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House of Representatives

The House was not in session today. Its next meeting will be held on Monday, June 26, 2006, at 12:30 p.m.

Senate

FRIDAY, JUNE 23, 2006

The Senate met at 11:04 a.m. and was called to order by the Honorable LINDSEY GRAHAM, a Senator from the State of South Carolina.

PRAYER

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

Let us pray.

O God our Father, we turn our hearts and minds toward You. Search us deeply and cleanse us from all insincerity. Give us a desire to do Your will, even when it means bearing a cross.

Bless our Senators. Strengthen them to resist temptation and to walk the narrow road that leads to life. Give them compassion for others that can be seen in courageous actions that liberate.

Help us all to strive to be faithful in order that one day, we can hear You say, ''Well done.''

We pray in the Name of Him who is the way, the truth, and the life. Amen.

PLEDGE OF ALLEGIANCE

The Honorable LINDSEY GRAHAM led the Pledge of Allegiance, as follows:

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, June 23, 2006.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable LINDSEY GRAHAM, a Senator from the State of South Carolina, to perform the duties of the Chair.

TED STEVENS,
President pro tempore.

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

RESERVATION OF LEADER TIME

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

RECOGNITION OF THE MAJORITY LEADER

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

SCHEDULE

Mr. FRIST. Mr. President, we return to session today for a period of morning business to allow Senators to introduce legislation and to make remarks. We will have a relatively short session today, I expect. When we finish, we will adjourn until Monday.

On Monday, we will begin debate on the constitutional amendment relating to antiflag desecration. I will have more to say about the schedule for next week later in the day.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business, with Senators permitted to speak for up to 10 minutes each.

DEFENSE AUTHORIZATION

Mr. FRIST. Mr. President, I congratulate the two managers of the Defense authorization bill who did a superb job over the last several weeks in overseeing the debate and marching through the amendments on this important legislation. We had some strong disagreements on both sides of the aisle, sometimes within each side of the aisle. We addressed a number of contentious issues. At the end of the day, after debate and amendment, we had overwhelming support for the bill itself.

The debate followed a healthy and productive debate on immigration and border security for the 2 to 3 weeks prior to that, a total of a month prior. We have seen in recent weeks that the Senate is working quite well in terms of having people's views expressed, debated in a dignified way, getting points across, helping become better educated ourselves and educating the American people in the process.

I thank Senators WARNER and LEVIN for their tremendous work in navigating through the challenging issues and bringing Defense authorization to a close in a cooperative manner.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore.

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

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

(The remarks of Mr. DORGAN pertaining to the introduction of S. 3561 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

NUCLEAR WEAPONS

Mr. DORGAN. Mr. President, I am going to talk briefly about an issue I think is really very important dealing with the country of India and nuclear weapons that are possessed by India and other countries around the world.

Yesterday, one of my colleagues in the Senate indicated that weapons of mass destruction had been found in Iraq. I guess he was referring to some inert artillery shells that were produced in the 1980s for the Iran-Iraq war. No one believes those are weapons of mass destruction. That is an absurd claim. I think it has been described as absurd by nearly everybody. But since the subject of weapons of mass destruction has been raised I want to make a few comments.

I have in my desk in the Senate a piece of metal. I ask unanimous consent to show it on the floor of the Senate.

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

Mr. DORGAN. This is from a Backfire bomber. It used to be part of a wing strut on a Soviet Backfire bomber. This bomber, presumably, carried nuclear weapons to threaten the United States at some point. The bomber doesn't exist anymore. The bomber's wings were sawed off and it was cut into small metal pieces. We paid for that under the Nunn-Lugar Cooperative Threat Reduction Program in which we spend American taxpayers' money to dismantle former Soviet nuclear weapons and their delivery systems—missiles, bombers, submarines.

I also have in my desk some chewed-up copper from the electrical wiring from a submarine that once carried nuclear weapons aimed at the United States. We paid money to dismantle weapons of mass destruction in the arsenal of the Soviet Union. So we didn't shoot this airplane down. This piece of metal from a Soviet bomber was achieved because we paid for the saw that cut the wings off of the bomber. What a remarkably successful program to try to reduce the threat of nuclear weapons.

I think the threat of nuclear weapons is the greatest threat that we face. We have roughly 25,000 to 30,000 nuclear weapons on this Earth. The loss of one nuclear weapon to a terrorist and the detonation of one by a terrorist in a major American city will cause a catastrophe unlike any of us can imagine. There are roughly 25,000 to 30,000 nuclear weapons in this world. Where are they? Are they safeguarded? Will someone steal one? Who is building more? Who wants nuclear weapons? What are we doing about that? These are critically important questions.

A former Secretary of Defense says that he believes the question is not so much whether but when will a nuclear weapon be detonated in an American city? A former Secretary of Defense says he believes there is a 50-percent likelihood that within the next 10 years a nuclear weapon will be detonated in a major American city. I don't know whether that is true or not. I do know this: this world is full of nuclear weapons. More countries want to achieve the capability of possessing nuclear weapons. It is our responsibility—it falls to us as a world leader to stop the spread of nuclear weapons and begin to reduce the number of nuclear weapons. That is our job.

I am not very encouraged, frankly, by actions in the Congress in recent years, turning down the Comprehensive Nuclear Test-Ban Treaty, suggesting that we want to reserve the right to test nuclear weapons again. The discussion in the administration and even some in Congress is that what we really need are new nuclear weapons, designer nuclear weapons, earth-penetrating bunker buster nuclear weapons. There is a suggestion by some that nuclear weapons are perfectly usable. They are not.

The only success we can measure will be the success by which we prevent another nuclear weapon from ever being exploded in anger on this planet. That is the only success that can matter.

I want to talk a little about the nuclear agreement the Bush Administration has reached with India, which I think undermines our nonproliferation policy of many years. It also undermines the Non-Proliferation Treaty that we have signed, and many other countries have signed. India has not signed it. It stops the proliferation of nuclear weapons. At least it says it is our resolve to stop the spread of nuclear weapons.

I want to talk about this new agreement that Secretary Rice, on behalf of the President and others, has negotiated with India, and what it means for the job we have of stopping the spread of nuclear weapons. One of our major periodicals in this country described a story that was not reported much post-9/11. In the period post-9/11, my understanding from press reports was that our intelligence picked up some kind of a report from their sources that a nuclear weapon had been stolen by a terrorist organization from the Russian stockpile of nuclear weapons and was prepared to be detonated by terrorists, I believe they said either in New York City or Washington, DC—in any event, one of America's major cities. Those who picked up this rumor in the intelligence community were very concerned about it, very worried about it.

After some period of time it was determined that this was not a credible rumor, but in retrospect the analysts determined that it is perfectly plausible. It is not unthinkable that a terrorist organization could acquire a nuclear weapon, or steal one from an existing stockpile. It is not implausible that having stolen a nuclear weapon they could have detonated it in a major American city. That ought to cause an apoplectic seizure in this country about the need to safeguard against nuclear weapons, reduce the number of nuclear weapons that now exist, and stop the spread of nuclear weapons.

It is our responsibility to provide the leadership to do that. That doesn't fall to anyone else; it falls to us.

Let me describe how the nuclear deal with India fits into this. Many countries want to possess nuclear weapons. North Korea, we believe, is now building them, and perhaps has them. I believe the administration said they believe that North Korea has actually produced nuclear weapons. We understand that the country of Iran is doing things that would lead it to be able to produce a nuclear weapon at some point in the future. We are concerned about that. Our country and others have been trying to prevent that from happening.

Our country invaded Iraq because we believed it had weapons of mass destruction. I heard a radio show this morning, with the fellow running the show saying that wasn't the case; that we invaded Iraq because Saddam Hussein was a bad guy. That is not true at all. Saddam Hussein is an evil man. We found him in a rat hole. He murdered people in his own country by the thousands, and he likely will, following trial, meet justice. I hope so. But we attacked Iraq because we believed, our intelligence community believed, and the American people were told, and the world community was told by Secretary Powell that Iraq possessed weapons of mass destruction that threatened the world and threatened us.

The point is that the threat of weapons of mass destruction is serious and real. It is serious and real because there are 25,000 or 30,000 nuclear weapons in the world. We have a lot of them. Russia has a lot of them. Other countries possess them. One of those countries is India.

Nowhere is the threat of nuclear war or nuclear terrorism, or the need to safeguard nuclear weapons more important than in South Asia, the home to al-Qaida, who seeks nuclear weapons. It is an area where relations among regional nuclear powers—China, India, Pakistan—have historically been tense. India and China fought a border war in 1962. India and Pakistan fought three major wars and had numerous smaller skirmishes. After both detonated nuclear weapons in 1998 and declared themselves nuclear powers, the

world held its breath as India and Pakistan fought a limited war in Kashmir. So this is a serious issue, one that is of great concern.

It is almost incomprehensible to me that the administration has agreed to a nuclear deal with India, a country that did not sign the Nuclear Non-Proliferation Treaty, that will gut the nonproliferation treaty and allow New Dehli to dramatically expand its stockpile of nuclear weapons and possibly ignite another regional arms race of nuclear weapons. Giving legitimacy to the nuclear arsenal that India secretly developed is not going to help us convince other countries to give up their secret nuclear programs.

The nonproliferation treaty is a treaty that, if you describe it, puts people to sleep. ''Nonproliferation'' as a term doesn't even sound very exciting. But it is at the root of the determination of whether we will one day see nuclear weapons exploded in American cities.

We have to stop the spread of nuclear weapons. The nonproliferation treaty isn't perfect, but there are a host of countries in this world who have decided to forgo trying to acquire or build nuclear weapons because of it. They have done that so that they can get access to peaceful nuclear assistance for nuclear power that is allowed by the treaty because the treaty would not allow access to technology for nuclear power to build nuclear powerplants unless the country signed the nonproliferation treaty and agree to forego nuclear weapons. That treaty has worked—not perfectly—but it has worked well enough.

India, as I said, has never signed it. Instead, it secretly built nuclear weapons in the 1970s and 1980s, which they revealed only after the fact that Pakistan conducted its first test of nuclear weapons in 1998. India and Pakistan are both countries which are subject to U.S. laws—and international laws, for that matter—that prohibit sending nuclear fuel and technologies to states that are operating outside of the nonproliferation treaty. Because India has very little domestic uranium, the application of those laws has severely constrained its ability to expand its nuclear power industry, and it has restrained its ability to expand its stockpile of nuclear weapons as well.

During this past year, New Delhi has stepped up efforts to get the assistance of our country to obtain nuclear fuel and reactor components so it can deal with an impending energy crisis. I understand their interest and concern about their energy crisis, but this was an opportunity, I believe, to get India to abide by and to become a signatory to the nonproliferation treaty and to cap its nuclear weapons program. Instead, the administration decided that it would initial an agreement that legitimizes India's nuclear weapons and which will make it substantially easier for India to produce more weapons grade material for more nuclear weapons. I don't understand this at all.

I was dumbfounded to discover what the administration has done, in secret, with no consultation with Congress at all. But the fact is, I have here a copy of the legislation that the Administration wants Congress to pass so the treaty can be implemented even though the text of the agreement is not even complete. They have the skeleton of the agreement. They have decided we are going to say to India: It is OK that you have decided you are going to create nuclear weapons outside of the nonproliferation treaty, but we will not have you suffer the consequences of that so we will now begin to offer you technology and fuel so that you can have the ability to produce more nuclear powerplants for your own energy needs, and you will also be able to keep some of those behind the curtain and produce additional nuclear weapons. We have said they can do that.

The agreement has not been written in its final detail, but even though its detail isn't complete, we already have legislation introduced in the Congress to say: That is OK. That is good. We approve. God bless you all.

I don't understand this at all. The fact is, this is a huge step backwards for this country in providing leadership to stop the spread of nuclear weapons.

Here is what the deal does. The final text, I am told, has not been finalized, but the substance is this: President Bush's plan will allow India to buy from the U.S. and other countries sensitive nuclear technologies that are now forbidden to India under the nonproliferation treaty. That includes nuclear fuel, nuclear reactors, and advanced nuclear technology. In return, India has agreed to allow IAEA inspections and safeguards at 14 of its 22 existing and planned nuclear reactors. So 14 of India's reactors will be off-limits for the production of plutonium for India's nuclear weapons program.

But the agreement allows India to keep 8 existing and planned reactors outside of the agreement and free from international safeguards. And it will allow New Delhi to decide entirely on its own which future reactors it will designate as civilian and therefore to submit to safeguards or not.

So the agreement allows India to keep at least eight nuclear reactors behind the curtain and use them to produce nuclear weapons.

So we have essentially said that unlimited amounts of fissile material for nuclear weapons can be produced at facilities not protected by these safeguards, and it is just fine with us.

Well, that is not fine with me. It does not meet our responsibility as a world leader to stop the spread of nuclear weapons. By seeking exception to the rules for a country with which the United States wishes to build a special friendship, this nuclear deal would reinforce the impression that our country's approach to nonproliferation has become selective, self-serving, inconsistent and unprincipled. This deal will send a signal that the United States—the country the world has always looked to as the leader in the global fight to stop the spread of nuclear weapons—is now deemphasizing nuclear nonproliferation and giving it a back seat to other foreign policy and other commercial concerns.

I think that is a huge mistake. If the United States is seen as changing or bending the rules when it suits us, others will want to follow suit. Pakistan has already said: Us, too. We would like some of that. We would like to seek comparable treatment. Not long after the United States-India deal was announced, China and Pakistan began discussing additional reactor sales. I believe the United States-India nuclear agreement very likely will reduce the constraints on other states that want to go nuclear.

In calculating whether to pursue nuclear weapons, a major factor for most countries is, how will the United States react? What will the sanctions be if we decide to produce nuclear weapons to become part of the club that possesses nuclear weapons? The sanctions, at least suggested by the India deal, is: Don't worry. If we want your friendship at some point, we might waive all of that and say that the nonproliferation issue is much less important than your friendship.

There is no question that what has happened is the administration, secretly—with Secretary Condoleezza Rice and Ambassador Burns and others—has negotiated a deal with the President's blessing that will make it much easier for a country that did not sign the nonproliferation treaty to greatly expand its illegal nuclear arsenal. It will allow India to access fissile material from overseas, buy foreign technologies and create a curtain behind which eight nuclear reactors can produce additional nuclear weapons in that region of the world. That is a profound mistake, just a profound mistake.

I don't understand why this Congress will not decide that it has a voice as well. The Administration is asking us to rubberstamp the agreement even before the agreement is fully written. It is an insult. The legislation we are asked to approve is a rubberstamp. This Congress is being asked to say: Well, sign us up, yes, of course. Of course we agree. The geopolitics of this friendship is certainly more important than restraining the growth of nuclear weapons or the spread of nuclear weapons. Sign us up. It doesn't matter.

I am a little tired of a town in which you have one view and one political party—the White House and the Senate—saying: Sign us up. We are all there. We are all hitched up. Whichever way you want to go, we want to go.

I think this is the most significant mistake—and there have been very significant mistakes in recent years—but this is one of the most significant mistakes I can conceive of.

Let me go back to where I started a minute ago. A colleague of mine yesterday said they found weapons of mass

destruction in Iraq. Of course, they didn't. They didn't. But weapons of mass destruction, no matter where they are found in the future, ought to be of great concern to all of us. We just passed a Defense authorization bill that is going to spend about $10 billion on antimissile defense. Everyone is worried about North Korea testing a new long-range missile. So we are going to spend $10 billion on technology to try to hit a bullet with a bullet. If anyone looks at the threat meter—I don't think anybody does much anymore—they will understand one of the least likely threats our country will face is a rogue nation or a terrorist who acquires a nuclear warhead and puts it on top of an intercontinental ballistic missile and aims it at our country and shoots it at about 18,000 miles an hour at the United States.

By far, the most likely threat is the stealing of a nuclear weapon by a terrorist organization, putting it on a container, loading the container on a ship, and having that ship pull up to a dock in a major American city at 3 miles an hour—not 18,000 miles an hour—and detonating a nuclear weapon in the middle of an American city.

There are 25,000 to 30,000 nuclear weapons, we think, tactical and strategic, in this world, the loss of one of which will be catastrophic; the detonation of one of which in an American city will be catastrophic—one. I am not talking about 5 nuclear weapons or 10 or 30 or 100; I am talking about 1. In this new age of terrorism, our responsibility is to stop the spread of nuclear weapons, be a world leader in stopping the spread of nuclear weapons, and reduce the number of nuclear weapons, trying to give teeth to the nonproliferation treaty.

Instead, we are off making deals with India. Yes, India is a fine country. I want India to be a friend of ours. But I am not willing to abrogate the nonproliferation treaty and say to India: It is all right what you did to secretly produce nuclear weapons outside of the nonproliferation treaty. That is not all right with us. It ought not be a signal we send to the rest of the world that it is all right with us. Yet that is exactly what the deal with India is signaling: We will give you the technology and the capability. You allow inspectors into 14 plants in the future, you can have 8 plants that you have behind the curtain to produce nuclear weapons, and that is fine with us because the geopolitics of this deal lead us to believe it is more important to give you this agreement.

I think that is just profoundly wrong, and it is going to injure this country's national security in a profound way.

So, Mr. President, my understanding is there are people here already working on this legislation to approve the deal—it is already introduced—saying: Yes, yes, yes.

There was a former Governor in a Southern State—I won't use names because most of my colleagues will recognize it—but he was put in place by a fellow who came to the Senate. But when he went back home on weekends he would kick the Governor out of the Governor's chair because he wanted the Governor's office and he wanted to tell him what to do, and the guy would say: OK, OK, OK. They named him Governor OK because that is all he ever said was OK. That is what is going on around here. Yes, even with the India deal. It is OK. It doesn't matter what you do, it is OK.

It is not OK with me. It is not OK with me that we have legislation introduced to approve a deal that hasn't yet been written in all of its detail, but the architecture of which we know enough of to understand, at least from my standpoint, that this is a serious breach of faith for our responsibility to stop the spread of nuclear weapons.

So, Mr. President, I don't know when the President or when our committees will decide they want to take a break from amending the U.S. Constitution. I understand beginning next week we will have the second opportunity to express that this Congress thinks that the work of Washington and Franklin and Madison and Mason was a rough draft and we have a lot of ideas and we ought to change the Constitution. If we can take a break from amending the Constitution, I assume someone will try to bring to the floor of the Senate legislation that will give a big rubberstamp to the India deal.

I only wanted to be here today to say that when that happens, I will certainly do everything I can to slow it down. I prefer to stop it. I don't know if I can stop it. I will try to do that. If not, I will slow it down a lot, and we will have a long discussion about what the responsibility is of this country to stop nuclear weapons in this day and age of terrorism.

Some don't care very much about that. They think there are other things that are much more important. There is nothing much more important in the day of terrorism, in this new age of terrorism, than making certain that we never, ever have a nuclear weapon detonated in a major American city. How do you do that? You stop the spread of nuclear weapons. You reduce the stockpile of nuclear weapons. And you make sure that we provide the aggressive, assertive leadership to try to keep nuclear weapons out of the hands of terrorists and safeguard existing stocks even as we try to reduce the number. That is our responsibility. The world looks to us for that leadership. And this, in my judgment, is not providing the kind of leadership that gives me comfort.

For that reason, I will oppose the agreement that has been reached with India and that has been announced, much to the surprise of most of us; in fact, I think to the surprise of probably everyone in Congress who didn't know it was being negotiated.

Mr. President, I yield the floor.

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

Mr. CORNYN. Mr. President, I came to the floor to speak about the important issue of private property rights in this country, but I did not realize the distinguished Senator from North Dakota was going to be talking about another issue that is very important, and that is the proposed civil nuclear accord between the United States and India. It is a subject I have been studying. I am interested in it. I just happened to be one of the two Senate cochairs of the United States-India caucus and, for that reason, I have been following the developments in this proposal from the beginning.

As is so often the case, we agree on the ultimate objective, and that is to reduce proliferation of nuclear weapons, but we differ about the means. I happen to support this particular agreement because I think it is in the best interests of the United States. It will take another friend of the United States—the world's largest democracy, composed of more than 1 billion people, that has a good record for nonproliferation—and it will make us partners with them for peaceful civilian use of nuclear power while avoiding the threat of proliferation and the possibility that terrorists might acquire a nuclear weapon or it might proliferate to some other irresponsible party and then endanger the United States or our allies.

The Congress, of course, will have a chance to get very much involved in this issue. Next week, Chairman LUGAR and Ranking Member BIDEN are taking this matter up in the Foreign Relations Committee. They are going to mark up—I believe it is the Atomic Energy Act, if I am not mistaken, which is the one which needs to be amended if, in fact, Congress does consent to this agreement between President Bush and Prime Minister Singh of India.

I do know there are a lot of people watching to see just what the reaction of Congress and the United States to this agreement will be. I for one believe it is an important step in our strategic relationship, in our growing friendship. It will be another way the United States and India can work together to make the world a safer place and the United States can demonstrate its good will by providing civilian nuclear technology to a country that needs the energy.

We know how much the geopolitics of the search for oil has distorted our foreign relationships, so it is important that we find clean alternatives to oil and gas. That is what nuclear power provides, that clean, efficient alternative—although it has problems in that it can, in the wrong hands, be abused. It can be used to create nuclear weapons.

As we all know, India already has a nuclear weapon, so it is not a question of whether it is going to acquire one. It already has one. It has demonstrated its responsibility and its willingness to work with peace-loving partners like

the United States in a way that looks to this alternative of civilian nuclear energy but at the same time makes sure that the dangers of proliferation are reduced to a minimum.

THE KELO DECISION

Mr. CORNYN. Mr. President, the main reason I wanted to come to the floor today was to talk about the important issue of private property rights. Today marks the 1-year anniversary of one of the most controversial decisions ever handed down by the U.S. Supreme Court, and that is the case of Kelo v. the City of New London. In that decision, the Court held by a 5-to-4 vote that the government may seize private property, whether it be a home or small business or other private property, for the purpose—not of public good but, rather, to transfer that same property to another private owner simply because the transfer would create an increased economic benefit to that community.

What made this such a profoundly alarming decision was that it represented a radical departure both from what the Constitution says—that the power of government to condemn private property should be used only for public use—and it represented a radical departure from the decisions handed down interpreting that constitutional provision over the last 200 years.

After all, protection of homes and small businesses and other private property against government seizure or unreasonable government interference is a fundamental principle of American life and really a distinctive aspect of our form of government. Indeed, private property rights rank among the most important rights outlined by the Founding Fathers when this country was created. Thomas Jefferson wrote that the protection of such rights is:

> . . . the first principle of association, ''the guarantee to every one of a free exercise of his industry, and the fruits acquired by it.''

These protections were enshrined in the fifth amendment to the U.S. Constitution which specifically provides that private property shall not ''be taken for public use without just compensation.'' The fifth amendment thus provides an essential guarantee of liberty against the abuse of power by eminent domain by permitting the government to seize private property only for ''public use'' and only upon paying just compensation.

The Court's decision in Kelo was sharply criticized by Justice Sandra Day O'Connor in her dissent, in which she wrote:

> [The Court] effectively [has] . . . deleted the words ''for public use'' from the Takings Clause of the fifth amendment and thereby ''refuse[d] to enforce properly the Federal Constitution.''

Under the Court's decision in Kelo, Justice O'Connor warns:

> . . . the specter of condemnation hangs over all property. Nothing is to prevent the State from replacing any Motel 6 with a Ritz-Carlton, any home with a shopping mall, or any farm with a factory.

She further warns that, under Kelo, under the Supreme Court's decision just 1 year ago ''any property may now be taken for the benefit of another private party,'' and she said, ''the fallout from this decision will not be random.''

Indeed, as noted in a friend-of-the-court brief filed by the National Association for the Advancement of Colored People and the AARP and other organizations:

> [a]bsent a true public use requirement, the takings power will be employed more frequently. The takings that result will disproportionately affect and harm the economically disadvantaged and, in particular, racial and ethnic minorities and the elderly.

Again, that is the brief of the National Association for the Advancement of Colored People and AARP and others.

Suffice it to say that the Kelo decision was a disappointment. What I find particularly troubling is that the Kelo case is just one of many examples of the abuse of the power of eminent domain throughout our Nation. Its use for private development is now widespread. The Institute for Justice has documented more than 10,000 properties either seized or threatened with condemnation for private development during the 5-year period between 1998 and 2002. Despite the fact that so many abuses of that power were already occurring, the Kelo decision is particularly alarming, and local governments, the condemning authorities most often, have become further emboldened to take property for private development.

As this pattern has continued elsewhere, courts very quickly used this decision to reject challenges by owners to the taking of their property for other private parties. In 2005, for example, a court in Missouri relied upon Kelo in reluctantly upholding the taking of a home so that a shopping mall can be built. As the judge commented:

> The United States Supreme Court has denied the Alamo reinforcements. Perhaps the people will clip the wings of eminent domain in Missouri, but today in Missouri it soars and devours.

I firmly believe legislative action is appropriate and necessary, and I am not alone in that belief. Several State legislatures have taken immediate action. Indeed, my home State of Texas passed legislation that was signed into law by the Governor last summer that protects private property from seizure for purposes of economic development. But it is also necessary and appropriate that Congress take action consistent with our authority under the Constitution to restore the vital protections of the fifth amendment. That is why the week after the Court handed down its decision I introduced S. 1313 entitled ''the Protection of Homes, Small Businesses, and Private Property Act of 2005.'' I am delighted that other Senators have joined in that in broad and bipartisan support, including the immediate support shortly after it was filed of the Senator from Florida, Mr. BILL NELSON.

Today I am happy to report that a total of 31 of our colleagues have joined me as cosponsors of this important bill. This bill would ensure that the power of eminent domain is exercised only for public uses, consistent with and guaranteed by the fifth amendment of the Constitution. Most important, though, it would make sure the power of eminent domain would not simply be used to further private economic development interests.

The act would apply the standard to two areas of government action which are clearly within Congress's authority to regulate: No. 1, all exercises of the power of eminent domain by the Federal Government itself; and No. 2, all exercises of the power of eminent domain by State and local governments using Federal funds.

While we work to protect private property rights, we are mindful that the language we craft could have far-reaching implications. There is no question that where appropriate, eminent domain can play an important role in ensuring that true public uses are preserved. But now, just 1 year after the Supreme Court shut the door on Suzette Kelo and her fellow homeowners in New London, CT, it is imperative that Congress act soon to ensure that private property remains free from the long arm of government so that no American will have to worry about the Federal Government being involved in taking their private property for private development.

Chairman SPECTER of the Senate Judiciary Committee, on which I am proud to serve, is working with me on legislation that I hope he will choose to move soon through the committee. I look forward to working with him and my other colleagues to develop a solution that reaffirms our commitment to the protection of private property rights, one that will help stem the tide of egregious abuses of private property rights that we have seen throughout the Nation by the illegitimate use of the power of eminent domain.

I yield the floor.

The PRESIDENT pro tempore. The Democratic leader is recognized.

STEM CELL RESEARCH

Mr. REID. Mr. President, just a few days ago U.S. researchers at the National Institutes of Health announced they were able to help paralyzed rats move again by using embryonic stem cells from mice. This study is evidence that these stem cells will likely treat and cure people with spinal cord injuries or nerve-destroying illnesses such as Lou Gehrig's disease, MS—multiple sclerosis—muscular dystrophy, and other things.

On this breakthrough, Dr. Elias Zerhouni, Director of the National Institutes of Health, issued the follow statement:

This work is a remarkable advance that will help us understand how stem cells might be used to treat injuries and disease and begin to fulfill their great promise. A successful demonstration of functional restoration is proof of the principle and an important step forward. We must remember, however, that we still have a great distance to go.

The doctor is right. There is no question that much work remains to be done before science will know if they can apply his advances to human beings. We have, as the doctor said, a great distance to go, and if the Senate doesn't expand the President's stem cell research policy, it will only make this great distance even longer.

Under the President's stem cell policy, Federal research funds can be used only on a small number of these stem cell lines that were created before August 9, 2001. This restriction excludes newer and more promising stem cell lines. These limitations only serve to further delay progress for research that could ultimately benefit a broad range of diseases and conditions.

One year and one month ago, the House of Representatives passed H.R. 810, the Stem Cell Research Enhancement Act. This legislation would expand President Bush's 2001 policy for Federal funding for stem cell research and permit Federal researchers at the National Institutes of Health, with the strongest oversight in the world, to finally explore the many possibilities stem cell research holds.

Over the past year, I have repeatedly asked the distinguished majority leader to find time to consider this bill, but my requests have been met by inaction.

As a result, millions of Americans who could benefit from the cures offered by stem cell research have been forced to wait. They have waited through weeks dedicated to issues such as defining marriage. They have waited through weeks dedicated to issues such as the estate tax. They have waited through weeks dedicated to special interests and the majority's well-connected friends. And next week, I am told we are going to spend it on flag burning. They even waited through a Health Week that had nothing to do with getting America health care. How we could have a Health Care Week in the Senate and not consider stem cell research is very difficult for the American people to understand.

A month ago, the 1-year anniversary of the passage of the House bill, Senator FRIST once again said he would find time for the Senate to consider stem cell this summer. Summer is here. We have had time for marriage, we have had time for the estate tax, and we are going to have time next week for flag burning. Shouldn't we have time for stem cell legislation? But here we are on June 23. Another month has passed, and still we don't have a commitment to take up stem cell research legislation. That is not acceptable. The news this week that scientists were able to regrow damaged nerves in rats using embryonic stem cells is more evidence of the great promise of this research.

We need a new direction. We need to bring this legislation to the Senate floor and give hope to victims of Lou Gehrig's, diabetes, Parkinson's, muscular dystrophy, lupus, and other diseases that could possibly be cured by stem cell research.

Every day, I hear from Nevadans who want the Senate to act on the issue of stem cell research so our researchers may fully explore the great promise of stem cells. Here is one example of what I hear. It is from one woman from Henderson, NV. She wrote me a letter expressing the hope that stem cells offers her and her family.

Her letter says, among other things:

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

Think of the hope of this mother when she heard on the news this week that research has shown that animals can regenerate the cells to bring back neurological functions. Think of how she must have felt when that gave her hope.

There are a number of very important issues which this body needs to consider this summer and this session. There is nothing more important to the American people and to this mother than stem cell research.

In the days ahead, everyone should be on notice that we are going to do everything we can to have a debate on stem cell research. If we can't find floor time for this, we will have to force it upon this body. We must do this. There is limited time. We have to go forward. We have waited far too long. The distinguished majority leader is a man of his word. He said he would bring this to the Senate floor. I am confident and extremely hopeful that he will do that. Lacking that, we will have to figure out a way to do it ourselves.

Thank you, 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. 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.

TRIBUTE TO TERRY MEINERS

Mr. MCCONNELL. Mr. President, I rise today to commend Terry Meiners, a fellow Louisvillian and well-known radio personality. Mr. Meiners is not just a local institution on Kentucky's airwaves, but also a loving father.

This fall, for the first time both of Terry's two sons will leave home for college: eldest son Max, 20, will return to Western Kentucky University, and younger son Simon, 17, will enroll at the University of Kentucky. Terry has a great relationship with both of his sons and he has done an excellent job of preparing them for adulthood.

As we have just celebrated Father's Day, I thought it appropriate to share with my colleagues the story of Terry Meiners and his two sons. On June 18 of this year, the Louisville Courier-Journal published an article highlighting Terry's family life, career, and accomplishments, as well as his importance in the Louisville community. I ask unanimous consent that the full article be printed in the RECORD.

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

[From the Courier-Journal, June 18, 2006]

WHAT KIND OF DAD IS TERRY MEINERS?

(By Angie Fenton)

It's 8:30 a.m., and Terry Meiners sits solemnly on a high-backed metal chair looking out over the lush greenery surrounding his pool.

He doesn't utter any of the quick-witted comebacks and zany ramblings that are his trademark on his afternoon drive-time show on WHAS radio. Instead, on this morning, he soaks up the silence, broken only by the soft sound of a manmade waterfall that cascades nearby and the sharp chirps from a pair of cardinals flitting among the trees.

Soon, Meiners knows, the silence will reach painful proportions when his eldest son, Max, 20, returns to Western Kentucky University in the fall and his younger son, Simon, 17, starts his freshman year at the University of Kentucky.

''I cried like a baby when Max rolled out of here (as a freshman) at WKU,'' recalled Meiners, 49. ''It was torturous, but I realized what a great passage it is for a kid to roll out of his dad's driveway and into a wide open space.''

Once Meiners could no longer see Max's car careening down the road, ''I sat in his room and let the tears roll—and let it ride,'' he said.

After all, that's the way Meiners lives life, as if it were one big ride with unexpected adventures, where heartbreak is a part of the journey you've got to take in stride.

''My dad is like a carpe diem kind of guy,'' Simon said, as his brother poured milk into a bowl of cereal. ''He tries to lead by example.''

One of the most beneficial lessons Meiners' young men have learned from him is ''preparedness—and don't ever depend on anyone,'' Max said.

Meiners also has taught his sons to laugh often.

The threesome share an affinity for ''The Simpsons.'' They crack jokes, talk politics and quip easily with one another.

''I've learned from my dad to live life to the fullest,'' Simon said, before admitting that he's been guilty of trampling that fine line between full and full of it.

In May, Simon surprised his dad on-air by admitting that he would walk at Manual

High School's commencement ceremony later that night, but wouldn't receive his diploma because of his participation in a senior prank involving mayonnaise and condoms.

''I had to laugh to myself, but then my daddy genes kicked in right away,'' Meiners said. ''I said, 'Well, you know we're going to have to talk about this later.' ''

Simon has since received his diploma after making amends with the school, but he's also had a bit of punishment meted out by his father: He'll be without wheels for his first semester at UK.

''I'm going to introduce him to a part of his body he's never known before: his thumb,'' Meiners said.

The apple doesn't fall far from the tree, though, which is why Meiners said he's firm but fair when it comes to holding his sons accountable.

Meiners earned a bit of notoriety himself back in 1976 when he broke a water pipe in Boyd Hall at UK after swinging on a ceiling sprinkler.

''It was during finals week at Christmastime, and they couldn't shut the water off. The floor caved in, water flooded the dorm and everybody had to sleep on mats at Alumni Gym across the street,'' Meiners said. ''I was not a hero.''

The university booted Meiners out of the dorms ''and that effectively ended my college career,'' he said. ''I was already working in radio and went in to work on Monday and said, 'Well, I guess that didn't work out.' ''

Meiners has made it a habit of embracing a laissez-faire—''let do, let go, let pass''—attitude. ''I never get tired of getting up in the morning and starting over. I tell my boys all the time, 'I can't wait to see what happens next.' ''

But Dad can get real serious too.

''You try coming home at 4 in the morning,'' Simon said.

''And he's really serious about preparing for very odd situations,'' Max added, which prompted a barrage of jokes about how Meiners hides flashlights and other ''just in case'' necessities in obscure places throughout the Anchorage home.

Still, said Max, ''I admire his total passion for everything he does in life. Whatever he does, he does wholeheartedly.''

That includes grieving for his mother, Norma Jean Meiners, who died on Dec. 12.

Just days after her death, Meiners was back on-air candidly sharing his loss. Fans flooded his personal Web site with well-wishes.

But his sons were concerned.

''He lost weight from stress—we were worried about him,'' Max said. ''I know he has 13 brothers and sisters, but sometimes it's like he doesn't have anyone to talk to.''

Yet, Meiners did what he somehow always seems to do: Let it ride and roll with it.

''The only thing you can do is will yourself into a positive feeling. I try to teach my kids . . . to bring a positive attitude to everything they do,'' Meiners said.

''I am abundantly grateful for everything we have,'' he said.

Meiners is also thankful for what blossomed in his life after his mother's death.

''It's given me an avenue to speak to my father (Mel) like I've never before,'' Meiners said. ''My family and I, we've surrounded my father.''

Even as they prepare to leave, Meiners' sons have surrounded their father too.

''I love my dad, and I'm thankful for everything he's done for me,'' Max said. ''We've been through so much in the past six months, this Father's Day will be special.''

Meiners agreed.

''My perfect Father's Day is not possible. I'd like to go back in time and remedy my missteps. But we're here now, and I stand before (my sons) flawed but willing to learn,'' Meiners said.

''The bottom line is that more than anything, I want to make sure my sons are men of integrity. That's all that matters. And I'm happy to report they are.''

Mr. REID. Mr. President, if you search the State of Nevada, you will find many elder statesmen. But you won't find any finer than Judge Lloyd D. George.

Judge George is my friend, and Nevadan through and through.

Judge George moved to Las Vegas in 1933, when he was just 3 years old. His family's business was moving sand and gravel. He recalls his house as being built on two railroad lots and remembers Las Vegas at the time as a ''slow city.''

Las Vegas has grown a lot since 1933, and so has Lloyd George.

A graduate of Brigham Young University and University of California Berkeley Law School, he has been an institution in our State's legal community, as both a lawyer and a judge.

In 1984, President Ronald Reagan nominated Judge George to the U.S. district court, and he quickly won Senate confirmation. In 1992, he became chief judge of the Nevada District, a position he held until 1997.

Today, Judge George is a retired senior U.S. district judge, but he still comes in to work every day. His continued service is a testament to Judge George's commitment to the law and the people of Nevada. All of us here recognized that commitment when we named the Las Vegas' Federal courthouse the ''Lloyd D. George Federal Building and U.S. Courthouse'' in the year 2000.

Mr. President, I began by calling Judge George a statesmen, which is exactly what he is.

When statesmen speak, the community has an obligation to listen. Which is why I rise to submit Judge George's moving 2006 Memorial Day remarks into the CONGRESSIONAL RECORD. His words paint a vivid picture of the sacrifice America's heroes made at Iwo Jima, and they remind us of our obligation to carry their memories with us today.

I ask unanimous consent that Lloyd George's remarks be printed in the RECORD.

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

MEMORIAL DAY ADDRESS—IWO JIMA

(By Lloyd D. George, May 26, 2006)

Before World War II, the Island of Iwo Jima was considered tiny and insignificant. After the February 19, 1945, invasion of the island, where one hundred thousand men fought for over a month for control of an area only about a third the size of Manhattan, Iwo Jima became gargantuan in the history of warfare and heroism.

Both sides understood the strategic importance of the small island. It had two airfields, and had been used by Japanese fighters to attack American bombers on their way to targets. Americans also wanted control of the island as a base for their own aircraft.

The name Iwo Jima means Sulfur Island in Japanese. The five mile long, two mile wide island had soil of volcanic ash, soft enough to create extensive tunnels and underground fortifications for its 22,000 Japanese defenders, but too soft on the surface for the invasion forces to dig even an adequate foxhole for protection. And the 546 high Mount Suribachi at the southern end of the island provided the defenders a vantage-point from which they could lay down a withering fire onto the beach.

One of the Iwo Jima veterans we pay tribute to, Chester Foulke, recounts running back after carrying ammunition to Marine machine gunners, and falling as if he had been hit in order to stop the hail of bullets which were spraying all around him.

Another honoree, Larry Odell, credits flamethrowers, carried by Marines or in small tanks, for ultimately defeating the entrenched Japanese. The Japanese had years to construct a sixteen mile complex of reinforced tunnels connecting fifteen hundred man-made caverns. Attacks came upon the Marines from virtually anywhere, day or night, through warrens, spider holes, caves and crevices.

The ferocious nature of the battle was unrivaled. Sulfur, the namesake of the island, turns red when it melts under heat. So, too, the soil and rocks of the island were often turned red from blood as the battle raged on. Of the 70,000 Americans engaged in a battle, there were 26,000 casualties, almost 7,000 of whom were killed. Out of the 22,000 Japanese soldiers on the island, only 212 were taken prisoner. When told of the casualties during the battle, President Roosevelt visibly wrote: ''It was the first time [throughout the entire war] that anyone had seen the President gasp in horror.'' Indeed, the Battle of Iwo Jima, which displayed the fanatic fervor of the Japanese, and the heavy casualties suffered by forces combating them, influenced the American decision to use atomic bombs to end the war.

Amid the overwhelming death and destruction at Iwo Jima, uncommon valor was common. The image of six Marines raising the American flag after taking Mount Suribachi on the fifth day of fighting stands as a symbol not only of the island and the battle, but of the entire war. Another local honoree, Parke Potter, was in one of three companies to take the mountain. He also helped improvise a makeshift flagpole by wiring together scraps of iron pipe.

Every single American who fought at Iwo Jima was valiant in preserving freedom and democracy. More medals for valor were awarded for action on Iwo Jima than in any battle in the history of the United States. The Marines were awarded eighty-four Medals of Honor in World War II. In just the month of fighting on Iwo Jima, they were awarded twenty-seven Medals of Honor. We will never forget those who descended into the depth of hell that month 61 years ago, so that we and future generations, might exist above it. And we honor those who sacrificed their futures that we might have ours.

TRIBUTE TO JUDGE R.W. DYCHE III

Mr. MCCONNELL. Mr. President, I rise today to pay tribute to a great leader in public service, Judge R.W. Dyche III of London, KY. Judge Dyche is retiring from the Kentucky Court of Appeals, Third Appellate District, First Division, after 20 years of honorable service. He began his legal career as a clerk for the law firm of Allen & Bledsoe, and after the firm dissolved,

he opened his own office. He accepted an appointment as a judge of the 27th Judicial District in 1978 and 8 years later was appointed to the Kentucky Court of Appeals.

Judge Dyche plans to take some time off to begin his retirement. From there he said he has a couple of possibilities lined up. I am sure his wife Jane and his sons Robert and John are looking forward to seeing more of him.

On June 12 of this year, The Sentinel Echo published an article highlighting Judge Dyche's accomplishments while in office as well as the excellence with which he carried out his job. I ask unanimous consent that the full article be printed in the CONGRESSIONAL RECORD.

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

[FROM THE SENTINEL ECHO]

JUDGE DYCHE RETIRING AFTER 20 YEARS

(By Carl Keith Greene)

Twenty years after his appointment and subsequent election to the Kentucky Court of Appeals Judge R.W. Dyche III will retire on June 20.

Dyche, 55, who began his career as a law clerk for Baxter Bledsoe and Larry Allen, served also as Laurel District Judge for eight years.

''I look forward to a new chapter, learning new things, learning different things, I've become even more convinced lately that when you quit learning you begin dying. I'm learning a few new things,'' he said in an interview Thursday.

Dyche entered the legal profession because, ''It's all that ever interested me. I had a phase of electronics and electrical engineering. But starting about my freshman year in high school it's all that ever interested me.''

He said the best thing about being a judge for him is ''getting to see the good side of humanity. Unfortunately, along with that you also see the bad side.''

He said the good side is made up of generosity, love, attorneys who go out of their way to represent their client well—sometimes at no cost—people who just want to do the right thing.

On the bad side, he has seen families who fight, or people who abuse or neglect children. He said these are the two worst scenarios.

Though it is hard to pinpoint a typical case Dyche has heard, he said in the criminal side, anymore, is a drug case, and generally, the most common grounds for claimed error is illegal search and seizure.

''Very often the drugs are found on the person or in close proximity and the only out they have is to say the search is illegal.''

In civil court, ''unfortunately domestic things are growing and growing and growing. It's such a good thing that we're going to get a family court here soon,'' he said.

Dyche estimated there are approximately 75 percent of affirmations of lower court cases and 25 percent reversals.

He said the case that stands out in his memory is from about 1988 or 1989 ''where a child was taken from the mother at the hospital before she ever got the chance to show whether she could be a good mother, based on past history and predictability. I wrote an opinion reversing that saying, it could be under very close supervision but she should be given the chance.''

He said he prides himself, and his staff, on being able to write opinions that litigants can understand, not written in what is called ''legalese'' but written in plain English and short concise form so they can understand why they won or lost.

Dyche is a 1968 graduate of London High School. He earned his bachelor's degree from Danville's Centre College and his law degree at the University of Kentucky College of Law in 1975.

He and his wife of 27 years, Jane, also a lawyer, have two sons, Robert, 24, who is in law school and John, 13, an eight-grader at North Laurel Middle School.

In his years in the Laurel judicial system he has seen the court system grow from one circuit judge, Bob Helton; one district judge, Lewis Hopper; one trial commissioner, Dyche; and one pre-trial services officer, Fred Yaden.

Now there are two circuit judges, two district judges, at least two trial commissioners, and three or four pre-trial officers, he said. The case load has, with the county, grown so much.

''I can remember in the late 70s when Les Yaden was sheriff there was Les, Oscar Brown, Earl Bailey as deputies and Evelene Greene and Les' daughter Janie making up the entire Sheriff's office staff.''

Now there are many, many who are needed.

Looking ahead, Dyche said he is going to take some time off to start out with, and is exploring, a couple of possibilities.

''I'm certainly not going to be idle,'' he said.

He said he has learned a few things about doing his job since he began the journey.

''I came into this at age 27 single, and early on I was having and I was lecturing a father, 'Oh you need to do this, you need to do that. Here's what you do with your son.' I was giving him down the road. The guy looked at me and said, ''Buddy, you got any children?'' I said 'no.' He said 'huh.'''

He concluded, ''I'm much more understanding when things don't go exactly as you planned in raising children.''

''I appreciated how good everybody's been to me, the cooperation of the people, my staff, Sandy Slusher and Julie Ledford, and particularly my friend Fred Yaden. I'll be around. I won't go far.''

A TRIBUTE TO DYCHE

(By Sandy Slusher, Appeals Court Judicial Secretary)

Working at the Court of Appeals has been the highlight of a career and life that I thought would never happen. I took a job years ago with the law firm of Allen & Bledsoe. Robbie Dyche was in law school and clerked at the firm. I found him a most interesting person when he was in the office.

When the firm dissolved, Robbie decided to open his own office. He asked if I would like to work for him, and I eagerly accepted. That was 30 years ago. His practice grew but he realized public service was truly his calling. In 1978 he accepted an appointment as district judge under the new judicial reform system, Eldon Keller, (the Circuit court Clerk at the time), hired me as a deputy clerk. I still was able to work with Judge Dyche, as well as Judge Lewis Hopper.

In 1986, Judge Dyche was appointed to the Kentucky Court of Appeals and asked if I would like to work as his secretary. The judge, Julie Ledford, our staff attorney, and I went to Frankfort together to be sworn in.

In Judge Dyche's office, we have formed a small family unit supporting each other through divorce, marriage, births, deaths graduations, illnesses both in the office and in extended family members. We have celebrated with each other at the happy times, and embraced and consoled each other through the heartbreaking moments. It had been so good.

Throughout Judge Dyche's tenure our office policy has been to write opinions that are concise, strictly based on law, easily understood by the average citizen as well as the judiciary, and rendered as soon as possible. Matters involving child custody always took precedent over other matters and Judge Dyche consistently would volunteer to take additional cases involving child custody in order to fast track these matters through the Court.

I have formed friendships that will endure for the remainder of my time on earth. If the opportunity presented itself, I would do it all over without a moment of hesitation!

COMMENDATION OF TIMOTHY E. LESHAN

Mr. KENNEDY. Mr. President, I welcome this opportunity to commend the exemplary work of Tim Leshan, who is leaving the National Human Genome Research Institute at the National Institutes of Health to become the director of government relations and community affairs at Brown University.

For the past 5 years, Mr. Leshan has served the National Human Genome Research Institute with great distinction. As branch chief of policy and program analysis at the Institute, he provided focus and leadership in numerous areas of public policy on genetics.

He served as the congressional liaison during the completion of the Human Genome Project and the International HapMap project, and was the Institute's planning and evaluation officer.

As liaison to the Secretary of Health and Human Services and the White House, he has facilitated contacts between the director of the Institute and numerous Federal, State, and international policy makers.

Mr. Leshan has guided policy development for the Institute on issues relating to genomic medicine, intellectual property, and regulation of genetic tests. He has also facilitated the resolution of complex policy issues for all of NIH with respect to the National Library of Medicine's PubChem database, and provided technical assistance to the House and Senate appropriations committees and authorizing committees. He also had a particularly important leadership role in the development of legislation against genetic discrimination and on privacy protections for genetic information.

He has provided impressive technical advice to many of us in the Senate in drafting legislation on genetic nondiscrimination and health disparities. One of Tim's major regrets as he leaves the Institute is not having seen the passage and signing of genetic nondiscrimination legislation. Hopefully, action on that legislation will be completed before the end of the current session of Congress, and I am sure Tim will be there at the signing as a principal adviser for all of us on the bill.

Before joining the Institute, Mr. Leshan was the director of public policy for the American Society for Cell Biology, where he cofounded the Coalition for the Advancement of Medical

Research, and staffed the Joint Steering Committee for Public Policy. Earlier, Mr. Leshan had worked in government relations at the Kennedy School of Government at Harvard University, and also at Duke University.

Through his contributions to public policy, health, and privacy, Mr. Leshan's work has exemplified the best of government service, and the impact that such dedicated service can have for the Nation as a whole.

I extend my warmest wishes to Mr. Leshan in his new responsibilities at Brown University, and on behalf of the Congress and the country gratitude for his outstanding service to NIH, Congress, and the country.

NOT ALL GUNS ARE CREATED EQUAL

Mr. LEVIN. Mr. President, in the late 1980s and early 1990s, crime statistics indicated a growing threat posed by a military-style semiautomatic assault weapons in the hands of criminals. A 1994 report by the Bureau of Alcohol, Tobacco, Firearms and Explosives, ATF, determined that while assault weapons made up only 1 percent of the guns in circulation in the United States at that time, they accounted for up to 8 percent of the guns used in crimes, ''thus making them preferred by criminals over law-abiding citizens 8 to 1.'' The ATF relied on data such as this to support the establishment of a federal ban on assault weapons. Such a ban was enacted by Congress as part of the 1994 Violent Crime Control and Law Enforcement Act and was signed into law by President Clinton.

Following the enactment of the assault weapon ban, the National Institute of Justice, an agency within the Department of Justice, conducted a study that was mandated by Congress on the short-term impact of the statute. The study found that crimes involving assault weapons dropped 20 percent in the year following enactment of the law. Additional research by the Centers for Disease Control and Prevention found deaths caused by guns dropped from 38,505 in 1994 to 29,573 in 2001.

Ten years after the assault weapons ban was passed, Los Angeles Chief of Police Bill Bratton said:

> Since the assault weapons ban was passed in 1994, we have seen a 66 percent decline in the frequency of assault weapons use in crime. Violent criminals love these weapons because they give them far more firepower than conventional weapons that greatly increases their capacity to kill. We cannot allow these weapons to get back into their hands.

On May 8 of this year, two Fairfax County police officers were shot to death by an 18-year-old armed with multiple guns, including an AK–47-style assault rifle. Unfortunately, assault rifles like the one reported in this attack, as well as many other similar assault weapons, are once again being legally produced and sold as a result of the expiration of the assault weapons ban.

In 1994, I voted to establish of the assault weapons ban and 10 years later I joined a bipartisan majority of the Senate in voting to extend the ban for another 10 years. Unfortunately, despite the overwhelming support of the law enforcement community, the ongoing threat of terrorism, and the bipartisan support in the Senate, neither the President nor the majority's congressional leadership acted to protect Americans from assault weapons like the one used in the attack on the Fairfax County police station. As a result, 19 types of previously banned military-style assault weapons are once again on the streets and in the neighborhoods of our cities and towns.

Congress must take up and pass common sense gun safety legislation to help prevent such tragedies from occurring in the future.

PASSAGE OF THE FISCAL YEAR 2007 DEPARTMENT OF DEFENSE AUTHORIZATION BILL

Mr. FEINGOLD. Mr. President, first and foremost, I want to thank the members of the U.S. Armed Forces for their service to our country. These servicemen and women are performing admirably under difficult circumstances all over the world. Our soldiers, sailors, airmen, and marines, along with their families, are making great sacrifices in service to our country. I am pleased to support a Defense Department authorization bill that will help these people who are serving the country with such courage.

I supported a number of good provisions in the Senate bill, such as the rejection of the President's proposal to increase TRICARE enrollment fees and co-payments, increased funding for training programs for our nation's authorized Weapons of Mass Destruction Civil-Support Teams, and increased funding for nonproliferation programs. Another aspect of the bill that I strongly support is the increased funding for force protection equipment. I have heard from a number of Wisconsinites over the years that they or their deployed loved ones were fighting for their country in Iraq without the equipment they needed. This situation is unconscionable, and my colleagues and I have worked hard to address it. The additional $950.5 million for force protection equipment, including $559.8 million for additional up-armored humvees and $100 million for counter-IED vehicles, in this bill above what was requested in the President's proposed budget further ensures that our troops have the equipment they need to perform their duties on the ground.

I am pleased that the Senate approved the Military Family Support Act amendment that I offered with Senator JEFFORDS. This amendment is designed to assist military families struggling with the long-term absence of a family member. Under this legislation, the Office of Personnel Management is directed to administer a pilot program authorizing Federal employees, who have been designated ''caregivers'' by a member of the Armed Forces, to use their earned leave time in a more flexible manner while a family member is deployed overseas. This amendment also encourages the Department of Labor to solicit private businesses to voluntarily offer more accommodating leave time to caregivers affected by these deployments.

This bill also authorizes funding for a provision I authored in last years' Department of Defense authorization bill establishing the Civilian Linguist Reserve Corps, CLRC, pilot project. It became very clear after the attacks of September 11, 2001 that the U.S. Government has a dearth of critical language skills. The 9/11 Commission report documented the disastrous consequences of this deficiency which, unfortunately, we still have not made enough progress in addressing over 4 years after the 9/11 tragedy. I am pleased that this bill included the CLRC pilot project.

I am also pleased that I was able to pass a Buy American Act reporting requirement for the Department of Defense. This reporting requirement is similar to the reporting requirement that I have worked to enact for the past 3 years through the appropriations process and requires the Department of Defense to report annually the dollar value of any items purchased that were manufactured outside of the United States; an itemized list of all applicable waivers granted with respect to such items under the Buy American Act; and a summary of the total procurement funds spent by the federal agency on goods manufactured in the United States versus on goods manufactured overseas. Additionally, the amendment requires the Department of Defense to make this report publicly available to the maximum extent possible. I will continue to work to ensure a similar permanent reporting requirement is extended to all Federal agencies.

I also authored successful amendments to the bill that require the administration to develop a comprehensive strategy for establishing stability and fighting terrorism in Somalia and to study of the feasibility of establishing an United States regional combatant command for Africa. In addition, the bill includes an important amendment I offered to strengthen the Special Inspector General for Iraq.

Unfortunately, I was not able to get other amendments of mine adopted. I filed a straightforward amendment that would have made life a little easier for our servicemembers and their families when they are called up to duty or transferred. When this happens now, servicemembers often face cellular phone early termination fees or the prospect of paying the monthly bill for a cell phone they cannot use until the end of their contract—up to 2

years. My amendment would have treated these cellular phone contracts the same way that we already treat residential and automobile leases—give the servicemember the right to terminate the contract without being charged an additional fee. Despite the support of the National Guard Association of the United States, the Enlisted Association of the National Guard of the United States, and the Military Officers Association of America, I was not able to get this amendment adopted. While I was disappointed in this result, I will continue to fight to make sure that servicemembers are not financially punished for volunteering to protect this country.

I was also disappointed that another amendment of mine was not accepted that would have extended the Department of Defense's ability to purchase fruits and vegetables from local farms. My amendment would have helped both servicemembers and schools served by the Department of Defense programs and local farms and communities benefit from the programs.

I also introduced amendments to the authorization bill that mirrored a bill I introduced last year; the Veterans Enhanced Transition Services Act, VETS Act. This bill includes provisions that would help ensure that all military personnel have access to the same transition services as they prepare to leave the military to reenter civilian life, or, in the case of members of the National Guard and Reserve, as they prepare to demobilize from active duty assignments and return to their civilian lives and jobs or education while remaining in the military.

The VETS Act is supported by a wide range of groups that are dedicated to serving our men and women in uniform and veterans and their families, and I was pleased to honor this support by introducing the amendments to the Defense authorization bill. We should ensure that our troops receive the benefits to which their service in our Armed Forces has entitled them, and while these amendments were unfortunately not included in the final version of the bill, I will continue to work to see that these provisions become law.

I will also continue to fight for the redeployment of our forces in Iraq so that our country can refocus on fighting the terrorist networks that attacked us on 9/11. I offered an amendment with Senator KERRY that would have required U.S. forces in Iraq to redeploy by July 1, 2007. While the amendment failed, I was pleased to be joined by 12 of my colleagues in addressing the fact that the President's policies in Iraq are damaging our country's national security. I am glad that more and more of my colleagues are recognizing what the American people already know—that we need a plan to redeploy our troops from Iraq.

Mr. President, I must note with disappointment that this bill continues the wasteful trend of spending billions of dollars on Cold War era weapons systems while at the same time not fully funding the needs of the military personnel fighting our current wars. I also think the Senate missed some opportunities when it rejected amendments that could have made the bill better. However, on balance, this legislation contains many good provisions for our men and women in uniform and their families and that is why I supported it.

DEFENSE AUTHORIZATION BILL

Mr. SALAZAR. Mr. President, yesterday the Senate approved the National Defense Authorization Act for fiscal year 2007. I was pleased to vote in favor of this bill. I wish to express my deepest gratitude and respect to Chairman WARNER and Ranking Member LEVIN for their tireless dedication to making sure this legislation was passed in a spirit of bipartisanship. I am honored to be part of their efforts to build a stronger, safer America.

This legislation is good for our troops, good for Colorado, and good for America.

Our troops—the men and women who selflessly defend the democratic way of life both here and abroad—deserve nothing less than our steadfast support. I was pleased that we were able to show that support in a significant way with the passage of this Defense Authorization Act.

First of all, starting at the beginning of next year, all military personnel will receive a 2.2-percent pay raise. This extra money in the pockets of our servicemembers will go a long way as they continue to simultaneously serve our country and work to provide for their own families.

Second, the Senate has sternly rejected the Pentagon's ill-conceived increase in the medical fees for retirees. This is important to our long-term commitment to provide for those who have served our country with dedication and determination.

As part of this Nation's commitment to taking care of the families of our servicemembers, this legislation also authorizes a pilot program to promote early childhood education for military children affected by the relocation of military units or overseas deployments.

For our wounded soldiers, we are enacting strong requirements to make sure they receive an audit of their pay, and setting up a toll-free call assistance center for military personnel and next of kin who are experiencing pay problems. We need to take care of our wounded veterans, and this is one small step that will go a long way in meeting that goal. Along those same lines, we are also authorizing $10 million for pilot projects to address the growing problem of post-traumatic stress disorder.

This legislation will also strengthen our troop levels for ground forces, adding 30,000 more troops to the Army's end-strength, 5,000 more troops to the Active-Duty Marines, and 17,000 more troops to the Army National Guard. I strongly support these provisions.

Additionally, the Defense Authorization Act supports several programs that our troops rely on to successfully complete their missions. There is money for new helicopters to replace those lost in Operation Iraqi Freedom: $71.0 million to purchase UH–60 Blackhawk helicopters, and $333.1 million to purchase CH–47 Chinook helicopters.

There is over $950 million for protective equipment for our fighting men and women, including over $550 million for up-armored HMMWVs.

This legislation also provides over $2 billion in funding for new technologies to help keep our troops protected from improvised explosive devices, IEDs. Every American knows that IEDs pose one of the most terrible threats to the safety of our servicemembers currently in Iraq. It is our responsibility to protect our fighting men and women from that evolving threat to the best of our ability.

All told, the Defense Authorization Act of fiscal year 2007 is very strong on providing for our troops, and I wholeheartedly support that effort.

In addition, Mr. President, I am proud of the significant, Colorado-specific funding in this bill that will solidify Colorado as America's crown jewel for national defense and homeland security.

Specifically, the bill designates $130.7 million for military construction projects in Colorado. This includes $26 million for Fort Carson to build a combat services support complex for special operating forces and another $24 million for the next phase of construction of the airfield arrival/depart complex.

At Buckley Air Force Base, $10.7 million is authorized for construction of the consolidated fuels facility, and another $7 million is authorized for a new Air National Guard Squadron operations facility.

At Schriever Air Force Base, $21 million is set aside for construction of the Space test and evaluation facility.

And finally, there is $42 million authorized for chemical weapons demilitarization construction for Pueblo Chemical Depot.

Funds for the Base Realignment and Closure, BRAC, authorized in this legislation will bring another $202 million to Fort Carson. There is $118 million for the construction of a brigade combat team complex and $84 million for the construction of a division headquarters for the 4th Infantry Division relocating from Fort Hood, TX.

I am also pleased to note that this legislation authorizes $10 million to purchase interoperable communications equipment for NORTHCOM. Earlier in the year I added an amendment to the budget resolution to provide that $10 million for NORTHCOM. Interoperable communications are absolutely necessary for NORTHCOM to be able to respond as quickly and effectively as possible to a homeland security emergency.

I am also extremely pleased that several amendments I offered were passed by the Senate.

My Chemical Weapons Convention amendment sends an extremely strong message to the Department of Defense that the Senate will no longer stand for schedule or funding delays regarding the destruction of chemical weapons. Pueblo Chemical Depot needs to be rid of its chemical weapons stockpiles. The Department of Defense needs to commit the resources to ensure it happens as quickly as possible. With my amendment, the entire Senate spoke with one voice in agreement.

Another amendment I offered and had included in the Senate bill will change the name of the death gratuity to fallen hero compensation. I have stated this before, but I believe the term ''death gratuity'' to be a poor description of the compensation this Nation provides to the families of fallen servicemembers. To my way of thinking, anyone who has worn the uniform of the Armed Forces is an American hero, and this small name change will be extremely meaningful to the bereaved families of those servicemembers who die while on active duty.

I am also pleased that Chairman WARNER and Senator LEVIN have worked with me to accept an amendment that requires the Secretary of the Army to complete a study on the High Altitude Aviation Training Site, HAATS, in Eagle County, CO. HAATS is operated by the Colorado National Guard, and I could not be prouder of the school and its mission. Helicopter pilots trained at HAATS are safer in mountainous and environmentally challenging terrain. This study I have proposed will strengthen the school and will help raise its level of visibility in the Army.

I also cosponsored a number of important amendments that have been included in the Senate's bill. One amendment will ensure the Pentagon provides the citizens of southeastern Colorado with the information they have been asking for regarding the Pinon Canyon Maneuvering Site. Another helps provide contractors at Pueblo Chemical Depot with incentives to finish by the deadline. On a national level, I was proud to cosponsor a fiscally responsible amendment authored by Senator MCCAIN that requires future money for ongoing military operations to be properly budgeted and paid for, instead of continuing to use emergency funding in a way that avoids oversight. And I was pleased to cosponsor a successful amendment to strengthen the mandate of the Special Inspector General for Iraq Reconstruction.

During consideration of this bill, the Senate engaged in many hours of debate regarding the course of U.S. policy in Iraq. I was proud to be a cosponsor of the Levin-Reed amendment that built upon last year's Senate consensus that 2006 should be a year of transition in Iraq. While this amendment was not successful, I believe that the debate was important, and that Congress must continue to search for constructive and responsible ways to help ensure success in Iraq by insisting on more direction and clarity in U.S. policy. Our brave men and women in uniform are doing such a remarkable job in Iraq. We need to work hard here in Washington to ensure that our policy is worthy of their efforts.

Our troops need every opportunity for success. This funding bill, and the amendments and projects it contains, send a powerful message to our troops and the enemies they bravely face: this country supports our men and women in uniform. Our brave service men and women are the best in the world, and this bill will ensure they have the training, supplies, and materials they need to continue to produce such positive results.

U.S. POLICY IN IRAQ

Mr. DORGAN. Mr. President, the policy in Iraq is not working and must change. The current plan does not have incentives that encourage the Iraqis to take full responsibility for their own security or to make the difficult compromises necessary for a unity government to work.

We have been in Iraq fighting this war for more than 3 years. The United States has sent hundreds of thousands of our finest troops to liberate Iraq from a brutal dictator. More than 2,500 have died for Iraq's freedom and close to 20,000 have been wounded, many very seriously. America has also spent more than $300 billion fighting the war in Iraq.

Those sacrifices continue. We have about 130,000 troops in Iraq today and, regrettably, we will have more deaths and injuries before this war is over. We will also continue to spend tens, if not hundreds, of billions of dollars more in fighting this war.

I believe that we need a change and we need a change now. That change is the Levin-Reed amendment currently before us.

This amendment says that we will begin a phased redeployment of our troops by the end of 2006.

This will force the Iraqis to take responsibility for their own security and to do so soon. They will have to replace our redeployed troops with Iraqi troops. This will create incentives to build their own police and military because some time soon they will not be able to count on Americans doing those jobs. This will also encourage them to put aside their political differences and agree on a government that works.

This action will not come as a surprise to the Iraqis or anyone else. Last year, by a vote of 79 to 19, the United States Senate said 2006 ''should be a period of significant transition to full Iraqi sovereignty, with Iraqi security forces taking the lead for the security of a free and sovereign Iraq, thereby creating the conditions for the phased redeployment of United States forces from Iraq.'' What we are now saying is it's time for the phased redeployment to happen.

The Levin-Reed amendment that I voted for says that ''the current open ended commitment of United States forces in Iraq is unsustainable and is a deterrent to the Iraqis making the political compromises and personnel and resource commitments that are needed for the stability and security of Iraq.''

Reducing the U.S. role in Iraq also reduces the arguments made by the insurgents and terrorists that they are fighting an occupying army. When Iraqis are in charge of security, they will be forced to decide if they are going to continue to fight their own government and their own military or work together to rebuild their own country.

We are not pulling out or abandoning the Iraqi people. We are moving to a support role while the Iraqis take the lead. That is what phased redeployment means.

It is time for the Iraqis to work together and build their future. We cannot do that for them. This amendment sets in place a plan to provide the conditions for them to do it themselves. We have done our part. They must do their part and they must do it soon.

THIRTY-FOURTH ANNIVERSARY OF TITLE IX

Mrs. MURRAY. Mr. President, today marks the 34th anniversary of title IX. Since 1972, title IX has opened doors to athletics, education and success for millions of young women across our Nation. For 34 years, the program has increased participation under Republican and Democratic administrations, because title IX is not about politics it is about helping young women realize their dreams.

The statistics are amazing—millions of young women breaking down barriers. But behind these numbers, the lives of these women have been improved because of the changes brought about through title IX.

I have seen how title IX has changed the experience of women in my own family. When I went to school 30 years ago, the atmosphere was much different. Back then at Washington State University, I could only participate in a few sports, and women receiving athletic scholarships was unheard of.

The difference between my daughter's generation and my own could not be more stark. Women of my generation never had the chance to go to college on a sports scholarship, even though many deserved them. Some of my daughter's friends have done just that.

I am so proud of my home State of Washington, which is the first State in the Nation to boast two women Senators and a woman Governor. It is also home to WNBA champions the Seattle Storm.

There is no doubt that title IX has opened doors for women over the past

34 years. The challenge for all of us today is to make sure that those doors of opportunity stay open for our granddaughters and great-granddaughters.

As we celebrate the anniversary of this important law, I urge President Bush and Secretary of Education Spellings to protect existing title IX policies and give every young girl in American the chance to experience the roar of a crowd—and not just cheer from the sidelines.

HONORING OUR ARMED FORCES

U.S. ARMY LT SHAW VAUGHN

Mr. SALAZAR. Mr. President, I wish to take a moment of the Senate's time to remember a Coloradan who was lost to us last week in defense of this Nation.

Shaw Vaughan was a loving and supportive son and older brother, an avid hunter and fly fisherman. One of his most prized possessions was his 1969 Jeepster Commando, an off-roading vehicle he had personally rebuilt, affectionately named Hercules. Hercules sits quiet today, its red finish gleaming undimmed in the mountain sun.

U.S. Army LT John Shaw Vaughan, of Edwards, in Eagle County in my State of Colorado, was killed on June 7 in Mosul, Iraq. Lieutenant Vaughan was a young man with his entire life before him: He was a mere 23 years old, and had been in Iraq only a month.

As a middle school student, Shaw Vaughan caught the eye of our military leaders for his regional science fair project: comparing the accuracy of store-bought ammunition with that assembled by him. He graduated Battle Mountain High School in 2001 and attended the prestigious Embry-Riddle Aeronautical University in Daytona Beach, FL. Upon graduation, Lieutenant Vaughan was 1 of only 70 cadets, out of 5,000, to receive a much-sought-after assignment in military intelligence in the infantry. It was a high honor, reflecting his intellect, work ethic, and commitment to our Nation.

Lieutenant Vaughan was stationed in Alaska, a part of our country he had visited with his family years earlier. I guess you could say that Alaska had ''hooked'' the fisherman in Lieutenant Vaughan, and he was looking forward to his service there after he completed his time in Iraq.

Lieutenant Vaughan was eager to get to Iraq, to serve with his unit. In his e-mails and phone calls back home, Lieutenant Vaughan spoke of how strongly he felt about America's mission in Iraq. He told stories of Iraqi families leading him into their homes, telling him horror stories of their families' sufferings under the brutal regime of Saddam Hussein.

As one newspaper in my home State observed, it seems that every story about Shaw Vaughan was different, and yet, the same: ''one of a great guy and a courageous man lost too soon.''

In Act III of William Shakespeare's classic Henry V, King Henry says with pride, ''As I am a soldier, A name that in my thoughts becomes me best ''

I will think of this today as I bow my head in prayer for the loss of Lieutenant Vaughan, a life of such great promise that was snuffed out too soon. LT Shaw Vaughn took pride in his life as a soldier, and it is truly a name that, in all of our thoughts, becomes him best.

ADDITIONAL STATEMENTS

THE 125TH ANNIVERSARY OF MILLER, SD

● Mr. JOHNSON. Mr. President, today I wish to pay tribute to the 125th anniversary of the founding of Miller, SD. Miller is the county seat of Hand County, and a center of commerce and civic-mindedness. I am proud to recognize Miller on this historic occasion.

The site for the town was selected by Henry Miller in 1881 as he came north from Benton County, IA. An immigrant train was secured from Chicago that brought 22 men to the site. The men drew lots for claims and formed the town plat on a 40-acre area. Shortly a grocery store, hardware store, hotel, and lumber yard were established. A metropolitan hall was also built in order to hold public meetings, dances, and other social events.

Miller is still a thriving community, with two high schools, a public library, Hand County Memorial Hospital, the Miller Press weekly newspaper, many civic organizations, numerous churches, and a variety of stores.

The people of Miller will be celebrating the quasquicentennial June 30 through July 4. Some of the scheduled events include a stage performance of ''$400, 40 Acres and Fortitude: The Making of Miller,'' school reunions, softball, a parade, fireworks, and community potluck. These activities will serve to bring this close-knit community even closer together.

I am proud to publicly honor the progressive and innovative community of Miller on this important milestone. Even 125 years after its founding, Miller continues to be a vibrant addition to our wonderful State, and I once again congratulate them on this achievement.●

THE 125TH ANNIVERSARY OF THE FOUNDING OF BALTIC, SD

● Mr. JOHNSON. Mr. President, today I wish to pay tribute to the 125th anniversary of the city of Baltic, SD.

Baltic was founded in 1881 by Richard Franklin and Justin Pettigrew. Baltic, originally named St. Olaf, came into being when the Milwaukee Railroad laid down track between Dell Rapids and Sioux Falls. A weigh station was established on the current site of Baltic. This development was quickly followed by the construction of the power dam and the St. Olaf Roller Mill, the latter being the work of the town's founders, Franklin and Pettigrew. The flour mill was located on the Big Sioux River and used water as its main source of power, producing 120 barrels of flour each day. In 1884, a bridge was built between Sverdrup and Dell Rapids townships over the Big Sioux River. In 1890, the first school house was built and the first church, Baltic Lutheran, was constructed in 1903. In 1907 three lamp posts were purchased in order to light the city streets. Baltic had several population booms, one in early 1900 and another in the 1970s.

Baltic's placement on the Big Sioux River has brought people to the community and increased the town's commercial importance. Today, Baltic is a progressive community of about 900 citizens. They have many thriving businesses including a post office, co-op, seed company, bank, and the Baltic Beacon newspaper. Baltic is also home to the Baltic High School Bulldogs.

Baltic will be celebrating its 125th anniversary on July 1 through July 4 with a number of events, including a community block party.

Even 125 years after its founding, Baltic still exemplifies what it means to be a great South Dakota community. I am proud to publicly honor Baltic on this memorable occasion, and congratulate the people of Baltic on their achievements.●

MESSAGE FROM THE HOUSE

At 11:16 a.m., a message from the House of Representatives, delivered by Ms. Brandon, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 4890. An act to amend the Congressional Budget and Impoundment Control Act of 1974 to provide for the expedited consideration of certain proposed rescissions of budget authority.

H.R. 5638. An act to amend the Internal Revenue Code of 1986 to increase the unified credit against the estate tax to an exclusion equivalent of $5,000,000 and to repeal the sunset provision for the estate and generation-skipping taxes, and for other purposes.

The message also announced that the House agrees to the amendment of the Senate to the concurrent resolution (H. Con. Res. 409) commemorating the 60th anniversary of the ascension to the throne of His Majesty King Bhumibol Adulyadej of Thailand.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

H.R. 5638. An act to amend the Internal Revenue Code of 1986 to increase the unified credit against the estate tax to an exclusion equivalent of $5,000,000 and to repeal the sunset provision for the estate and generation-skipping taxes, and for other purposes.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. GRASSLEY, from the Committee on Finance:

Report to accompany S. 3525, a bill to amend subpart 2 of part B of title IV of the Social Security Act to improve outcomes for children in families affected by methamphetamine abuse and addiction, to reauthorize the promoting safe and stable families program, and for other purposes (Rept. No. 109–269).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. DORGAN (for himself, Mr. GRASSLEY, Mr. DURBIN, Mr. DEWINE, and Ms. COLLINS):

S. 3561. A bill to amend the Mandatory Victims' Restitution Act to improve restitution for victims of crime, and for other purposes; to the Committee on the Judiciary.

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

S. 3562. A bill to allocate a portion of the revenue derived from lease sales in the 181 Area to the land and water conservation fund for use by State and local governments for conservation purposes; to the Committee on Energy and Natural Resources.

By Mr. BURNS (for himself and Mr. BAUCUS):

S. 3563. A bill to authorize the Secretary of the Interior to conduct studies to determine the feasibility and environmental impact of rehabilitating the St. Mary Diversion and Conveyance Works and the Milk River Project, to authorize the rehabilitation and improvement of the St. Mary Diversion and Conveyance Works, to develop an emergency response plan for use in the case of catastrophic failure of the St. Mary Diversion and Conveyance Works, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. SANTORUM (for himself, Mr. TALENT, and Mr. ISAKSON):

S. 3564. A bill to provide for comprehensive border security and for other purposes; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

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

S. Res. 520. A resolution to authorize the production of records, testimony, and legal representation; considered and agreed to.

ADDITIONAL COSPONSORS

S. 707

At the request of Mr. ALEXANDER, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor 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. 1035

At the request of Mr. INHOFE, the name of the Senator from Montana (Mr. BURNS) was added as a cosponsor 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. 1353

At the request of Mr. REID, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 1353, a bill to amend the Public Health Service Act to provide for the establishment of an Amyotrophic Lateral Sclerosis Registry.

S. 1687

At the request of Ms. MIKULSKI, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 1687, a bill to amend the Public Health Service Act to provide waivers relating to grants for preventive health measures with respect to breast and cervical cancers.

S. 3548

At the request of Mr. CONRAD, the name of the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of S. 3548, a bill to authorize appropriate action if negotiations with Japan to allow the resumption of United States beef exports are not successful, and for other purposes.

S. CON. RES. 89

At the request of Mr. GREGG, the name of the Senator from Colorado (Mr. ALLARD) was added as a cosponsor of S. Con. Res. 89, a concurrent resolution honoring the 100th anniversary of the historic congressional charter of the National Society of the Sons of the American Revolution.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DORGAN (for himself, Mr. GRASSLEY, Mr. DURBIN, Mr. DEWINE, and Ms. COLLINS):

S. 3561. A bill to amend the Mandatory Victims' Restitution Act to improve restitution for victims of crime, and for other purposes; to the Committee on the Judiciary.

Mr. DORGAN. Mr. President, today I am joined by Senators GRASSLEY, DURBIN, DEWINE and COLLINS in introducing legislation called the Restitution for Victims of Crime Act of 2006. This legislation will give Justice Department officials the tools they say are needed to help them do a better job of collecting court-ordered restitution and other federal criminal debt.

Over the past several years, the Government Accountability Office conducted at my request and the request of others a study of the amount of federal criminal debt owed victims and the reasons why much of it is still uncollected. The GAO's findings revealed what many victims already know, that the current system for collecting restitution and other federal criminal debt is failing those it is intended to help.

Let me describe what criminal debt is. You go to court. Someone is convicted of a crime, and a fine is levied. The question is, Is that fine being paid? Or you go to court and the judge assigns guilt to a defendant and says: You must make restitution. So that becomes a debt.

The problem is that the amount of uncollected restitution and other federal criminal debt has spiraled upward while the percentage of that debt ultimately recovered for crime victims has plummeted. The amount of uncollected federal criminal debt skyrocketed from $6 billion in 1996 to over $41 billion by the end of fiscal year 2005. That's a nearly sevenfold increase in uncollected criminal debt owed to the victims of federal crimes. Some $15 million in criminal debt ordered by federal courts in North Dakota remained uncollected at the end of 2005, according to information from the Justice Department.

The percentage of debt that is collected or recovered for crime victims in the form of restitution has fallen to embarrassingly low levels. According to the GAO, Federal criminal justice officials collected an average of just 4 cents on every dollar that has been ordered in restitution and other criminal debt. This is restitution ordered by the courts to be paid to crime victims from those who perpetrated the crime.

The victims of crime deserve better. At the very least, crime victims should not be concerned that their prospects for financial restitution are being diminished because criminal offenders are frittering away their ill-gotten gains on lavish lifestyles and the like.

There is plenty of blame to go around for our failure to aggressively tackle this criminal debt problem. Some of the Nation's top law enforcement officials did not pursue a number of major recommendations made by the GAO in 2001 and again in 2004 and 2005 to boost our embarrassingly low criminal debt collection rate. These officials only started to take this matter seriously after I added language to an omnibus spending bill that required the Attorney General to establish a joint federal task force to develop a strategic plan for improving federal criminal debt collection. Second, Congress has not yet held extensive hearings about the federal government's recent track record on criminal debt collection and the related GAO reports.

I understand that criminal debt collection can be a tough job. It may be impossible to collect the full amount of restitution owed to victims in some cases. Clearly criminal debt collections may be more difficult in cases where convicted criminals are in prison, ill-gotten gains are already gone or these criminals are without any other financial means to pay their full restitution. However, GAO's work also made clear that more financial assets could be recovered.

Let me tell you why I and my colleagues have introduced this legislation. I had the GAO review a number of

white-collar financial fraud cases and report what is happening with respect to these cases.

I will cite some examples.

One offender, someone who was judged to be guilty criminally in the Federal court system, and his immediate family owned and resided at property that was worth millions of dollars. Yet he was not making the full restitution that had been ordered by the court to the victim.

Two offenders in Federal court cases who were ordered to make restitution to victims took overseas trips while on supervised release but had not made restitution to the victims.

One offender and his family established trusts, foundations, and corporations for their assets about the same time that they closed many of their bank and brokerage accounts and had not paid restitution to the victims of their crime.

Over the course of several years, one offender converted to personal use hundreds of millions of dollars obtained through illegal white-collar business schemes.

Several years prior to one judgment, one offender's minor child, who is now an adult, was given the offender's entire company. As of the completion of the GAO's work, that company had employed the offender. Restitution still had not been paid to the victim.

One offender and his family rented a very lavishly furnished residence—which they had previously owned—from a relative. The offender still had not made restitution he was ordered to pay.

Again, unpaid restitution and other criminal debt has gone from $6 billion to $41 billion over the last decade. We think that is an outrage. We have worked with the Justice Department as a result of the three GAO reports, and because of that, we have put together a bipartisan piece of legislation. The legislation is comprised of the comprehensive package of recommendations by the Justice Department that stem in large part from the work of the Task Force on Improving the Collection of Criminal Debt. Justice Department officials believe these changes will remove many of the current impediments to better debt collection.

For example, Justice Department officials described a circumstance where they were prevented by a court from accessing $400,000 held in a criminal offender's 401(k) plan to pay a $4 million restitution debt to a victim because that court said the defendant was complying with a $250 minimum monthly payment plan and that payment schedule precluded any other enforcement actions. Our bill would remove impediments like this in the future.

This legislation will also address a major problem identified by the GAO for officials in charge of criminal debt collection; that is, many years can pass between the date a crime occurs and the date a court orders restitution. This gives criminal defendants ample opportunity to spend or hide their ill-gotten gains. Our bill sets up pre-conviction procedures for preserving assets for victims' restitution. These tools will help ensure that financial assets traceable to a crime are available when a court imposes a final restitution order on behalf of a victim. These tools are similar to those already used by Federal officials in some asset forfeiture cases and upheld by the courts.

Our bill has the support of the administration, and the support of many victims organizations.

I have a long list of them: The National Center for Victims of Crime, Mothers Against Drunk Driving, National Organization for Victims Assistance—all of these organizations support the legislation we are introducing today—the National Alliance to End Sexual Violence, Parents of Murdered Children, Inc., Justice Solutions, the National Network to End Domestic Violence, National Association of VOCA Assistance Administrators. The list is rather substantial. It also includes U.S. Attorney Drew Wrigley in Fargo, ND, who said this legislation ''represents important progress toward ensuring that victims of crime are one step closer to being made whole.''

That is the basis on which we introduce this legislation. Among other things, our bill would clarify that court-ordered Federal criminal restitution is due immediately in full upon imposition, just like in civil cases and that any payment schedule ordered by a court is only a minimum obligation of a convicted offender. It would allow Federal prosecutors to access financial information about a defendant in the possession of the U.S. Probation Office—without the need for a court order. This legislation would also clarify that final restitution orders can be enforced by criminal justice officials through the Bureau of Prisons' Inmate Financial Responsibility Program. Our bill would help ensure better recovery of restitution by requiring a court to enter a pre-conviction restraining order or injunction, require a satisfactory performance bond, or take other action necessary to preserve property that is traceable to the commission of a charged offense or to preserve other nonexempt assets if the court determines that it is in the interest of justice to do so. In addition, this legislation would clarify that a victim's attorney fees may be included in restitution orders, including cases where such fees are a foreseeable result from the commission of the crime, are incurred to help recover lost property or expended by a victim to defend against third party lawsuits resulting from the defendant's crime. It would also allow courts in their discretion to order immediate restitution to those that have suffered economic losses or serious bodily injury or death as the result of environmental felonies. Under current law, courts can impose restitution in such cases as a condition of probation or supervised release but this means that many victims of environment crimes must wait for years to be compensated for their losses, if at all.

Let me make a couple of final points. First, while this legislation reflects the entire set of recommendations from the Justice Department to improve Federal criminal debt collection, it may not include every possible improvement to the current system. For instance, the GAO has suggested making willful failure to pay court-ordered restitution a criminal offense. This is already the case for criminal defendants who willfully fail to pay a court-ordered fine. It is my hope the Senate Judiciary Committee will consider this and any other helpful improvements when it reviews this legislation.

In summary, Senator GRASSLEY and myself and others believe that it is outrageous that unpaid criminal debt ordered by Federal courts to be paid by criminals now exceeds $40 billion. That is wrong and it ought to be dealt with. Our legislation will do so in a thoughtful, bipartisan way. It is legislation that is supported by the administration and by Republicans and Democrats who have joined in this legislation.

With the Justice Department's help, we can make criminal debt collection a top priority once again. That is good news for the criminal justice system and great news for crime victims.

By Mr. BURNS (for himself and Mr. BAUCUS):

S. 3563. A bill to authorize the Secretary of the Interior to conduct studies to determine the feasibility and environmental impact of rehabilitating the St. Mary Diversion and Conveyance Works and the Milk River Project, to authorize the rehabilitation and improvement of the St. Mary Diversion and Conveyance Works, to develop an emergency response plan for use in the case of catastrophic failure of the St. Mary Diversion and Conveyance Works, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. BURNS. Mr. President, today I am introducing the St. Mary Diversion and Conveyance Works and Milk River Project Act of 2006. In 1903, Secretary of Interior Hitchcock authorized construction of the Milk River Project as one of the first five reclamation projects under the new reclamation service. Two years later, construction was authorized for the St. Mary Diversion Facilities. Completed in 1915, the Milk River Project and the St. Mary Diversion Facilities have been in operation for nearly 100 years with minimum repairs and improvements.

The Milk River Project and the accompanying St. Mary Diversion Facilities are known as the Lifeline of the Hi-Line. The St. Mary and Milk River basins are home to approximately 70,000 people with a meager per capita income of approximately $19,500. Most of these people depend—directly or indirectly—on the project and would be

dramatically impacted by its failure and the loss of water.

The Milk River is the backbone of the region's agricultural economy. It provides water to irrigate over 110,000 acres on approximately 660 farms. This project provides municipal water to approximately 14,000 people. Fisheries, recreation, tourism, water quality, and wildlife are all impacted by the water flow.

But now the St. Mary Diversion Facilities and the Milk River Project are facing catastrophic failure. The steel siphons have leaks and slope stability problems. Landslides along the canal and the deteriorated condition of the structure make the project an unreliable water source.

As authorized in 1903, the Milk River Project is operated as a single-use irrigation project. Since completion, nearly 100 percent of the cost to operate and maintain the diversion infrastructure has been borne by irrigators. The average annual O & M cost from 1998 to 2003 was $420,000, of which irrigators were responsible for 98 percent. In addition, irrigators are responsible for reimbursing reclamation for the initial construction costs of the diversion facilities. Maintenance costs have increased with the accelerating deterioration of the aging facilities.

In 2003, the St. Mary Rehabilitation Working Group was formed to address the pressing needs of the system. This broad coalition of interests came together to find workable solutions. This legislation is a result of their efforts and dedication.

The St. Mary Diversion and Conveyance Works and Milk River Project Act of 2006 will provide a feasible and comprehensive approach to rehabilitating the aging and deteriorating infrastructure while still meeting the needs of the folks in Montana. I look forward to working with my colleagues in the Senate to move this important piece of legislation forward.

By Mr. SANTORUM (for himself, Mr. TALENT, and Mr. ISAKSON):

S. 3564. A bill to provide for comprehensive border security and for other purposes; to the Committee on the Judiciary.

Mr. SANTORUM. Mr. President, I rise today to introduce a bill that I believe offers us an opportunity to move forward in the immigration debate. My bill takes a first-things-first approach. It is imperative that we secure our borders now. This first step cannot—and should not have to—wait for a ''comprehensive'' solution. Once we secure our borders, we can look at all of the other illegal immigration related issues that remain. There is a bipartisan consensus on what needs to be done on border security and the provisions that make up this consensus were included with other more controversial elements in S. 2611—the Comprehensive Immigration Reform Act of 2006. While the other body is holding hearings on the ''comprehensive'' part of that bill, we should not hold our border security hostage.

My bill will significantly increase the assets available for controlling our borders. It provides more inspectors, more marshals, and more border patrol agents on both the northern and southern borders. It provides new aerial vehicles and virtual fencing—camera, sensors, satellite and radar coverage, et cetera. It increases our surveillance assets and their deployment, and provides for new checkpoints and ports of entry. It includes Senator SESSIONS' amendment for greater fencing along our southern border, including 370 miles of triple-layered fencing and 500 miles of vehicle barriers. It also provides for the acquisition of more helicopters, powerboats, motor vehicles, portable computers, radio communications, hand-held global positioning devices, night vision equipment, body armor, weapons, and detention space.

While we know these resources will be critical improvements, it does not just throw resources at the problem. My bill requires a comprehensive national strategy for border security, surveillance, ports of entry, information exchange between agencies, increasing the capacity to train border patrol agents and combating human smuggling. It enhances initiatives on biometric data, secure communications for border patrol agents, and document fraud detection. It includes Senator ENSIGN's amendment to temporarily deploy the National Guard to support the border patrol in securing our southern land border. Additionally, it increases punishment for the construction of border tunnels or passages.

When our borders are not secure, it is our cities and counties are on the frontlines, particularly those closest to the borders. Unfortunately, the negative impacts of illegal immigration are not limited to our border towns. Recently I worked with communities in Southeastern Pennsylvania—Allentown, Easton, Bethlehem, Reading and Lancaster—as well as the U.S. Attomey for the Eastern District of Pennsylvania, Pat Meehan, to get one of the six recent Anti-Gang Initiative grants given by the Department of Justice. This area, called the Route 222 Corridor, was the only nonmetropolitan area to receive one of the $2.5 million grants to combat growing criminal activity in part because of illegal immigrants. However, I raise this issue here because U.S. Attorney Meehan's letter explains this issue very succinctly. He stated ''[e]ach city is seeing extensive Latino relocation to its poorer neighborhoods and housing projects. Once largely Puerto Rican, the minority populations are increasingly from Central America. Simultaneously, Mexican workers migrate to the agricultural areas around Lancaster, creating a southern link to criminal networks. The urban core is therefore transient, poor, non-English speaking and often undocumented . . . In this fertile environment, the Latin Kings, Bloods, NETA and lately MS–13, are recruiting or fighting with local gangs for control of the drug markets. Violence is a daily byproduct.''

My bill provides relief for cities, counties and States dealing with increased costs because of illegal immigration—specifically those caused by the criminal acts of illegal immigrants. There are four programs included in my bill to address these issues. First, there are grants to law enforcement agencies within 100 miles of the Canadian or Mexican borders or such agencies where there is a lack of security and a rise in criminal activity because of the lack of border security, including a preference for communities with less than 50,000 people. Second, local governments can be reimbursed for costs associated with processing criminal illegal aliens such as indigent defense, criminal prosecution, translators and court costs. Third, State and local law enforcement agencies can be reimbursed for expenses incurred in the detention and transportation of an illegal alien to Federal custody. Finally, reimbursements are available for costs incurred in prosecuting criminal cases that were federally-initiated but where the Federal entity declined to prosecute. In addition, my bill requires the Secretary of Homeland Security to provide sufficient transportation and officers to take illegal aliens apprehended by State and local law enforcement officers into custody for processing at a detention facility operated by the Department, and that the Secretary designate at least one Federal, State, or local facility in each State as the central facility to transfer custody to the Department of Homeland Security.

This bill also expedites the removal of criminal aliens from correctional facilities and expands border security programs through the Department of Commerce such as the Carrier Initiative, the Americas Counter Smuggling Initiative, the Container Security Initiative, and the Free and Secure Trade Initiative.

Throughout the debate on immigration reform, I have consistently stated that the first thing we must do is secure our Nation's borders. While the House and Senate are working to come to an agreement on the broader issues in the immigration bill, I am pleased to be introducing the Border Security First Act today with my colleague from Georgia, Senator ISAKSON, and my colleague from Missouri, Senator TALENT, because our borders must be secured now—not later. In the post 9/11 world we live in, our national security depends on our border security. We need to know who is coming into our country, where they are from, and what they are doing here. We must put first things first—we must secure our Nation's borders. I hope that my Senate colleagues will join me in recognizing the urgency of addressing this issue without delay.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 520—TO AUTHORIZE THE PRODUCTION OF RECORDS, TESTIMONY, AND LEGAL REPRESENTATION

Mr. FRIST (for himself and Mr. REID) submitted the following resolution; which was considered and agreed to:

Whereas, the United States Department of Justice is conducting an investigation into improper activities by lobbyists and related matters;

Whereas, the Committee on Indian Affairs and the Committee on Rules and Administration have received specific requests from the Department of Justice for records that may be relevant for use in the investigation;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(a) and 288c(a)(2), the Senate may direct its counsel to represent employees of the Senate with respect to any subpoena, order, or request for testimony relating to their official responsibilities;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate can, by administrative or judicial process, be taken from such control or possession but by permission of the Senate; and

Whereas, when it appears that evidence under the control or in the possession of the Senate is needed for the promotion of justice, the Senate will take such action as will promote the ends of justice consistent with the privileges of the Senate: Now, therefore, be it

Resolved, That the Committee on Indian Affairs and the Committee on Rules and Administration are authorized to provide to the U.S. Department of Justice the specific documents that have been requested by the Department of Justice to date for use in legal and investigatory proceedings, and to provide related testimony from their staffs, if necessary, except where a privilege should be asserted.

SEC. 2. The Senate Legal Counsel is authorized to represent employees of the Committee on Indian Affairs and the Committee on Rules and Administration in connection with the document production and testimony authorized in section one of this resolution.

AMENDMENTS SUBMITTED AND PROPOSED

SA 4542. Mr. FRIST (for Mr. MCCONNELL (for himself and Mr. BIDEN)) proposed an amendment to the bill S. 2370, to promote the development of democratic institutions in areas under the administrative control of the Palestinian Authority, and for other purposes.

TEXT OF AMENDMENTS

SA 4542. Mr. FRIST (for Mr. MCCONNELL (for himself and Mr. BIDEN)) proposed an amendment to the bill S. 2370, to promote the development of democratic institutions in areas under the administrative control of the Palestinian Authority, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Palestinian Anti-Terrorism Act of 2006''.

SEC. 2. LIMITATION ON ASSISTANCE TO THE PALESTINIAN AUTHORITY.

(a) DECLARATION OF POLICY.—It shall be the policy of the United States—

(1) to support a peaceful, two-state solution to end the conflict between Israel and the Palestinians in accordance with the Performance-Based Roadmap to a Permanent Two-State Solution to the Israeli-Palestinian Conflict (commonly referred to as the ''Roadmap'');

(2) to oppose those organizations, individuals, and countries that support terrorism and violently reject a two-state solution to end the Israeli-Palestinian conflict;

(3) to promote the rule of law, democracy, the cessation of terrorism and incitement, and good governance in institutions and territories controlled by the Palestinian Authority; and

(4) to urge members of the international community to avoid contact with and refrain from supporting the terrorist organization Hamas until it agrees to recognize Israel, renounce violence, disarm, and accept prior agreements, including the Roadmap.

(b) AMENDMENTS.—Chapter 1 of part III of the Foreign Assistance Act of 1961 (22 U.S.C. 2351 et seq.) is amended—

(1) by redesignating the second section 620G (as added by section 149 of Public Law 104-164 (110 Stat. 1436)) as section 620J; and

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

''SEC. 620K. LIMITATION ON ASSISTANCE TO THE PALESTINIAN AUTHORITY.

''(a) LIMITATION.—Assistance may be provided under this Act to the Hamas-controlled Palestinian Authority only during a period for which a certification described in subsection (b) is in effect.

''(b) CERTIFICATION.—A certification described in subsection (a) is a certification transmitted by the President to Congress that contains a determination of the President that—

''(1) no ministry, agency, or instrumentality of the Palestinian Authority is effectively controlled by Hamas, unless the Hamas-controlled Palestinian Authority has—

''(A) publicly acknowledged the Jewish state of Israel's right to exist; and

''(B) committed itself and is adhering to all previous agreements and understandings with the United States Government, with the Government of Israel, and with the international community, including agreements and understandings pursuant to the Performance-Based Roadmap to a Permanent Two-State Solution to the Israeli-Palestinian Conflict (commonly referred to as the 'Roadmap'); and

''(2) the Hamas-controlled Palestinian Authority has made demonstrable progress toward—

''(A) completing the process of purging from its security services individuals with ties to terrorism;

''(B) dismantling all terrorist infrastructure within its jurisdiction, confiscating unauthorized weapons, arresting and bringing terrorists to justice, destroying unauthorized arms factories, thwarting and preempting terrorist attacks, and fully cooperating with Israel's security services;

''(C) halting all anti-American and anti-Israel incitement in Palestinian Authority-controlled electronic and print media and in schools, mosques, and other institutions it controls, and replacing educational materials, including textbooks, with materials that promote peace, tolerance, and coexistence with Israel;

''(D) ensuring democracy, the rule of law, and an independent judiciary, and adopting other reforms such as ensuring transparent and accountable governance; and

''(E) ensuring the financial transparency and accountability of all government ministries and operations.

''(c) RECERTIFICATIONS.—Not later than 90 days after the date on which the President transmits to Congress an initial certification under subsection (b), and every six months thereafter—

''(1) the President shall transmit to Congress a recertification that the conditions described in subsection (b) are continuing to be met; or

''(2) if the President is unable to make such a recertification, the President shall transmit to Congress a report that contains the reasons therefor.

''(d) CONGRESSIONAL NOTIFICATION.—Assistance made available under this Act to the Palestinian Authority may not be provided until 15 days after the date on which the President has provided notice thereof to the appropriate congressional committees in accordance with the procedures applicable to reprogramming notifications under section 634A(a) of this Act.

''(e) NATIONAL SECURITY WAIVER.—

''(1) IN GENERAL.—Subject to paragraph (2), the President may waive subsection (a) with respect to—

''(A) the administrative and personal security costs of the Office of the President of the Palestinian Authority;

''(B) the activities of the President of the Palestinian Authority to fulfill his or her duties as President, including to maintain control of the management and security of border crossings, to foster the Middle East peace process, and to promote democracy and the rule of law; and

''(C) assistance for the judiciary branch of the Palestinian Authority and other entities.

''(2) CERTIFICATION.—The President may only exercise the waiver authority under paragraph (1) after—

''(A) consulting with, and submitting a written policy justification to, the appropriate congressional committees; and

''(B) certifying to the appropriate congressional committees that—

''(i) it is in the national security interest of the United States to provide assistance otherwise prohibited under subsection (a); and

''(ii) the individual or entity for which assistance is proposed to be provided is not a member of, or effectively controlled by (as the case may be), Hamas or any other foreign terrorist organization.

''(3) REPORT.—Not later than 10 days after exercising the waiver authority under paragraph (1), the President shall submit to the appropriate congressional committees a report describing how the funds provided pursuant to such waiver will be spent and detailing the accounting procedures that are in place to ensure proper oversight and accountability.

''(4) TREATMENT OF CERTIFICATION AS NOTIFICATION OF PROGRAM CHANGE.—For purposes of this subsection, the certification required under paragraph (2)(B) shall be deemed to be a notification under section 634A and shall be considered in accordance with the procedures applicable to notifications submitted pursuant to that section.

''(f) DEFINITIONS.—In this section:

''(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term 'appropriate congressional committees' means—

''(A) the Committee on International Relations and the Committee on Appropriations of the House of Representatives; and

''(B) the Committee on Foreign Relations and the Committee on Appropriations of the Senate.

''(2) FOREIGN TERRORIST ORGANIZATION.—The term 'foreign terrorist organization'

means an organization designated as a foreign terrorist organization by the Secretary of State in accordance with section 219(a) of the Immigration and Nationality Act (8 U.S.C. 1189(a)).

''(3) PALESTINIAN AUTHORITY.—The term 'Palestinian Authority' means the interim Palestinian administrative organization that governs part of the West Bank and all of the Gaza Strip (or any successor Palestinian governing entity), including the Palestinian Legislative Council.''.

(c) PREVIOUSLY OBLIGATED FUNDS.—The provisions of section 620K of the Foreign Assistance Act of 1961, as added by subsection (b), shall be applicable to the unexpended balances of funds obligated prior to the date of the enactment of this Act.

SEC. 3. LIMITATION ON ASSISTANCE FOR THE WEST BANK AND GAZA.

(a) AMENDMENT.—Chapter 1 of part III of the Foreign Assistance Act of 1961 (22 U.S.C. 2351 et seq.), as amended by section 2(b)(2), is further amended by adding at the end the following new section:

''SEC. 620L. LIMITATION ON ASSISTANCE FOR THE WEST BANK AND GAZA.

''(a) LIMITATION.—Assistance may be provided under this Act to nongovernmental organizations for the West Bank and Gaza only during a period for which a certification described in section 620K(b) is in effect with respect to the Palestinian Authority.

''(b) EXCEPTIONS.—Subsection (a) shall not apply with respect to the following:

''(1) ASSISTANCE TO MEET BASIC HUMAN NEEDS.—Assistance to meet food, water, medicine, health, or sanitation needs, or other assistance to meet basic human needs.

''(2) ASSISTANCE TO PROMOTE DEMOCRACY.—Assistance to promote democracy, human rights, freedom of the press, non-violence, reconciliation, and peaceful co-existence, provided that such assistance does not directly benefit Hamas or any other foreign terrorist organization.

''(3) ASSISTANCE FOR INDIVIDUAL MEMBERS OF THE PALESTINIAN LEGISLATIVE COUNCIL.—Assistance, other than funding of salaries or salary supplements, to individual members of the Palestinian Legislative Council who the President determines are not members of Hamas or any other foreign terrorist organization, for the purposes of facilitating the attendance of such members in programs for the development of institutions of democratic governance, including enhancing the transparent and accountable operations of such institutions, and providing support for the Middle East peace process.

''(4) OTHER TYPES OF ASSISTANCE.—Any other type of assistance if the President—

''(A) determines that the provision of such assistance is in the national security interest of the United States; and

''(B) not less than 30 days prior to the obligation of amounts for the provision of such assistance—

''(i) consults with the appropriate congressional committees regarding the specific programs, projects, and activities to be carried out using such assistance; and

''(ii) submits to the appropriate congressional committees a written memorandum that contains the determination of the President under subparagraph (A).

''(c) MARKING REQUIREMENT.—Assistance provided under this Act to nongovernmental organizations for the West Bank and Gaza shall be marked as assistance from the American people or the United States Government unless the Secretary of State or, as appropriate, the Administrator of the United States Agency for International Development, determines that such marking will endanger the lives or safety of persons delivering such assistance or would have an adverse effect on the implementation of that assistance.

''(d) CONGRESSIONAL NOTIFICATION.—Assistance made available under this Act to nongovernmental organizations for the West Bank and Gaza may not be provided until 15 days after the date on which the President has provided notice thereof to the Committee on International Relations and the Committee on Appropriations of the House of Representatives and to the Committee on Foreign Relations and the Committee on Appropriations of the Senate in accordance with the procedures applicable to reprogramming notifications under section 634A(a) of this Act.

''(e) DEFINITIONS.—In this section:

''(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—the term 'appropriate congressional committees' means—

''(A) the Committee on International Relations and the Committee on Appropriations of the House of Representatives; and

''(B) the Committee on Foreign Relations and the Committee on Appropriations of the Senate.

''(2) FOREIGN TERRORIST ORGANIZATION.—The term 'foreign terrorist organization' means an organization designated as a foreign terrorist organization by the Secretary of State in accordance with section 219(a) of the Immigration and Nationality Act (8 U.S.C. 1189(a)).''.

(b) OVERSIGHT AND RELATED REQUIREMENTS.—

(1) OVERSIGHT.—For each of the fiscal years 2007 and 2008, the Secretary of State shall certify to the appropriate congressional committees not later than 30 days prior to the initial obligation of amounts for assistance to nongovernmental organizations for the West Bank or Gaza under the Foreign Assistance Act of 1961 that procedures have been established to ensure that the Comptroller General of the United States will have access to appropriate United States financial information in order to review the use of such assistance.

(2) VETTING.—Prior to any obligation of amounts for each of the fiscal years 2007 and 2008 for assistance to nongovernmental organizations for the West Bank or Gaza under the Foreign Assistance Act of 1961, the Secretary of State shall take all appropriate steps to ensure that such assistance is not provided to or through any individual or entity that the Secretary knows, or has reason to believe, advocates, plans, sponsors, engages in, or has engaged in, terrorist activity. The Secretary shall, as appropriate, establish procedures specifying the steps to be taken in carrying out this paragraph and shall terminate assistance to any individual or entity that the Secretary has determined advocates, plans, sponsors, or engages in terrorist activity.

(3) PROHIBITION.—No amounts made available for fiscal year 2007 or 2008 for assistance to nongovernmental organizations for the West Bank or Gaza under the Foreign Assistance Act of 1961 may be made available for the purpose of recognizing or otherwise honoring individuals who commit, or have committed, acts of terrorism.

(4) AUDITS.—

(A) IN GENERAL.—The Administrator of the United States Agency for International Development shall ensure that Federal or non-Federal audits of all contractors and grantees, and significant subcontractors and subgrantees, that receive amounts for assistance to nongovernmental organizations for the West Bank or Gaza under the Foreign Assistance Act of 1961 are conducted for each of the fiscal years 2007 and 2008 to ensure, among other things, compliance with this subsection.

(B) AUDITS BY INSPECTOR GENERAL OF USAID.—Of the amounts available for each of the fiscal years 2007 and 2008 for assistance to nongovernmental organizations for the West Bank or Gaza under the Foreign Assistance Act of 1961, up to $1,000,000 for each such fiscal year may be used by the Office of the Inspector General of the United States Agency for International Development for audits, inspections, and other activities in furtherance of the requirements of subparagraph (A). Such amounts are in addition to amounts otherwise available for such purposes.

SEC. 4. DESIGNATION OF TERRITORY CONTROLLED BY THE PALESTINIAN AUTHORITY AS TERRORIST SANCTUARY.

It is the sense of Congress that, during any period for which a certification described in section 620K(b) of the Foreign Assistance Act of 1961 (as added by section 2(b)(2) of this Act) is not in effect with respect to the Palestinian Authority, the territory controlled by the Palestinian Authority should be deemed to be in use as a sanctuary for terrorists or terrorist organizations for purposes of section 6(j)(5) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j)(5)) and section 140 of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989 (22 U.S.C. 2656f).

SEC. 5. DENIAL OF VISAS FOR OFFICIALS OF THE PALESTINIAN AUTHORITY.

(a) IN GENERAL.—Except as provided in subsection (b), a visa should not be issued to any alien who is an official of, under the control of, or serving as a representative of the Hamas-led Palestinian Authority during any period for which a certification described in section 620K(b) of the Foreign Assistance Act of 1961 (as added by section 2(b)(2) of this Act) is not in effect with respect to the Palestinian Authority.

(b) EXCEPTION.—The restriction under subsection (a) should not apply to—

(1) the President of the Palestinian Authority and his or her personal representatives, provided that the President and his or her personal representatives are not affiliated with Hamas or any other foreign terrorist organization; and

(2) members of the Palestinian Legislative Council who are not members of Hamas or any other foreign terrorist organization.

SEC. 6. TRAVEL RESTRICTIONS ON OFFICIALS AND REPRESENTATIVES OF THE PALESTINIAN AUTHORITY AND THE PALESTINE LIBERATION ORGANIZATION STATIONED AT THE UNITED NATIONS IN NEW YORK CITY.

(a) IN GENERAL.—Notwithstanding any other provision of law, and except as provided in subsection (b), the President should restrict the travel of officials and representatives of the Palestinian Authority and of the Palestine Liberation Organization, who are stationed at the United Nations in New York City to a 25-mile radius of the United Nations headquarters building during any period for which a certification described in section 620K(b) of the Foreign Assistance Act of 1961 (as added by section 2(b)(2) of this Act) is not in effect with respect to the Palestinian Authority.

(b) EXCEPTION.—The travel restrictions described in subsection (a) should not apply to the President of the Palestinian Authority and his or her personal representatives, provided that the President and his or her personal representatives are not affiliated with Hamas or any other foreign terrorist organization.

SEC. 7. PROHIBITION ON PALESTINIAN AUTHORITY REPRESENTATION IN THE UNITED STATES.

(a) PROHIBITION.—Notwithstanding any other provision of law, it shall be unlawful to establish or maintain an office, headquarters, premises, or other facilities or establishments within the jurisdiction of the

United States at the behest or direction of, or with funds provided by, the Palestinian Authority during any period for which a certification described in section 620K(b) of the Foreign Assistance Act of 1961 (as added by section 2(b)(2) of this Act) is not in effect with respect to the Palestinian Authority.

(b) ENFORCEMENT.—

(1) ATTORNEY GENERAL.—The Attorney General shall take the necessary steps and institute the necessary legal action to effectuate the policies and provisions of subsection (a).

(2) RELIEF.—Any district court of the United States for a district in which a violation of subsection (a) occurs shall have authority, upon petition of relief by the Attorney General, to grant injunctive and such other equitable relief as it shall deem necessary to enforce the provisions of subsection (a).

(c) WAIVER.—Subsection (a) shall not apply if the President determines and certifies to the appropriate congressional committees that the establishment or maintenance of an office, headquarters, premises, or other facilities is vital to the national security interests of the United States.

SEC. 8. INTERNATIONAL FINANCIAL INSTITUTIONS.

(a) REQUIREMENT.—The President should direct the United States Executive Director at each international financial institution to use the voice, vote, and influence of the United States to prohibit assistance to the Palestinian Authority (other than assistance described under subsection (b)) during any period for which a certification described in section 620K(b) of the Foreign Assistance of 1961 (as added by section 2(b)(2) of this Act) is not in effect with respect to the Palestinian Authority.

(b) EXCEPTIONS.—The prohibition on assistance described in subsection (a) should not apply with respect to the following types of assistance:

(1) Assistance to meet food, water, medicine, or sanitation needs, or other assistance to meet basic human needs.

(2) Assistance to promote democracy, human rights, freedom of the press, non-violence, reconciliation, and peaceful co-existence, provided that such assistance does not directly benefit Hamas or other foreign terrorist organizations.

(c) DEFINITION.—In this section, the term ''international financial institution'' has the meaning given the term in section 1701(c)(2) of the International Financial Institutions Act (22 U.S.C. 262r(c)(2)).

SEC. 9. DIPLOMATIC CONTACTS WITH PALESTINIAN TERROR ORGANIZATIONS.

No funds authorized or available to the Department of State may be used for or by any officer or employee of the United States Government to negotiate with members or official representatives of Hamas, Palestinian Islamic Jihad, the Popular Front for the Liberation of Palestine, al-Aqsa Martyrs Brigade, or any other Palestinian terrorist organization (except in emergency or humanitarian situations), unless and until such organization—

(1) recognizes Israel's right to exist;

(2) renounces the use of terrorism;

(3) dismantles the infrastructure in areas within its jurisdiction necessary to carry out terrorist acts, including the disarming of militias and the elimination of all instruments of terror; and

(4) recognizes and accepts all previous agreements and understandings between the State of Israel and the Palestinian Authority.

SEC. 10. ISRAELI-PALESTINIAN PEACE, RECONCILIATION AND DEMOCRACY FUND.

(a) ESTABLISHMENT OF FUND.—Not later than 60 days after the date of the enactment of this Act, the Secretary of State shall establish a fund to be known as the ''Israeli-Palestinian Peace, Reconciliation and Democracy Fund'' (in this section referred to as the ''Fund''). The purpose of the Fund shall be to support, primarily, through Palestinian and Israeli organizations, the promotion of democracy, human rights, freedom of the press, and non-violence among Palestinians, and peaceful coexistence and reconciliation between Israelis and Palestinians.

(b) ANNUAL REPORT.—Not later than 60 days after the date of the enactment of this Act, and annually thereafter for so long as the Fund remains in existence, the Secretary of State shall submit to the appropriate congressional committees a report on programs sponsored and proposed to be sponsored by the Fund.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary of State $20,000,000 for fiscal year 2007 for purposes of the Fund.

SEC. 11. REPORTING REQUIREMENT.

Not later than 90 days after the date of the enactment of this Act, and annually thereafter, the Secretary of State shall submit to the appropriate congressional committees a report that—

(1) describes the steps that have been taken by the United States Government to ensure that other countries and international organizations, including multilateral development banks, do not provide direct assistance to the Palestinian Authority for any period for which a certification described in section 620K(b) of the Foreign Assistance Act of 1961 (as added by section 2(b)(2) of this Act) is not in effect with respect to the Palestinian Authority; and

(2) identifies any countries and international organizations, including multilateral development banks, that are providing direct assistance to the Palestinian Authority during such a period, and describes the nature and amount of such assistance.

SEC. 12. DEFINITIONS.

In this Act:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means—

(A) the Committee on International Relations and the Committee on Appropriations of the House of Representatives; and

(B) the Committee on Foreign Relations and the Committee on Appropriations of the Senate.

(2) PALESTINIAN AUTHORITY.—The term ''Palestinian Authority'' has the meaning given the term in section 620K(e)(2) of the Foreign Assistance Act of 1961 (as added by section 2(b)(2) of this Act).

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON FOREIGN RELATIONS

Mr. FRIST. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Friday, June 23, 2006, at 1 p.m. to hold a closed briefing on State Department/Defense Department Cooperation Overseas.

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

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

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

SECOND HIGHER EDUCATION EXTENSION ACT OF 2006

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 5603 which was received from the House.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 5603) to temporarily extend the programs under the Higher Education Act of 1965, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. FRIST. Mr. President, I ask unanimous consent that the bill be read the third time and passed, the motion to reconsider be laid upon the table, and any statements be printed in the RECORD.

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

The bill (H.R. 5603) was ordered to a third reading, was read the third time, and passed.

LEGAL REPRESENTATION AUTHORIZATION

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 520, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 520) to authorize the production of records, testimony, and legal representation.

There being no objection, the Senate proceeded to consider the resolution.

Mr. FRIST. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

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

The resolution (S. Res. 520) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 520

Whereas, the United States Department of Justice is conducting an investigation into improper activities by lobbyists and related matters;

Whereas, the Committee on Indian Affairs and the Committee on Rules and Administration have received specific requests from the Department of Justice for records that may be relevant for use in the investigation;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(a) and 288c(a)(2), the Senate may direct its counsel to represent employees of the Senate with respect to any subpoena, order, or request for testimony relating to their official responsibilities;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate can, by administrative or judicial process, be taken from such control or possession but by permission of the Senate; and

Whereas, when it appears that evidence under the control or in the possession of the Senate is needed for the promotion of justice, the Senate will take such action as will promote the ends of justice consistent with the privileges of the Senate: Now, therefore, be it

Resolved, That the Committee on Indian Affairs and the Committee on Rules and Administration are authorized to provide to the U.S. Department of Justice the specific documents that have been requested by the Department of Justice to date for use in legal and investigatory proceedings, and to provide related testimony from their staffs, if necessary, except where a privilege should be asserted.

SEC. 2. The Senate Legal Counsel is authorized to represent employees of the Committee on Indian Affairs and the Committee on Rules and Administration in connection with the document production and testimony authorized in section one of this resolution.

THE SAFE AND TIMELY INTERSTATE PLACEMENT OF FOSTER CHILDREN ACT

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 5403, the Safe and Timely Interstate Placement of Foster Children Act.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 5403) to improve protections for children and to hold States accountable for the safe and timely placement of children across State lines, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mrs. LINCOLN. Mr. President, today I rise to speak on passage of the Safe and Timely Interstate Placement of Foster Children Act. This legislation seeks to expedite the interstate placement of foster children into the safe and nurturing families they so desperately need and deserve. In doing so, it encourages and provides incentives to States to help expedite the completion of home studies, which are all too often the cause or delays in interstate placement cases.

Nationwide, there are currently over 500,000 children in foster care, and more than 2,500 in my home State of Arkansas. On trips back home and in meetings with my constituents, I have listened to the many heartbreaking tales of children who continue to suffer needlessly because of barriers to their timely placement. While a recent increase in the number of adoptions has allowed many of these children to spend less time in foster care homes, an unacceptably large number still encounter barriers that delay their timely placement. This is particularly the situation for children placed across State lines. In fact, recent reports indicate that interstate placements take an average of one year longer than placements within a State.

The situation is unacceptable, and I am grateful that we are addressing this issue by taking a step forward. Although we are taking that step here today, we must also recognize that we are improving a process, not fixing it. In cooperation with our State child welfare agencies and State court systems, we need to continue working to finish the task before us by carefully evaluating improvements that result from passage of this legislation and looking at other ways Federal and State agencies can work together in the future to make interstate placements work even better.

We must work together to provide both better guidelines for the process of gaining approval for sending children across State lines while allowing States the much-needed flexibility to cater them to their specific circumstances. We must work together to find a way to set deadlines that expedite the processing of home studies yet does not set unrealistic timelines on our States. We must work together to find better ways to ensure more efficiency in the process while also taking each State's circumstances under consideration.

In short, we must continue working together to ensure that no more of our children are unnecessarily stuck in foster homes because of bureaucratic inefficiencies, unnecessary delays, and red tape. We can do better by these children. The opportunity to grow up in a nurturing, loving, and stable family is something that none of us should take for granted. It is our duty in this Congress to ensure that these children are not denied this opportunity, but given timely placement with the home and the family that each and every one of them deserve.

Mr. FRIST. Mr. President, I ask unanimous consent that the bill be read the third time and passed, the motion to reconsider be laid upon the table, and any statements be printed in the RECORD.

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

The bill (H.R. 5403) was ordered to a third reading, was read the third time, and passed.

Mr. FRIST. Mr. President, this bill, H.R. 5403, the adoption bill, is a bill that is aimed at improving protection for children. It holds States accountable for the safe and timely placement of children across State lines.

I am gratified we have passed this bill today to help our children who are in foster care. Finding permanent and loving homes for foster care children is the first order of a compassionate society. Far too often, these children bounce from one temporary situation to another and then to another, never finding a permanent loving family.

The bill we passed just a few moments ago speeds their placement by making interstate placements easier, particularly with extended family. I, in particular, commend the former majority leader of the House, Tom DeLay, for his passionate crusade for at-risk children. A foster parent himself, Tom has worked tirelessly on adoption and foster care issues during his long service in the House of Representatives.

It is a fitting tribute to Tom DeLay's service that the House passed this bill on his last day in office. And I am gratified we just passed it a few moments ago.

MEASURE READ THE FIRST TIME—H.R. 5638

Mr. FRIST. Mr. President, I understand there is a bill at the desk, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will read the title of the bill for the first time.

The assistant legislative clerk read as follows:

A bill (H.R. 5638) to amend the Internal Revenue Code of 1986 to increase the unified credit against the estate tax to an exclusion equivalent of $5,000,000 and to repeal the sunset provision for the estate and generation-skipping taxes, and for other purposes.

Mr. FRIST. Mr. President, I now ask for a second reading, and in order to place the bill on the calendar under the provisions of rule XIV, I object to my own request.

The PRESIDING OFFICER. Objection is heard. The bill will be read for the second time on the next legislative day.

PALESTINIAN ANTI-TERRORISM ACT OF 2006

Mr. FRIST. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be discharged from further consideration of S. 2370, and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 2370) to promote the development of democratic institutions in areas under the administrative control of the Palestinian Authority, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. MCCONNELL. Mr. President, today I would like to applaud my colleagues for passing S. 2370, the Palestinian Anti-Terrorism Act of 2006.

My friend, the senior Senator from Delaware, Mr. BIDEN, and I cosponsored this legislation. We were joined in our efforts by Senators FRIST, REID of Nevada, DEMINT, MIKULSKI, MARTINEZ, NELSON of Florida, HAGEL, NELSON of Nebraska, DEWINE, TALENT, ALLEN, BURNS, BOXER, BUNNING, KERRY, SALAZAR, LIEBERMAN and THUNE; all of whom are original cosponsors of this bill.

I particularly thank my colleague, the senior Senator from Indiana, Mr. LUGAR, for his leadership on this issue. He has been instrumental in fashioning language on the important question of how the United States addresses the challenges posed by the new Hamas-dominated government in the West Bank and Gaza.

The elections of January 25 in the West Bank and Gaza produced the frightening result of a majority of Hamas supporters in the Palestinian parliament. Since that time, Hamas has demonstrated its continued unwillingness to accept Israel's right to exist and to accept the prior commitments made by the Palestinian Authority. It has also failed to renounce terror. That is antithetical to our security interests in the Middle East and it is clearly unacceptable to this Senate.

Our bill would do the following: it would restrict assistance to the Palestinian Authority, PA, unless the Hamas-led PA has publicly acknowledged Israel's right to exist, has recommitted itself to all its prior agreements with Israel, has made progress toward dismantling terrorist infrastructure, and has instituted fiscal transparency. This bill would essentially deny visas to certain PA officials and restrict their travel to the United States. It also limits diplomatic interaction with Palestinian terrorist groups. Finally, this bill contains rigorous audit and oversight requirements to ensure compliance with its provisions.

In short, this legislation urges the current Palestinian Government to take another step toward joining the community of peaceful nations and to step away from the ranks of terrorism.

Let me also tell you what this bill does not do. It does not cut off assistance to the Palestinian people with respect to food, water, medicine, sanitation, and other basic human needs. Thus, humanitarian assistance that does not go through the Hamas-led PA will continue. Moreover, funding for democracy programs will also be continued.

Both Senator BIDEN and I appreciate the need not to punish the Palestinian people for actions their government may take. Our concern is with terrorism and with terrorists and in providing Hamas the proper incentives to embrace peace and to abandon the proterror stance they have taken up until now. As Prime Minister Olmert said this week before a joint session of Congress: such legislation ''sends a firm, clear message that the United States of America will not tolerate terrorism in any form.''

Democracy is about more than just elections, it is also about responsible, accountable governance. The Palestinian elections a few months back reflect this fact. International observers indicate that the elections were essentially free and fair—which in and of itself is certainly a good thing. I strongly support democratic elections. That said, any right-minded person deplores the result of those elections that placed a proterror party at the helm of parliament.

A key part of democratic governance is that elected officials are responsible for the actions they take. If Hamas persists in sponsoring terror, rejecting Israel's right to exist and refusing to accept prior commitments made to Israel, then they should be held accountable for their actions, and be prepared to forfeit the prior foreign aid investments in the West Bank and Gaza paid for by American taxpayers. The PA's budget is dependent in large part by foreign assistance, and Hamas has been put on notice by the United States and many in the donor community about the steps it must take in order to receive assistance in the future.

Foreign assistance is not an entitlement. It is not a free lunch. Foreign aid is an act of generosity from the American people to other nations, and it should be conducted in furtherance of U.S. interests and those of our allies. It must not be given to organizations that actively work against those interests. Ramas, as it now stands, is just such an organization.

The ball is squarely in Hamas's court. It can either work for the good of its citizens as an accountable democratic government should, or it can continue to act as a terrorist organization to the profound detriment of its citizens and the prospects for peace in the region.

I close by recognizing the hard work of staff on this legislation. In particular, I thank Bob Lester, Brian McKeon, Puneet Talwar, Paul Clayman, and Brian Lewis.

Mr. BIDEN. Mr. President, I support the Palestinian Anti-Terrorism Act of 2006, of which I am the lead cosponsor.

The political rise of Hamas presents us with a difficult policy challenge. None of us want to see a penny of American taxpayer money going to a Hamas-led government that refuses to meet the basic demands not just of the United States, but of the international community, including the so-called Quartet of the United States, the European Union, Russia and the United Nations. Those demands are that Hamas recognize Israel, renounce violence, and accept past agreements.

At the same time, the situation in the Palestinian Territories is an explosive one, with potentially disastrous consequences for the Palestinian people, Israel and the entire region. Tensions between Fatah and Hamas militias have been escalating in recent weeks. 165,000 Palestinian Authority employees have not been paid in months. Avoiding a genuine humanitarian crisis and a descent into a Palestinian civil war will require diplomatic flexibility and sustained American engagement.

In this sensitive environment, my friend from Kentucky and I have tried to find the right balance between isolating Hamas, while simultaneously not doing anything to harm the Palestinian people. So let me say a few words to clarify what our bill does—and does not—do.

First, it sends a clear message: the United States will provide no direct assistance to a Hamas-led government unless it meets the three conditions—acknowledging Israel's right to exist, renouncing violence and accepting past agreements between Israel and the Palestinian Authority. We must not retreat from insisting that these three conditions be met.

The bill affirms support for a two-state solution to end the Israeli-Palestinian conflict, something that Hamas rejects. The bill also requires the administration to report on steps it is taking to urge other nations to refrain from providing financial assistance to Hamas. In addition, it places restrictions on diplomatic contacts with, and movements by, representatives of Hamas.

But in dealing with Hamas, it is important that we keep our strategic objectives clear. While our intention is to pressure Hamas to accept the same terms that bound previous Palestinian governments, it is not in the interest of either the United States or Israel to be seen as punishing the Palestinian people. It is critically important that in pressuring Hamas we make it clear to the Palestinian people that it is Hamas that is failing them, not the international community. We must maintain the moral high ground.

That is why our bill allows for assistance to continue to support the basic needs of the Palestinian people. It permits assistance to the Palestinians, through non-governmental organizations, for things such as food, water, health, medicine, and sanitation, as well as for democracy promotion, human rights, and education.

It also recognizes the important distinction between Palestinian President Mahmoud Abbas—who has committed to the Road Map and a negotiated two-state solution—and Hamas, by incorporating exemptions to support Abbas in fulfilling his duties as President.

Lastly, our bill creates an Israeli-Palestinian Peace, Reconciliation and Democracy Fund to support organizations that are trying to build bridges between the two societies through the promotion of democracy, civil society development and reconciliation between Israelis and Palestinians.

My friend from Kentucky and I have been able to make important changes to address the most significant issues raised by the administration and the chairman of the Foreign Relations Committee. These include broadening the President's waiver authority as well as narrowing the focus of the bill to the Hamas-controlled Palestinian Authority. I look forward to continuing to work with the administration as the bill moves forward.

Mr. President, Hamas has a decision to make. It must respond to international demands and, even more important, be responsive to the Palestinian public which voted for reform, but not poverty, international isolation and a government that can't pay its own bills or keep the lights on. If Hamas ultimately proves unable to provide for its own people, it won't be

because of the restrictions in this legislation. It will be because Hamas is either unable or unwilling to make rational policy decisions over destructive terror and xenophobic ideology.

Simply put, Hamas must choose between bullets and ballots, between destructive terror and constructive governance. It cannot have it both ways. The legislation I have sponsored with my colleague, the senior Senator from Kentucky, is an attempt to clarify the choices for Hamas and to make clear our rejection of a group that is committed to terror.

Mr. FRIST. Mr. President, I ask unanimous consent that the McConnell amendment at the desk be agreed to, the bill, as amended, be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the measure be printed in the RECORD.

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

The amendment (No. 4542) was agreed to.

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill (S. 2370) was ordered to be engrossed for a third reading, was read the third time, and passed.

Mr. FRIST. Mr. President, I wish to make a brief comment on the legislation. I congratulate my colleague, Senator MCCONNELL, for leading on this amendment as the primary sponsor of the Palestinian Anti-Terrorism Act of 2006.

Although all our colleagues have had the opportunity to review and express their support for this act, very briefly, I would like to at least comment on a couple of things that it does that are very important to the United States and our international relations.

The bill itself states that it shall be U.S. policy ''to support a peaceful, two-state solution to end the conflict between Israel and the Palestinians in accordance with the Performance-Based Roadmap to a Permanent Two-State Solution to the Israeli-Palestinian Conflict. . . .''

It also promotes democracy and the cessation of terrorism and incitement in institutions and territories controlled by the Palestinian Authority and urges members of the international community to avoid contact with and refrain from financially supporting the terrorist organization Hamas until it agrees to recognize Israel, renounce violence, disarm, and accept prior agreements, including the roadmap.

This is a very important piece of legislation, one that has been led by Senator MCCONNELL. I know he has made several comments and has comments in the RECORD on this important bill.

ORDERS FOR MONDAY, JUNE 26, 2006

Mr. FRIST. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 2 p.m. on Monday, June 26. I further ask that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved, and the Senate proceed to a period for the transaction of morning business until 4 p.m., with the time equally divided between the leaders or their designees. I further ask that at 4 p.m., the Senate proceed to the immediate consideration of the flag antidesecration resolution, as under the previous order.

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

PROGRAM

Mr. FRIST. Mr. President, on Monday, the Senate will begin consideration of the flag resolution. There will be no votes during Monday's session, but Senators are encouraged to come to the floor to speak. The next rollcall vote will occur on Tuesday, and Members should plan their schedules accordingly.

ADJOURNMENT UNTIL 2 P.M. MONDAY, JUNE 26, 2006

Mr. FRIST. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 12:40 p.m., adjourned until Monday, June 26, 2006, at 2 p.m.