund established by subsection (d) to provide timely financial assistance to entities that are eligible under paragraph (2) and that are directly impacted by the exploration for or production of oil and gas on the Coastal Plain under this subtitle.

(2) **ELIGIBLE ENTITIES.**—The North Slope Borough, Kaktovik, and other boroughs, municipal subdivisions, villages, and any other community organized under Alaska State law shall be eligible for financial assistance under this section.

(b) **USE OF ASSISTANCE.**—Financial assistance under this section may be used only for—

(1) planning for mitigation of the potential effects of oil and gas exploration and development on environmental, social, cultural, recreational and subsistence values;

(2) implementing mitigation plans and maintaining mitigation projects;

(3) developing, carrying out, and maintaining projects and programs that provide new or expanded public facilities and services to address needs and problems associated with such effects, including firefighting, police, water, waste treatment, medivac, and medical services; and

(4) establishment of a coordination office, by the North Slope Borough, in the City of Kaktovik, which shall—

(A) coordinate with and advise developers on local conditions, impact, and history of the areas utilized for development; and

(B) provide to the Committee on Resources of the Senate and the Committee on Energy and Resources of the Senate an annual report on the status of coordination between developers and the communities affected by development.

(c) **APPLICATION.**—

(1) **IN GENERAL.**—Any community that is eligible for assistance under this section may submit an application for such assistance to the Secretary, in such form and under such procedures as the Secretary may prescribe by regulation.

(2) **NORTH SLOPE BOROUGH COMMUNITIES.**—A community located in the North Slope Borough may apply for assistance under this section either directly to the Secretary or through the North Slope Borough.

(3) **APPLICATION ASSISTANCE.**—The Secretary shall work closely with and assist the North Slope Borough and other communities eligible for assistance under this section in developing and submitting applications for assistance under this section.

(d) **ESTABLISHMENT OF FUND.**—

(1) **IN GENERAL.**—There is established in the Treasury the Coastal Plain Local Government Impact Aid Assistance Fund.

(2) **USE.**—Amounts in the fund may be used only for providing financial assistance under this section.

(3) **DEPOSITS.**—Subject to paragraph (4), there shall be deposited into the fund amounts received by the United States as revenues derived from rents, bonuses, and royalties under on leases and lease sales authorized under this subtitle.

(4) **LIMITATION ON DEPOSITS.**—The total amount in the fund may not exceed \$11,000,000.

(5) **INVESTMENT OF BALANCES.**—The Secretary of the Treasury shall invest amounts in the fund in interest bearing government securities.

(e) **AUTHORIZATION OF APPROPRIATIONS.**—To provide financial assistance under this section there is authorized to be appropriated to the Secretary from the Coastal Plain Local Government Impact Aid Assistance Fund \$5,000,000 for each fiscal year.

NOTICES OF HEARINGS/MEETINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. DOMENICI. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Committee on Energy and Natural Resources.

The hearing will take place on Thursday, May 4, 2006 at 10 a.m. in room SD-366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of this hearing is to consider the nomination of: Dirk Kempthorne, of Idaho, to be Secretary of the Interior, vice Gale Norton, resigned.

For further information, please contact Judy Pensabene of the Committee staff.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition and Forestry be authorized to conduct a full committee hearing during the session of the Senate on Wednesday, April 26, 2006 at 10 a.m., in SD-106, Dirksen Senate Office Building. The purpose of this hearing will be to review the state of the biofuels industry.

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

SUBCOMMITTEE ON GLOBAL CLIMATE

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the Subcommittee on Global Climate be authorized to meet on Wednesday, April 26, 2006, at 2:30 p.m., on Marine and Terrestrial Systems.

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

COMMITTEE ON COMMERCE, SCIENCE, AND TECHNOLOGY

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the Senate Committee on Commerce Science and Transportation's Subcommittee on Technology be authorized to meet on Wednesday, April 26, 2006, at 10 a.m., on Fostering Innovation in Math and Science Education.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the

Senate on Wednesday, April 26, 2006, at 9:30 a.m. to hold a hearing on U.S.-India Atomic Energy Cooperation.

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

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. ALEXANDER. Mr. President, I ask unanimous consent that on Wednesday, April 26, 2006 the Committee on Environment and Public Works be authorized to hold a Business Meeting at 9:30 a.m. to consider the following agenda:

Nominations: Richard Capka to be Administrator, Federal Highway Administration, James Gulliford to be an Assistant Administrator, EPA, William Wehrum to be an Assistant Administrator, EPA.

Committee Rules: A proposal to amend Committee Rule 7(d) on the naming of public buildings and facilities.

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

COMMITTEE ON THE JUDICIARY

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary be authorized to meet to conduct a hearing on "Parity, Platforms and Protection: The Future of the Music Industry in the Digital Radio Revolution" on Wednesday, April 26, 2006, at 9:30 a.m. in Room 226 of the Dirksen Senate Office Building. The witness list is attached.

Panel 1: Anita Baker, Performing Artist, Toledo, OH; Todd Rundgren, Lead Singer, The New Cars, Darby, PA; Victoria Shaw, Songwriter, Nashville, TN; Edgar Bronfman, Chairman and CEO, Warner Music Group, New York, NY; Gary Parsons, Chairman of the Board, XM Satellite Radio, Washington, DC; Mr. Bruce T. Reese, CEO and President, Bonneville International Corp., Salt Lake City, UT; and N. Mark Lam, Chairman and CEO, Live365, Foster City, CA.

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

COMMITTEE ON FINANCE

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session on Wednesday, April 26, 2006, at 10 a.m., in 215 Dirksen Senate Office Building, to hear testimony on "Authorizations of Customs and Trade Functions".

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on April 27, 2006 at 2:30 p.m. to hold a closed business meeting.

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

COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the Committee on Small Business and Entrepreneurship be authorized to meet during the session of the Senate for a

hearing to address the reauthorization of Finance and Entrepreneurial Development programs administered by the Small Business Administration on Wednesday, April 26, 2006, beginning at 10:30 a.m. in room 428A of the Russell Senate Office Building.

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

COMMITTEE ON FEDERAL FINANCIAL MANAGEMENT, GOVERNMENT INFORMATION, AND INTERNATIONAL SECURITY

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs' Subcommittee on Federal Financial Management, Government Information, and International Security be authorized to meet on Wednesday, April 26, 2006, at 2:30 p.m. for a field hearing regarding "Ensuring Early Diagnosis and Access to Treatment for HIV/AIDS: Can Federal Resources Be More Effectively Targeted?"

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

PRIVILEGES OF THE FLOOR

Mr. CRAIG. Mr. President, I ask unanimous consent to allow the privilege of the floor to be granted to Jessica Wilcox, an Energy Fellow in my office, for the remainder of today's session.

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

Mr. COCHRAN. I ask unanimous consent that Jeremy Weirich, a detailee with the Senate Appropriations Subcommittee on Commerce, Justice, Science, and related agencies, from the National Oceanic and Atmospheric Administration, be granted the privileges of the floor for the duration of consideration of the supplemental appropriations bill, H.R. 4939.

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

Mr. DURBIN. I ask unanimous consent that CAPT Benjamin Venning, a Marine Corps military fellow on my staff, be granted the privileges of the floor for the remainder of the 109th Congress.

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

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nomination on today's Executive Calendar: Calendar No. 601, Patrick Schiltz, to be U.S. District Judge for the District of Minnesota. I further ask unanimous consent that the nomination be confirmed, the motion to reconsider be laid upon the table, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

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

The nomination considered and confirmed is as follows:

THE JUDICIARY

Patrick Joseph Schiltz, of Minnesota, to be United States District Judge for the District of Minnesota.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

CROP SCIENCE SOCIETY OF AMERICA 50TH ANNIVERSARY

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 446 submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 446) recognizing the 50th Anniversary of the Crop Science Society of America.

There being no objection, the Senate proceeded to consider the resolution.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating thereto be printed in the RECORD.

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

The resolution (S. Res. 446) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 446

Whereas the Crop Science Society of America was founded in 1955, with Gerald O. Mott as its first President;

Whereas the Crop Science Society of America is one of the premier scientific societies in the world, as shown by its world-class journals, international and regional meetings, and development of a broad range of educational opportunities;

Whereas the science and scholarship of the Crop Science Society of America are mission-directed, with the goal of addressing agricultural challenges facing humanity;

Whereas the Crop Science Society of America significantly contributes to the scientific and technical knowledge necessary to protect and sustain natural resources on all land in the United States;

Whereas the Crop Science Society plays a key role internationally in developing sustainable agricultural management and biodiversity conservation for the protection and sound management of the crop resources of the world;

Whereas the mission of the Crop Science Society of America continues to expand, from the development of sustainable production of food and forage, to the production of renewable energy and novel industrial products;

Whereas, in industry, extension, and basic research, the Crop Science Society of America has fostered a dedicated professional and scientific community that, in 2005, included more than 3,000 members; and

Whereas the American Society of Agronomy was the parent society that led to the formation of both the Crop Science Society of America and the Soil Science Society of America and fostered the development and the common overall management of the 3 sister societies: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the 50th anniversary year of the Crop Science Society of America;

(2) commends the Crop Science Society of America for 50 years of dedicated service to advancing the science and practice of crop science;

(3) acknowledges the promise of the Crop Science Society of America to continue enriching the lives of all citizens of the United States by improving stewardship of the environment, combating world hunger, and enhancing the quality of life for another 50 years and beyond; and

(4) respectfully requests the Secretary of the Senate to transmit an enrolled copy of this resolution to the President of the Crop Science Society of America.

CONGRATULATING THE UNIVERSITY OF WISCONSIN BADGERS MEN'S HOCKEY TEAM

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to immediate consideration of S. Res. 447 submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 447) congratulating the University of Wisconsin Badgers men's hockey team for winning the 2006 National Collegiate Athletic Association Division I Men's Hockey Championship.

There being no objection, the Senate proceeded to consider the resolution.

Mr. McCONNELL. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating thereto be printed in the RECORD.

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

The resolution (S. Res. 447) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 447

Whereas, on April 8, 2006, the University of Wisconsin men's hockey team won the Frozen Four in Milwaukee, Wisconsin, by defeating—

(1) the University of Maine Black Bears by a score of 5-2 in the semifinals; and

(2) the Boston College Eagles by a score of 2-1 in the championship game;

Whereas Robbie Earl and Tom Gilbert each scored a goal and Brian Elliott had 22 saves in the championship game;

Whereas Adam Burish, Robbie Earl, Brian Elliott, and Tom Gilbert were named to the All-Tournament Team, and Robbie Earl was named the Most Outstanding Player of the tournament;

Whereas the success of the season depended on the hard work, dedication, and performance of every player on the University of Wisconsin men's hockey team, including—

(1) Andy Brandt;

(2) Adam Burish;

(3) Ross Carlson;

(4) Shane Connelly;

(5) A.J. Degenhardt;

(6) Jake Dowell;

(7) Davis Drewiske;

(8) Robbie Earl;

(9) Brian Elliott;

(10) Josh Engel;

(11) Matthew Ford;

(12) Tom Gilbert;

(13) Tom Gorowsky;

(14) Jeff Henderson;

(15) Ryan Jeffery;

(16) Andrew Joudrey;

(17) Kyle Klubertanz;

(18) Nick Licari;

(19) Jeff Likens;

(20) Ryan MacMurchy;

(21) Matt Olinger;

(22) Joe Pavelski;

(23) Joe Piskula;

(24) Jack Skille; and

(25) Ben Street;

Whereas numerous members of the University of Wisconsin men's hockey team were recognized for their performance in the All-Western Collegiate Hockey Association, including—

(1) Tom Gilbert, who was named to the first team of the All-Western Collegiate Hockey Association;

(2) Joe Pavelski and Brian Elliott, who were named to the second team of the All-Western Collegiate Hockey Association; and

(3) Brian Elliott, who was named the All-Western Collegiate Hockey Association Goaltending Champion of the Year;

Whereas Tom Gilbert, Joe Pavelski, and Brian Elliott earned All-American honors;

Whereas, after helping the University of Wisconsin men's hockey team win the 1977 national championship as a player, Head Coach Mike Eaves won his first national championship as a coach;

Whereas the University of Wisconsin men's hockey team has won the National Collegiate Athletic Association Division I Men's Hockey Championship 6 times;

Whereas the University of Wisconsin has won 3 national championships during the 2005-2006 academic year; and

Whereas the championship victory of the University of Wisconsin men's hockey team ended a terrific season in which the team outscored its opponents 145-79 and compiled a record of 30-10-3: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the University of Wisconsin men's hockey team, Head Coach Mike Eaves and his coaching staff, Athletic Director Barry Alvarez, and Chancellor John D. Wiley for an outstanding championship season; and

(2) respectfully requests the Secretary of the Senate to transmit an enrolled copy of this resolution to the Chancellor of the University of Wisconsin-Madison.

ORDERS FOR THURSDAY, APRIL 27, 2006

Mr. McCONNELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:30 a.m. tomorrow, Thursday, April 27. I further ask that following the prayer and the pledge, the morning hour be deemed to have expired, the Journal of the proceedings be approved to date, the time for the two leaders be reserved, and the Senate proceed to a period of morning business for up to 30 minutes, with the first 15 minutes under the control of the majority leader or his designee, the second 15 minutes under the control of

the Democratic leader or his designee; further, that following morning business the Senate resume consideration of H.R. 4939, the emergency supplemental appropriations measure.

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

PROGRAM

Mr. McCONNELL. Mr. President, tomorrow we will continue work on the emergency supplemental. We had six votes today. Senators should expect a full day, with as many votes as we can possibly process tomorrow.

ORDER FOR ADJOURNMENT

Mr. McCONNELL. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it stand in adjournment under the previous order following the remarks of the Senator from Oregon, Mr. WYDEN.

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

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Without objection, morning business is closed.

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

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

AMENDMENT NO. 3648, AS MODIFIED

Mr. VITTER. Mr. President, I ask that my amendment No. 3648, which I spoke about, be modified with the changes at the desk, which are technical in nature.

The PRESIDING OFFICER. The Senator has that right. The amendment is so modified.

The amendment (No. 3648), as modified, is as follows:

On page 140, on line 22, insert "vessels and" after "repairing".

Mr. VITTER. I yield back my time.

The PRESIDING OFFICER. The Senator from Oregon is recognized.

AMENDMENT NO. 3665

Mr. WYDEN. Mr. President, I have an amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Oregon [Mr. WYDEN] proposes an amendment numbered 3665.

(Purpose: To prohibit the use of funds to provide royalty relief)

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

PROHIBITION OF FUNDS FOR OIL AND NATURAL GAS ROYALTY RELIEF

SEC. 7032. (a) No funds made available under this Act or any other Act for any fiscal year for royalty and offshore minerals management may be used by the Secretary of the Interior to provide relief from a requirement to pay a royalty for the production of oil or natural gas from Federal land during any period in which—

(1) for the production of oil, the average price of crude oil in the United States is greater than \$55 a barrel; and

(2) for the production of natural gas, the average price of natural gas in the United States is \$10 per 1,000 cubic feet of natural gas.

(b) In administering funds made available for royalty or offshore minerals management, the Secretary of the Interior may waive or specify alternative requirements if the Secretary of the Interior determines that royalty relief is necessary to avoid oil or natural gas supply disruptions as a consequence of hurricanes or other natural disasters.

Mr. WYDEN. Mr. President, the oil companies are supposed to pay royalties to the Federal Government when they extract oil from Federal lands. Now, in order to stimulate production of oil in our country, the Federal Government over the last decade has been discounting these royalty fees. These discounts now amount to billions of dollars. It appears that the royalty relief that is given to the oil companies is now the granddaddy of all of the subsidies.

We have been talking considerably on the floor of this body over the last few days about tax breaks for oil companies. The President, it seems to me, to his credit, over the last few days has indicated that he understands that these tax breaks are no longer needed. I was very pleased to see that because when the energy executives came to the committee, I literally went down the row and asked them if they continued to need all of these tax breaks. They don't, but Congress has continued to ladle them out. But on top of these record profits, record prices, and record tax breaks, there is now record amounts of royalty relief granted to the oil companies as well.

Now that the prices have shot up, I don't see how anybody can justify this multibillion-dollar subsidy. The point of this amendment is to say that we are going to get rid of these special oil company discounts, the special breaks that amount to billions of dollars, unless the price of oil comes down, or unless the Bush administration indicates that royalty relief is necessary to avoid supply disruption.

Mr. President, it is astounding that there is a tremendous chorus now of support, saying that royalty relief is needed. Yet nobody seems to be doing anything concrete to roll back these unnecessary subsidies.

For example, to show the bipartisan interest in this, not long ago, a distinguished member of the other body who chairs the resources committee, RICHARD POMBO, said in a newspaper interview that there is no need for this particular incentive. That is not the head of some consumer group; that is the distinguished chairman of the resources committee, Mr. POMBO, from California. He has said there is no need for this kind of royalty relief. Mr. Michael Coney, a lawyer for the Shell Oil Company, said the same thing. He basically said that in this kind of climate you cannot make a case for this par-

ticular kind of multibillion-dollar subsidy.

The architect of the program, our former colleague, Senator Bennett Johnston, has said that what has taken place with respect to the royalty relief program isn't anything close to what he had in mind when he developed this program.

So what you have is a Democratic Member of the Senate saying let's roll back these subsidies unless the Bush administration certifies they are needed to avoid disruption or unless the price goes down, and let's do it because there is a bipartisan consensus that this Royalty Relief Program is completely out of whack.

By the way, Mr. President, I know you have had great interest in the effort to target these subsidies. You and I have talked about it on a number of occasions. Consistently what we find is the way these multibillion-dollar subsidies find their way on to our tax rolls and Government programs is on a bipartisan basis somebody messes up. Somebody isn't watchdogging the way these dollars fly out the door, and that was certainly the case with the Clinton administration.

Previously, there had been a particular provision in the Royalty Relief Program that said when the oil prices shot up, when they went above a certain level—then it was considered about \$34 a barrel—the companies would have to, once again, start paying these royalties. But the Clinton administration just wasn't watching the store, wasn't watchdogging this program as they should have, and so they didn't put that particular clause—the clause that protects the taxpayers—into a number of these royalty relief agreements. What has happened is we just had a litigation derby with scores and scores of lawsuits.

Now the General Accountability Office estimates that at a minimum, the Federal Government is going to be out \$20 billion. This is the biggest subsidy of them all, and given all of the litigation that has taken place, this subsidy could go up and up.

Under the Energy bill signed into law last summer, the oil companies were given new subsidies in the form of reduced royalty fees for the oil and gas they extract from Federal land, including offshore drilling in the Gulf of Mexico. This particular new subsidy was signed into law when the companies were already reporting these extraordinary profits. We were already seeing the consumer taking a shellacking at the gas pump. It would have been the ideal time for the U.S. Congress to do what colleagues such as Congressman POMBO in the other body are talking about, lawyers for the Shell Oil companies tell the newspapers, what I and others and a bipartisan group who have been interested in this have said for a long time: It doesn't pass the smell test to be dispensing billions and billions of dollars of royalty relief to the oil companies on top of everything else

they already receive from the taxpayers' wallet. So what I hope we will be able to do here is roll back this new subsidy.

By the way, the program was useful back when prices were low. For example, it significantly helped in the Gulf of Mexico at a time when prices were low. That is not the case now. As our colleague in the other body, Mr. POMBO, notes, they sure don't need any incentives when the marketplace is providing all the incentives anybody could possibly ask for.

Government subsidies, sure, when the price is low, when we have to stimulate production, when our economy needs a shot in the arm. But billions of dollars of royalty relief for oil companies in this kind of time? I don't get it, and tomorrow I hope a majority of the Senate will share my view and will share the view of other colleagues who have taken a good look at this particular program.

It seems to me this is a time when the Congress ought to say: Let's look carefully at all of these various subsidies and breaks. As the distinguished Senator from Oklahoma has said, let's shine some light on it, let's take a sharp pencil out and really make some concrete judgments about what is in the taxpayers' interest.

At a time when consumers are already paying more at work, they are paying more at home, they are paying more when they drive everywhere in between, we ought to be giving them a break in their personal energy bills before we give breaks to the oil companies on the amounts they owe for drilling on our Nation's lands.

With oil selling for more than \$70 a barrel, \$15 a barrel higher than the price that the President said incentives were not needed, Congress should not be giving away more taxpayer money for more unnecessary subsidies that benefit profitable energy interests.

Let me highlight that particular point and explain why it is so pivotal in this discussion for royalty relief for oil companies.

The President of the United States said that he doesn't see the case for additional incentives and Government benefits to encourage production when oil is over \$55 a barrel. Now we are talking about oil at \$70 a barrel. We are talking about billions of dollars of new payments to the companies at a time when the General Accountability Office says the minimum tab will be \$20 billion. And all I am saying to the Senate tonight is I want to cut off those payments unless one of two things happens: If the price of oil comes down, you bet, let's go back and say we need some incentives for production. If the President of the United States, the Secretary of the Interior, the people who are in the administration who know a lot about the oil business say that we have to have these multibillion-dollar discounts in order to encourage production, my amendment doesn't apply.

In effect, the President of the United States can say we have to have the Royalty Relief Program in order to get the oil industry moving again in our country. But with prices high and no argument for these breaks, not on the basis of my judgment but on the basis of what the President has said in the past, I want to cut off these particular breaks.

I hope my colleagues will want to save our taxpayers money and promote fiscal responsibility. This is a program which is completely out of control. This is a program which has lost its moorings. You cannot defend this, in my view, in front of any group of our citizens. That is why a variety of leaders and individuals in the private sector, many of them coming from the oil industry itself, have said there is no logical argument for royalty relief at this particular time.

Certainly there are going to be some who will say it is never enough. There is litigation going on now where some companies are in court trying to secure additional information. I am looking at a recent article in the press authored by Edmund L. Andrews headlined: "General Accounting Office Sees Loss in Oil Royalties of at Least \$20 Billion."

We know that the Government Accountability Office isn't an organization with any ax to grind. They are our nonpartisan investigators. Those are the people who take out the sharp pencil and are given the job of actually looking to see if taxpayer money is being used wisely. They have essentially said recently—this year, just months ago—that billions of dollars

are going to be wasted with this Royalty Relief Program.

The Interior Department has indicated that they know they are going to lose billions of dollars in royalty payments. I don't see anybody saying that the price of oil is going to fall precipitously anytime soon. If it does, the President and the Department of Energy can essentially waive my amendment. We explicitly say that if the price of oil goes down, if there are any national security questions, any disruptions that threaten supply, the amendment can be set aside.

It is time to rein in these costs that are going through the stratosphere. The Royalty Relief Program is the granddaddy of all subsidies. I hope tomorrow, when the Senate has an opportunity to vote, we will say that we ought to prohibit further royalty relief, unless prices go down or we face a disruption, and save our citizens' hard-earned tax dollars for more worthy causes.

Mr. President, I hope my colleagues will support this amendment.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WYDEN. 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.

Mr. WYDEN. Mr. President, I am going to propound a unanimous consent request for wrap-up momentarily.

I will also note, as I have been speaking on this amendment to forego some royalty relief for oil companies, that when we go back in at approximately 10 o'clock, I will continue a discussion regarding this amendment and hopefully have a chance to hear from colleagues on both sides of the aisle.

ORDER FOR FILING

Mr. WYDEN. Mr. President, I ask unanimous consent that, notwithstanding the adjournment of the Senate, the RECORD remain open this evening until 8:45 p.m. in order for Senator FRIST or his designee to submit a statement relating to a notice of the suspension of the rules relative to the supplemental bill.

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

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands in adjournment until 9:30 tomorrow morning.

There being no objection, the Senate, at 7:47 p.m., adjourned until Thursday, April 27, 2006, at 9:30 a.m.

CONFIRMATION

Executive nomination confirmed by the Senate Wednesday, April 26, 2006:

THE JUDICIARY

PATRICK JOSEPH SCHILTZ, OF MINNESOTA, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF MINNESOTA.