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Senate

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

PRAYER

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

Let us pray.

Eternal Spirit, who determines the steps of humanity, keep us in right paths. Deliver us from the detours of pride and anger that keep us from maximizing our possibilities. Guide our Senators through the labyrinth of tough decisions. Give them an ethical compass with which to navigate. Help them to seek You often for the guidance that will enable them to reach a safe destination. Give wisdom to our global leaders that they may live for Your honor.

We pray in Your sovereign Name. Amen.

PLEDGE OF ALLEGIANCE

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

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

RESERVATION OF LEADER TIME

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

MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business for up to 60 minutes, with the first half of the time under the control of the majority leader and the second half of the time under the control of the Democratic leader.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, today we will begin the Senate's session with a 60-minute period for morning business. Following morning business, we will return to the pending business of the Foreign Operations appropriations bill. We made substantial progress over the course of yesterday and last night, and although we were unable to finish the bill, the chairman was able to reach a consent limiting the number of amendments we will handle today. Many of those amendments may be worked out or perhaps not even offered. Therefore, we expect we can finish the Foreign Operations appropriations bill at an early hour today. We will have rollcall votes throughout the day until final passage of that measure.

As a reminder to my colleagues, we filed a cloture motion on the Dorr nomination. That nomination is to be Under Secretary of Agriculture for Rural Development. That cloture vote will occur on Thursday morning.

There are a number of other important issues we have mentioned over the course of the last couple days, including last night, that we will continue to work toward agreements on. I will keep all of our colleagues apprised as the schedule changes.

SUPREME COURT NOMINATION OF JOHN ROBERTS, JR.

Mr. FRIST. Mr. President, today in the Senate we will undertake one of our most significant and historic constitutional responsibilities. The eyes of all Americans and of history will be focused upon us. The American people, through their votes, have entrusted us with the constitutional responsibility to provide advice and consent on Supreme Court nominations. They have entrusted us to govern as their elected representatives. We must ask ourselves: How will the American people view us—how will history judge us—for the deliberations we begin today?

It is my goal the American people will say, and history will record, that we were fair and thorough, that we treated our Supreme Court nominee, Judge Roberts, with dignity and respect, and that we worked expeditiously to confirm Judge Roberts before the Supreme Court began its new term in October.

Leading up to his announcement last night, the President engaged in a selection and a consultation process that can be characterized with a few words: ''bipartisan,'' ''inclusive,'' and ''unprecedented.''

The President and his White House reached out to both Republicans and Democrats. He listened thoughtfully to our views and he thoughtfully welcomed our suggestions on potential nominees and on the nominations process. In all, the White House contacted more than 70 Senators, including more than two-thirds of the Democratic Caucus and, of course, every single member of the Judiciary Committee.

The President was not required by the Constitution to reach out or consult. He was not required to take any time at all. He could have rushed through his choice. He could have nominated someone on the same day Justice O'Connor announced her retirement without consulting anyone, but he did not. The President sought input because he believed it was the right thing to do. I commend him for this inclusive approach, which I believe has strengthened the overall integrity of this process.

Now we move to the next stage. Last night the President announced the nomination of Judge John Roberts, Jr., to be an Associate Justice of the Supreme Court.

Most Americans are getting their very first glimpse of the nominee.

What do we know about him? Born in Buffalo, NY, in 1955, Judge Roberts was raised in Indiana with his three sisters. He ventured off to Massachusetts for college at Harvard and graduated summa cum laude with a bachelor's degree in, as we have heard, only 3 years. During the summers, he worked at a steel mill to help pay for college.

But his academic journey did not stop here. He then enrolled in Harvard Law School, where he once again excelled. He earned the coveted position of editor of one of the most well-respected law journals in the country, the Harvard Law Review.

After graduating from law school with high honors, Judge Roberts served as a law clerk to Judge Henry Friendly on the Second Circuit, and then to William Rehnquist, who was then an Associate Justice on the Supreme Court.

In 1981, he continued his legal career at the Department of Justice as the Special Assistant to the U.S. Attorney General, and then as Associate Counsel to President Reagan.

In 1986, Judge Roberts entered private practice, joining the law firm of Hogan & Hartson, where he specialized in civil litigation. Three years later, he returned to public service as the Principal Deputy Solicitor General of the United States.

During his legal career, he has argued an impressive 39 cases before the Supreme Court—39 cases. To put that in perspective, only a few of the 180,000 members of the Supreme Court bar have ever argued a single case before the high Court.

In January 2003, President Bush nominated Judge Roberts to serve on the DC Circuit Court of Appeals, often referred to as the second highest court in the land.

Upon his nomination to the appellate court, more than 150 members of the DC Bar—including both Republicans and Democrats—expressed support for Judge Roberts. In a letter to the Senate Judiciary Committee, they wrote that Judge Roberts is ''one of the very best and most highly respected appellate lawyers in the nation, with a deserved reputation as a brilliant writer and oral advocate.''

Judge Roberts' nomination was well received by the Judiciary Committee and was favorably reported out of the committee by an overwhelming, bipartisan vote of 16 to 3, and on May 8, 2003, he was unanimously confirmed by the Senate.

I believe Judge Roberts is exactly the kind of Justice America expects on the Supreme Court. He is among the best of the best legal minds in America. He is a mainstream conservative, someone who understands that the role of a judge is to interpret the law and the Constitution and not to legislate from the bench.

He is someone who will be fair, open-minded, and impartial—not someone who will prejudge cases, predetermine outcomes, or advance a personal political agenda.

In short, he is a Supreme Court nominee who will make America proud. Throughout his life, Judge Roberts has worn many hats: a devoted husband and father of two, a skilled litigator, and a superb jurist. I am confident Judge Roberts will be an asset to the Supreme Court and that he will serve with honor and distinction, just as he has on the DC Circuit Court.

As we look ahead, I do encourage my colleagues to remain focused on our three goals: first, conducting a fair and thorough confirmation process; second, treating Judge Roberts with dignity and respect; and, third, having an up-or-down vote on Judge Roberts before the Supreme Court starts its new term on October 3.

These goals are reasonable. These goals are achievable. There are 75 days from today until October 3. It took an average of 62 days from nomination to confirmation for all the current Supreme Court Justices. It only took an average of 58 days to confirm President Clinton's nominees, Justices Breyer and Ginsburg. And even though some Senators held different philosophical views from these Justices—in many cases vastly different philosophical views—they both received up-or-down votes and were confirmed by wide margins. These nominations serve as useful models for us today.

Ultimately, I hope this process is marked by cooperation, and not confrontation, and by steady progress, not delay and obstruction.

This morning, less than 12 hours after the President's announcement, some extreme special interest groups already are mobilizing to oppose Judge Roberts. They are not even giving him the courtesy of reserving judgment until the Judiciary Committee hearings. Together, as Senators, we can rise above the partisan rhetoric and obstruction that has gripped the judicial nominations process in the past.

A thorough investigation and debate on Judge Roberts does not require delay or personal attacks or obstruction. A fair and dignified process is in the best interests of the Senate, the Supreme Court, the Constitution, and the American people.

I look forward to welcoming Judge Roberts to the Senate a bit later today. I urge my colleagues to join me in congratulating him on his nomination to the Supreme Court.

Mr. President, I yield the floor.

RECOGNITION OF THE MINORITY LEADER

The PRESIDENT pro tempore. The Democratic leader is recognized.

NOMINATION OF JOHN ROBERTS TO THE UNITED STATES SUPREME COURT

Mr. REID. Mr. President, as we all know now, last night the President announced he will nominate John G. Roberts of the District of Columbia Court of Appeals to the U.S. Supreme Court. I congratulate Judge Roberts on this most high honor.

Now the Senate begins the process of deciding whether to confirm Judge Roberts to a lifetime seat on the Supreme Court. The Supreme Court is the final guardian of the rights and liberties of all Americans. Serving on the Court is an awesome responsibility, and the Constitution gives the Senate the final say in whether a nominee deserves that trust. We should perform our constitutional role with great care.

Under the leadership of Chairman SPECTER and Ranking Member LEAHY, I am convinced the Judiciary Committee is in good hands. Two of our most respected, experienced lawyers in the Senate are going to operate this hearing process. They are exemplary of how we should work on a bipartisan basis. Since they have taken over the responsibilities of the Judiciary Committee, there has been real congeniality. Members of the committee seem to be more productive. I am very happy with both Senator SPECTER and Senator LEAHY.

It goes without saying, as we have heard from the distinguished majority leader, that John Roberts has a distinguished legal career. It is very impressive. Both in Government and in private practice, he has been a zealous and often successful advocate for his clients. As we have learned, he has argued 39 cases before the Supreme Court. For those of us who are lawyers, that is what we would say is a big deal. By all accounts, he is a very nice man. I have not met him. I look forward to doing that this afternoon.

While these are important qualities, they do not automatically qualify John Roberts to serve on the highest court in the land. Nor does the fact that he was confirmed to serve on the Court of Appeals mean he is entitled to be automatically promoted.

The standard for confirmation to the Supreme Court is very high. A nominee must demonstrate a commitment to the core American values of freedom, equality, and fairness. Senators must be convinced that the nominee, John G. Roberts, will respect constitutional principles and protect the constitutional rights of all Americans.

So the expectations for Judge Roberts are especially high because he has such large shoes to fill, and I do not mean that literally—large judicial shoes.

Justice Sandra Day O'Connor has been a voice of reason and moderation on the Court for 24 years. She has been the deciding vote in some of the most important questions in our society: Questions of civil rights, civil liberties, the right to privacy, and the first amendment freedoms of speech and religion.

I don't know very much about John Roberts. But one of the things I am going to look for as a lawyer, as someone who has practiced in the trial bar and, to a more limited extent, the appellate level—I argued cases before the

Nevada Supreme Court and the Ninth Circuit, but I certainly don't hold myself out to be an expert in appellate law; I consider myself to be an expert on the trial bar—I believe it is important that we have a person on the Court who believes in precedent, stare decisis, something we learned about in law school. I am hopeful that John Roberts will follow along the same line he took up when he appeared before the Judiciary Committee last time, indicating that he believed in precedent. Justice O'Connor, therefore, should be replaced by someone like her in the constitutional mainstream.

To gather the information it needs to make this decision, the Senate turns, first and ultimately for our ability to get information, to the Judiciary Committee. As I have indicated, I have confidence that the Judiciary Committee will garner information that is important to the American people and allow us to have a better picture of this man with his impressive legal resume. Clearly, a judicial nominee should not comment on pending cases—we all understand that—but there are many other questions a nominee must answer. I encourage Judge Roberts to be forthcoming in responding to the committee's questions and providing written materials requested by the Senate.

In the end, Judge Roberts must demonstrate to the Senate that he is a worthy successor to Justice O'Connor. To do that, he must win the confidence of the American people that he will be a reliable defender of their constitutional rights. Judge Roberts has argued many cases in his career, but this is his most important by far.

Since Justice O'Connor announced her retirement, I have called on the President to choose a nominee who can unite the country, not divide it. It remains to be seen whether John Roberts fits that description. I hope that he does. I look forward to giving him the opportunity to make his case to the American people.

I yield the floor.

The PRESIDENT pro tempore. The majority whip is recognized.

Mr. MCCONNELL. Mr. President, I rise to address the Senate on the issue brought to the fore last night by the nomination of John Roberts to be Associate Justice of the U.S. Supreme Court.

Judge Roberts, as we are all beginning to learn, has an impressive record. He has keen intellect, sterling integrity, and a judicious temperament. Most importantly, Judge Roberts will faithfully interpret the Constitution, not legislate from the bench. He has earned the respect of his colleagues, and I am confident he will make a fine addition to the U.S. Supreme Court.

He was raised in middle America in Indiana, a neighboring State to my own State of Kentucky. Judge Roberts is a son of the Midwest who went on to argue a remarkable 39 cases before the Supreme Court, more than virtually any other member of the Supreme Court bar. He graduated summa cum laude from Harvard and then graduated with high honors from Harvard Law School where he served as an editor of the Harvard Law Review. If that were not enough, he then went on to clerk for Chief Justice William Rehnquist, actually during the Chief Justice's period as Associate Justice, and served in various positions in the Justice Department. Now he serves with distinction on the DC Circuit Court of Appeals, often referred to as the second highest court in the land, and, of course, the Senate unanimously confirmed him to that position in 2003.

The President of the United States has discharged his constitutional obligation under article II, section 2 to nominate justices of the Supreme Court. He has chosen a truly outstanding nominee. It is now our job to provide advice and consent. In doing so, we should follow basically three principles. No. 1, we should treat Judge Roberts with dignity and with respect. No. 2, we should have a fair process. And No. 3, we should complete that process with either an up-or-down vote in time for the Court to be at full strength for its new term beginning October 3 of this year. These principles are simple and they are sound. Unfortunately, the Senate has not always followed them.

As to the first principle, the Senate has not always treated judicial nominees of Republican Presidents with respect. Last Friday, for example, I recounted how some of our colleagues spoke harshly about Justice Souter's fitness for office. Our colleagues' harsh criticism of Justice Souter was hardly unique. President George Herbert Walker Bush's other Supreme Court nominee, Justice Clarence Thomas, suffered far worse attacks. By engaging in an unprecedented level of consultation, the President has respected the views of Senators. Now Senators ought to reciprocate and treat Judge Roberts with the same dignity and respect that we afforded President Clinton's Supreme Court nominees over the last 10 years.

The Senate did not defeat Justice Ginsburg's nomination, even though she had argued in her capacity as a private lawyer for such provocative positions as abolishing Mother's Day and Father's Day in favor of a unisex parents day, and for other even more colorful positions. Those arguably unusual positions were not held against her during her confirmation process. I can recall voting for Justice Ginsburg myself. Similarly, we should not caricature Judge Roberts' beliefs or views. We should not attribute to him the actions of clients he has represented. We certainly should not criticize Judge Roberts because his position in a particular case did not mirror a Senator's personal policy preferences, nor when it comes to a fair process should we require Judge Roberts to prejudge cases or to precommit to deciding certain issues in a certain way. We should respect the fact that he may place himself in a compromising position by doing so, just as we did with Justice O'Connor, Justice Ginsburg, and other nominees who have come before us in the past. The inquiry should be thorough but at the same time fair.

Slow walking the process beyond historical norms and engaging in a paper chase simply to delay a timely up-or-down vote are not hallmarks of a fair process. The Supreme Court begins its new term on October 3. As Senator FRIST has pointed out, the average time for a nomination to confirmation for the current justices was 62 days. The average time from nomination to confirmation for President Clinton was 58 days. Justice Ginsburg was confirmed in only 42 days. The Senate has 72 days to complete action on Judge Roberts' nomination, in time for him to join the Court by the start of its new term, October 3. By any standard, that is a fair goal. What is not fair and what is, quite frankly, a little curious is for some of our colleagues who, before even having heard a single word of testimony, have already come up with excuses as to why we should depart from this historical standard. It is disturbing that they seek to justify so far in advance why the Court should begin its proceedings at less than full strength.

We, on this side of the aisle, are not asking the Senate to change its practices or standards. We are not asking that this President be treated better than his immediate predecessor. We are asking for equal treatment. Let's treat President Bush's nominees as we treated President Clinton's nominees. I am hopeful that the respect the President has shown the Senate will be reciprocated and that our handling of Judge Roberts' nomination will bring credit to the Senate.

I yield the floor.

The PRESIDENT pro tempore. The Senator from Kansas.

Mr. BROWNBACK. Mr. President, I join my colleagues in making brief comments about the selection of Judge John Roberts from the DC Circuit Court of Appeals to serve as Associate Justice of the U.S. Supreme Court, and I follow my colleague from Kentucky in noting how Ruth Bader Ginsburg was treated—appropriately, properly, with due diligence, and speed so that the nomination went through in an orderly process. She took the seat of Justice Byron White who was one of the dissenters in Roe. A number of my colleagues are saying we need to have somebody in this position that is exactly the same as Sandra Day O'Connor in her position. Yet that wasn't the standard that was applied in the most recent case with Ruth Bader Ginsburg, the replacement for Justice Byron White.

The process is as it is. The President nominates. The President campaigned vigorously about the role of the Supreme Court and the role of the courts in society today. He has made a noteworthy choice, a person of outstanding

academic credentials. I have heard a colleague of mine say: I don't know yet how I will vote, but I would certainly hate to argue a case against him. Somebody who has argued 39 cases in front of the Supreme Court is very impressive indeed. But I also would like to note that the process is for the President to nominate and us to vote by a majority. That has been the historical setting, and that is what we should continued to do in this case.

My colleagues have already outlined some of Judge Roberts' excellent legal credentials. He graduated magna cum laude from Harvard Law School. He clerked for then-Associate Justice Rehnquist.

He served as Principal Deputy Solicitor General at the Department of Justice. He amassed a strong record as a Supreme Court advocate in private practice and has distinguished himself as a judge on the court of appeals. As one of my colleagues said last night, Senator SCHUMER, Judge Roberts has the ''appropriate legal temperament and demeanor.'' We would call that, from my part of the country, ''midwestern calm.'' He has a great deal of calm demeanor about him that is quite good for judicial temperament.

I was particularly struck by Judge Roberts' statement at the White House yesterday evening, speaking extemporaneously and with all the skill of a practiced lawyer and as a person of not only a well-trained mind but a deep heart. He said he had a ''profound appreciation for the role of the Court in our constitutional democracy.'' The role of the Court in American life and Government is of great concern to the country today. That statement means a lot—rule of law rather than the rule of man. We are a country of laws, ruled by laws and not by the whim of any person or any five people. It is a set of laws. It is a Constitution. That is what rules in this country.

It is my hope that Judge Roberts and any nominee to the Supreme Court would be faithful to the role originally intended for the courts by the Framers of the Constitution. In our system of government, the Constitution contemplates that Federal courts will exercise—this is very clear within the Founders—limited jurisdiction. The Federal court is to be a limited jurisdiction court. They should neither write nor execute the laws but simply ''say what the law is,'' as former Chief Justice Marshall stated in Marbury v. Madison.

As Alexander Hamilton explained, this limitation on judicial powers is what would make the Federal judiciary the ''least dangerous branch.'' In his view, judges could be trusted with power because they would not resolve divisive social issues, short circuit the political process, or invent rights which have no basis in the text of the Constitution. That was simply not the role of the courts. They were simply to say what the law is, not to write it, not to execute it.

The expanded role assumed by the Supreme Court in recent years—and in Federal courts generally—makes it all the more important that Judge Roberts exhibit proper respect for the restrained role of the Federal courts in American Government. I hope the confirmation process demonstrates that he will live up to the President's ideal of nominating individuals who will refrain from making law on the bench.

This is a big issue in society today. People want to have legislatures to make laws. That is what we do. They want to have executive branch to execute. That is what they do. And the Court simply says what the law is. It does not write it.

Speaking of the confirmation process, I will say a few words about what to expect in the days ahead. Judge Roberts hardly had a chance to step before the cameras last night before interest groups had attacked him. MoveOn.Org attacked Roberts as a ''right-wing corporate lawyer and ideologue.'' NARAL Pro-Choice America blasted Roberts immediately as an ''anti choice extremist,'' urging him to ''help save the Supreme Court from President Bush.''

Even though Judge Roberts was approved as a DC Circuit Court judge in 2003, 2 years ago, without objection, and received the vote of Ranking Member LEAHY in the Judiciary Committee at that time as well, the interest groups immediately came out, before a word was said, even before the President presented him to the public, and made these sorts of characterizations of Judge Roberts. It is not right. It is not the process we should follow. We should look to the record of the individual and we should hold open and in-depth hearings. But there should not be these sorts of characterizations. These statements smack of personal attacks and litmus tests and are not becoming of a serious, openminded debate on the nominee.

I hope my colleagues resist the demands from these outside groups for knee-jerk opposition to Judge Roberts. We should instead live up to the tradition of careful, considered debate, which is the heritage of this great institution. Our deliberation on this nomination should be respectful and it should focus on substance.

It would be a tragedy for this body, and for the Republic, if the confirmation process for Judge Roberts reflects the treatment some of President Bush's nominees to this point, including Roberts himself in looking to be a circuit court nominee, have received. Judge Roberts' pleasant demeanor should be matched by civil treatment in the Judiciary Committee and on the Senate floor.

Finally, neither filibusters nor supermajority requirements have any place in the confirmation process. Those tactics of obstruction should become the historical relics they deserve to be. The country deserves, and the Constitution demands, a prompt, thorough debate, and a fair up-or-down vote on Judge Roberts' nomination to the Supreme Court. I look forward to being an active participant in that process and also to having this debate about the role of the courts in American society and American Government today. I think it is important that we have those debates. This is an eminently qualified nominee. He deserves fair treatment and a fair up-or-down vote.

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

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

The legislative clerk proceeded to call the roll.

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

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

Mr. COLEMAN. Mr. President, the nomination of a Justice to the Supreme Court of the United States is a solemn and momentous occasion. Our Constitution is the rarest of political documents in human history. Those individuals who are appointed for life to be its stewards and interpreters are extremely important to our future.

Each Court is made up of nominees from different political eras, shaped by unique forces and ideas. It is the dialog among the senior Justices and the new ones, those nominated by Democrats and Republicans, and all the backgrounds represented, that gives the Court its legitimacy and dynamism.

The PRESIDING OFFICER. The time designated for the majority has expired, unless the Senator gets unanimous consent for additional time.

Mr. LEAHY. Mr. President, reserving the right to object, how much time would the Senator be seeking? The only reason I ask is we are having a major hearing in Judiciary right now and we are trying to work it out based on the time that had been allotted.

Mr. COLEMAN. No more than 7 minutes. I can probably do it in 5.

Mr. LEAHY. Mr. President, I am worried about that hearing. Let's do this. I want to accommodate my colleague. I ask unanimous consent that he be allowed to continue for 5 minutes, but that the time not come from the time reserved for the Democratic side.

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

Mr. COLEMAN. Mr. President, I thank the Senator for that opportunity.

When the Court begins its term in October, we will include nominees spanning seven administrations and people shaped by events from Watergate to September 11 and beyond.

The Founders invested the President with the power to make nominations to the Federal judiciary and gave the Senate the role of providing advice and consent with respect to any nominee.

I am pleased that after extensive and unprecedented consultation with the Senate, President Bush announced Judge John Roberts as his nominee to

be the next Associate Justice of the Supreme Court, filling the vacancy left by Justice O'Connor.

Judge Roberts has a distinguished record and extensive experience. Judge Roberts graduated summa cum laude from Harvard University and Harvard Law School.

Judge Roberts clerked for Judge Henry Friendly on the Second Circuit and later for Justice William Rehnquist at the Supreme Court. After his clerkships, he served in the Department of Justice as associate counsel to President Ronald Reagan before going into private practice.

After 3 years in private practice, Judge Roberts returned to the Department of Justice as Principal Deputy Solicitor General, a position in which he briefed and argued a variety of cases before the Supreme Court.

Judge Roberts reported favorably out of the Senate Judiciary Committee by a vote of 16 to 3, and he was confirmed by the Senate for the DC Circuit Court of Appeals by a voice vote. The Presiding Officer and myself were there at that time. By unanimous consent this judge was confirmed.

I look forward to learning more about the nominee's views on the proper role of the judiciary at his confirmation hearings, as well as a thorough floor debate in which all are heard.

Again, and above all, Judge Roberts' nomination should be handled with the utmost dignity and respect, which the position he has been nominated to deserves. The fact that the nominee is a person of character and integrity will add to the tenor of the proceedings.

The nominations process needs to be fair, including a fair hearing, a floor debate in which all views are heard, and then an up-or-down vote on confirmation, so he can be sitting on the Supreme Court when the term begins in October of this year.

Judges are like umpires. They should be neutral. We trust them not to pick sides before the game begins but to fairly apply the rules. We should measure our nominees on whether they will give all parties a fair shake and consider the merits of every dispute, not based on whether we like particular results.

In carrying out my part in the Senate's role, I have always believed our Founding Fathers intended judges to interpret the Constitution rather than make law from the bench. The law needs to be stable and dependable, for the good of the whole society. I will continue to evaluate nominees based on whether they demonstrate competence, appropriate judicial temperament, and a commitment to the fair construction of our Constitution and our laws.

It is important that the Senate act promptly so we have a nine-member Supreme Court in October when the new term begins. There is no reason why that should not happen.

I commend the President for both his selection and the process he went through to make it. Sandra Day O'Connor has been a historic and wise figure on the Court. I hope her legacy of grace and class will extend to the process by which her seat on the Court will be filled. When Ronald Reagan appointed her, it changed our Nation for the better, and she has been a remarkably strong and influential figure even outside the confines of the Court.

I am honored by the opportunity the people of Minnesota have given me to examine the President's nominee. I will render a judgment on the President's choice with the values and expectations of Minnesotans in mind. It is an exciting time for this country to reexamine our constitutional processes and democratic institutions and come together. I think that is important. We have a unique opportunity to come together and have a dignified process, not to be pulled by special interest groups that will try to dictate what we should do based on their beliefs rather than what is good for the country. What is good for the country is to have a process in which we examine the character and integrity and judicial temperament of a candidate, not their position on a particular case. If you look at the history of Judge Roberts, who was in the Solicitor General's Office, he argued cases there; he did his job. Folks will say he argued that the Supreme Court doesn't require taxpayers to pay for abortions. They will point to a case where he defended U.S. law to protect the American flag. He was doing his job and he did it well. We should be looking at whether he did it well.

I commend the President on his choice and look forward to a confirmation process of dignity, respect, and commitment to the best interests of our Nation a generation into the future.

We pride ourselves on being the greatest deliberative body in the world. This is our moment to show that to the country and the world. Let us do it right.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. LEAHY. Mr. President, I ask unanimous consent that, in light of the additional 5 minutes on the other side, 5 minutes also be added to the time on this side.

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

Mr. LEAHY. I thank the distinguished Presiding Officer.

Mr. President, capping days of public speculation that maybe the President would appoint Judge Edith Clement or Attorney General Alberto Gonzalez or any number of other people, the President made a dramatic evening announcement of his intention to nominate Judge John Roberts to succeed Justice Sandra Day O'Connor on the U.S. Supreme Court.

The President called Senator FRIST, Senator REID, Senator SPECTER, and myself last night before this announcement to discuss it. I appreciated his call and the reasons he gave for the nomination. As I said to him last night, he has done his part of the equation, a very important part as President. He nominates the Justice. It is interesting that, in a nation of 280 million Americans, only 101 of us get a chance to actually have a say in who is going to serve on the Supreme Court, a person who is there to protect the rights of all Americans on the one body that is to be the ultimate check and balance in our Government. Of the 101, first, of course, is the President making the nomination. But then the 100 men and women in the Senate have an awesome responsibility to the rest of the Nation in how we vote. That is our job. The Senate has to fulfill its constitutionally mandated duty to ensure those who receive lifetime appointments to our highest Court will protect the rights and liberties of all Americans—not those of just one political party or the other but of all Americans—that they will uphold our Constitution and our laws and that they will be impartial in their judicial approach.

As I said, the President has announced his choice. Now we in the Senate have to rise to the challenge and get to work. To fulfill our constitutional duties, we need to consider this nomination as thoroughly and carefully as the American people expect and deserve. That is going to take time. It will take the cooperation of the nominee and the administration. It will require Republicans, as well as Democrats, to take seriously our constitutional obligations on behalf of all the American people, not just a select few. I will say similar things to Judge Roberts when I meet with him later today.

Justice O'Connor serves as a model Justice. She is widely respected by America as a jurist with common sense and practical values who brought no agenda from the far left or the far right. She did not prejudge cases. She cast the critical deciding vote in a number of significant cases. Her legacy of fairness is one that all Americans should want to see preserved. For 24 years on the Supreme Court, she has tried to decide cases fairly and with an open mind. I thank her for her service to the country and her graciousness in agreeing to serve until her successor is considered and confirmed by the Senate and appointed by the President.

I regret that some on the extreme right have been so critical of her and so adamantly opposed to a successor who shares her judicial philosophy and qualities. Their criticism reflects their own narrowmindedness and biased agenda. I regret that they have taken out ads and gone on the news trying to tarnish her record. Frankly, the American people know better, and nothing will tarnish the record of the first woman Justice of the U.S. Supreme Court.

I have noted that our neighbor to the north, Canada, a country that is only an hour's drive from my home in

Vermont, also has a supreme court with nine members, but four of them are women, including the Canadian chief justice. I look forward to the time when the membership of the U.S. Supreme Court is more reflective of America as Canada's supreme court is more reflective of that country.

I know Hispanics across the country are disappointed the President has missed this extraordinary historic opportunity to pick a candidate who will make the Court more diverse. I hope he will consider that in future nominations.

There was no dearth of highly qualified individuals who could have served as unifying nominees while adding to the diversity of the Supreme Court. Reports last week mentioned Judge Sonia Sotomayor of the Second Circuit and Judge Edward Prado of the Fifth Circuit. Certainly these are the kind of candidates worthy of consideration.

Judge Sotomayor was first appointed to the Federal court by President George H.W. Bush, the President's father. Judge Prado was first appointed by President Reagan and elevated to the circuit by the current President Bush. They are among the people who should be considered. There are many outstanding Hispanic judges and African-American judges who could have added to the diversity of the Supreme Court and made it more representative of all Americans.

Last week, Chairman SPECTER and I spoke about our interests in having the President consider nominees from outside what I call the ''judicial monastery.'' I believe their life experience is important and that the Supreme Court could have benefited from someone with experiences that were not limited to those of a circuit judge. Certainly, this is a consideration the President should make if he has further nominees. I wish he had done so with this nomination.

So now, however, the nomination has been made. The President has spent several weeks in determining who he wants. He has made his selection. Now it is the Senate's turn to decide what we will do. Above all, we in the Senate need to ensure that the Supreme Court remains protective of all Americans' rights and liberties from government intrusion and that the Supreme Court understands the role of Congress in passing legislation to protect ordinary Americans from abuse by powerful special interests.

No one is entitled to a free pass to a lifetime appointment to the Supreme Court, whether nominated by a Democrat or by a Republican. And there are far different considerations for the Supreme Court than there are for circuit courts. How the nominee views precedent, what the nominee regards as settled law, how the nominee will exercise the incredible power of a Supreme Court Justice to be the final arbiter of the meaning of the Constitution—all of these raise very different considerations than those for a lower court nominee. In addition, a nominee coming from the appellate bench will have a record there in votes and opinions and performance that will provide important additional insights into his likely tenure as a Supreme Court Justice.

We have to take the time to evaluate this nominee for a lifetime position on the Supreme Court. After all, if confirmed, Judge Roberts could be expected to serve to the year 2030 or 2040. So we have to have time to perform due diligence on Judge Roberts' record and judicial philosophy. The Senators on the committee have to have time to prepare for fair and thorough hearings. I ask all Senators to be mindful of the Senate's fundamental role in this process. The Americans put us all here to do an important job, and it is critical that we treat that responsibility with the seriousness and respect it deserves.

I start, as I always have, from the premise that the Supreme Court should not be a wing of the Republican Party or a wing of the Democratic Party. It has that responsibility not only to all 280 million Americans but also to millions and millions of future Americans. The independence of the Federal judiciary is critical to our American concept of justice for all. The Supreme Court provides a fundamental check in our system of government. We have to ensure that it serves as a bulwark of individual liberty against incursions or expansions of power by the executive branch. We also have to ensure that the Supreme Court respects the role of Congress when it acts to protect Americans from those with great power, to improve their lives with environmental laws, and by reining in powerful special interests.

We know that the current Supreme Court is the most activist Supreme Court in my lifetime. Time and time again, they have set aside congressional laws, some of long standing, and basically written new laws of their own. There was a time when my friends on the other side of the aisle were very opposed to the idea of an activist Supreme Court. Now we find that two of the heroes of the right are the most activist members of the current Supreme Court, Justice Thomas and Justice Scalia.

Ours is a nation based on the rule of law. The test of a good judge is his or her ability to apply the law fairly. As I evaluate candidates for lifetime appointments that often span not merely years but decades, I want to make sure that everybody who comes before the Court can look at that Justice and say: I can be treated fairly no matter who I am, no matter what political party I belong to, no matter what my station in life.

They are going to be there a long time. Justice O'Connor served for 24 years. Chief Justice Rehnquist has served for 34 years. Since 1970, the average term has been 25 years. So we are considering a nomination not just for the period remaining in the Bush administration, which is going to end in 2008, but for our children's and grandchildren's futures, 2030 and beyond.

This nomination fills the seat that Justice O'Connor occupied while serving as the ''swing'' or decisive vote in so many cases, and if her successor does not share her judicial philosophy, that replacement could radically change the Court in the way our Constitution is interpreted.

It is critical we not prejudge a nominee and that the Judiciary Committee be accorded the time to develop a full record on which Senators can base an informed judgment. I was disappointed to hear somebody say last night: Why can't we move immediately to the hearings? Come on, the American people would justly feel on something such as this that their rights have been shortchanged.

I look forward to working out agreements with Chairman SPECTER on procedures to allow the kind of thorough consideration that a nominee to a lifetime appointment to the Supreme Court deserves, and I know Chairman SPECTER feels the same way.

A preliminary review of Judge Roberts' record suggests areas of significant concern that need exploration. We have to consider his service on the circuit court, even though that is quite limited. We need to understand how he will exercise judicial power.

An independent study—and I referred to this earlier—demonstrated that the Rehnquist Court has been the most activist Court in my lifetime in overturning congressional enactments and restricting legislative authority—actually the most activist since before the New Deal. The most activist members, of course, as I said earlier, are Judge Thomas and Judge Scalia. We need to know what kind of Supreme Court Justice John Roberts would be.

When I talked with the President, I said I hoped that they would cooperate so that all relevant matters can be constructively explored as we begin this important process. When I meet with Judge Roberts today, I will ask for his cooperation. After all, the Constitution speaks of advise and consent. It does not speak about nominate and rubberstamp. That, incidentally, is a position I have taken whether it has been a Democrat or a Republican on the Supreme Court.

I look forward to hearings that will inform the Senate and the American people in making the Senate's confirmation decision. I have been here for hearings and to vote on all nine members of the Supreme Court and for one other who did not make it. Presidents come and go. Senators come and go. The Supreme Court Justices tend to be there a lot longer than all of us. I want to make sure we do our job the right way.

Mr. President, I know there are other members of the Senate Judiciary Committee who wish to speak. In fact, I see the member of the committee who has either presided over or been present for

more Supreme Court nominations than any Member now serving in the Senate. I yield to the distinguished senior Senator from Massachusetts.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, I thank my friend and colleague from Vermont. Listening to Senator LEAHY reminded us that the Judiciary Committee is in good hands, with Senator SPECTER and Senator LEAHY ensuring we are going to have a fair, open, transparent, and timely hearing, the way the American people deserve. We thank him for his continued service on the Judiciary Committee and for how he is developing this whole process. It is going to be done with great dignity. I thank Senator LEAHY.

Mr. President, the nomination of John Roberts to the Supreme Court comes at a time of heated debate and great division in America—a debate that is reflected in the deliberations of a Supreme Court in which his vote—just like Justice O'Connor's—will affect the freedoms and liberties of Americans on vital questions before the country.

I will not prejudge the President's nominee. And I will not decide whether to support or oppose him based on any single issue.

What all Americans deserve to know is whether Judge Roberts respects the core values of the Constitution and falls within the conservative mainstream of America, along the lines of Justice Sandra Day O'Connor.

That is the issue, and I look forward to asking the important questions that are on the minds of Americans as they consider his nomination to our Nation's highest court.

Supreme Court nominations involve far more than the hotly-debated social issues so often discussed in the media. Presidents have 4-year term. Senators serve for 6 years. But Supreme Court Justices serve for life, without ever having to face the electorate. Our decision whether to confirm a Supreme Court nominee affects the rights and freedoms not only of our generation, but those of our children and grandchildren as well.

The Court's decisions affect whether employees' rights will be protected in the workplace. They affect whether families will be able to obtain needed medical care under their health insurance policies. They affect whether people will actually receive the retirement benefits that they were promised. They affect whether people will be free from discrimination in their daily lives. They affect whether students will be given fair consideration when they apply to college. They affect whether persons with disabilities will have access to public facilities and programs. They affect whether we will have reasonable environmental laws that keep our air and water clean. And they affect whether large corporations are held accountable when they injure workers and consumers.

Each of these issues—and many others—has been addressed by the Supreme Court in recent years. In many of these cases, the Court was narrowly divided, and these issues are likely to be the subject of future Court decisions in the years to come.

Because so much hangs in the balance, Supreme Court nominees have a heavy burden to show that they will uphold justice for all. They must demonstrate a core commitment to preserving equal protection of the laws, free speech, workers' rights, and other individual rights. Americans deserve to know if nominees will be on the side of justice and individual liberties, or if they will side with powerful special interests.

The Senate's role will be to establish clearly whose side John Roberts would be on if confirmed to the most powerful court in the land. Because Judge Roberts has written relatively few opinions in his brief tenure as a judge, his views on a wide variety of vital issues are still unknown. What little we know about his views and values lends even greater importance and urgency to his responsibility to provide the Senate and the American people with clear answers.

The key question is whether he will uphold core constitutional and statutory principles.

For instance, in a case involving the ability of Congress to protect the environment, he issued an opinion with sweeping implications not just for the environment, but for a host of other important protections. In it, Judge Roberts questioned the settled interpretation of the commerce clause—the constitutional provision that is the foundation for not only the environmental laws that protect our natural heritage and ensure that we have clean air and clean water in our communities, but also for Social Security, Medicare, the minimum wage, and many other important national protections. I can imagine few things worse for our seniors, for the disabled, for workers, and for families than to place someone on the highest court in the land who would put these protections at risk.

If applied in other cases, Judge Roberts' view could severely undercut the ability of Congress to respond to real challenges facing our nation. His decision raises questions about whether he would roll back a host of other laws protecting civil rights, workers' rights, civil rights, and even many of our federal criminal statutes.

I believe that most Americans would agree that we should not re-fight the civil rights battles of the past. The spirit of America is to move forward to greater opportunity—not return to the days of second class citizenship for many. Too many of our fellow citizens over many generations have sacrificed everything—including their lives—so that others can fully enjoy the fruits of our liberties and freedoms. They have given their all for the rights of people of color, of women, of the disabled, of immigrants, of workers, of senior citizens, and so many who make up the vibrant American fabric that makes our nation the envy of the world.

So it is important to know where Judge Roberts stands on this great question of opportunity and justice for all.

The significance of the constitutional principles at issue is clear from the comments of other judges who serve in the same court as Judge Roberts. They noted that the constitutional provision he questioned not only is the basis of many of our civil rights laws, but also underlies important product safety laws and environmental legislation.

Judge Roberts urged the full court to review the panel decision to reconsider the established interpretation of the commerce clause in the Rancho Viejo v. Norton case.

Let me be clear. I do not prejudge Judge Roberts's nomination based on his decision in this case or any other. Nor should anyone else. But we must not fail in our duty to the American people to responsibly examine Judge Roberts' legal views.

Other aspects of Judge Roberts's record also raise important questions about his commitment to individual rights. He has opposed programs to guarantee equal opportunity. He opposed the right to privacy and argued to overturn Roe v. Wade, saying the case is ''wrongly decided'' and ''finds no support in the text, structure or history of the Constitution.'' As a private attorney, he represented coal companies against workers' rights. He sought to limit every American's right to a lawyer by arguing to narrow the Supreme Court's core precedent in Miranda v. Arizona.

Judge Roberts represented clients in each of these cases, but we have a duty to ask where he stands on these issues. I don't prejudge them, but the American people deserve to know more.

I join my colleagues in the hope that the process will proceed with dignity. But the nominee will be expected to answer fully, so that the American people will know whether Judge Roberts will uphold their rights. Anything less would make the Senate a mere rubberstamp in Supreme Court nominations.

In recent days, some have suggested that the Senate should not ask full questions about the nominee's legal views and judicial philosophy. The President made clear that he would consider judicial philosophy in choosing a nominee, and the Senate should not turn a blind eye to that issue.

When Justice Thurgood Marshall was nominated to the Supreme Court in 1967, I said that Senators should not vote against him just because they don't agree with him on every issue. But that is different from saying we should not consider judicial philosophy at all. Particularly today, when philosophy is important to the White House in choosing nominees, Senators should consider it as well.

To be clear, here is what I said in 1967:

I believe it's recognized by most Senators that we are not charged with the responsibility of approving [justices] if [their] views always coincide with our own . . . We are really interested in knowing whether the nominee has the background, experience, qualifications, temperament, and integrity to handle this most sensitive, important, and responsible job.

But if someone would clearly fail to uphold basic rights, that should be considered and the Senate is entitled to know.

There are few debates more important than this one, and I look forward to considering this important nomination.

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

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

The assistant 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.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is now closed.

DEPARTMENT OF STATE, FOREIGN OPERATIONS, AND RELATED PROGRAMS APPROPRIATIONS ACT, 2006

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of H.R. 3057, which the clerk will report.

The journal clerk read as follows:

A bill (H.R. 3057) making appropriations for foreign operations, export financing, and related programs for fiscal year ending September 30, 2006, and for other purposes.

Pending:

Landrieu amendment No. 1245, to express the sense of Congress regarding the use of funds for orphans, and displaced and abandoned children.

Chambliss amendment No. 1271, to prevent funds from being made available to provide assistance to a country which has refused to extradite certain individuals to the United States.

Mr. MCCONNELL. Mr. President, let me point out to all Members of the Senate that in spite of our best efforts to finish the State-Foreign Operations bill last night, right at the end, the amendments began to multiply. That is the bad news. But the good news is I can report that on the Republican side, shortly, we will be down to two amendments, one of which may—I repeat, may—require a rollcall vote. And I hope my friend and colleague Senator LEAHY is trying to narrow down amendments likewise on the Democratic side.

In the meantime, Mr. President, I ask unanimous consent that Senator LUGAR be added as cosponsor to amendment 1299, which the Senate adopted last night.

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

AMENDMENT NO. 1293

Mr. MCCONNELL. I call up amendment No. 1293 and ask for its immediate consideration. It has been cleared on both sides.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Kentucky [Mr. MCCONNELL], for Mr. LUGAR, proposes an amendment numbered 1293.

The amendment is as follows:

(Purpose: To promote reform of the multilateral development banks)

On page 326, between lines 9 and 10, insert the following:

TITLE VII—MULTILATERAL DEVELOPMENT BANK REFORM

SEC. 7001. DEFINITIONS.

In this title:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means the Committee on Foreign Relations of the Senate and the Committee on Financial Services of the House of Representatives.

(2) MULTILATERAL DEVELOPMENT BANK.—The term ''multilateral development bank'' has the meaning given that term in section 1622 of the International Financial Institutions Act (22 U.S.C. 262p-5).

SEC. 7002. ANTICORRUPTION PROPOSALS AND REPORT.

(a) PROPOSALS.—Not later than September 1, 2006, the Secretary of the Treasury shall develop proposals, including establishing one or more trusts and a set-aside of loans or grants, to establish a mechanism to assist poor countries in investigations, prosecutions, prevention of fraud and corruption, and other actions regarding fraud and corruption related to a project or program funded by a multilateral development bank.

(b) REPORT.—Not later than September 1, 2006, the Secretary shall submit to the appropriate congressional committees a report on the proposals required by subsection (a).

SEC. 7003. PROMOTION OF POLICY GOALS AT MULTILATERAL DEVELOPMENT BANKS.

Title XV of the International Financial Institutions Act (22 U.S.C. 262o et seq.) is amended by adding at the end the following:

''SEC. 1505. PROMOTION OF POLICY GOALS.

''The Secretary of the Treasury shall instruct the United States Executive Director at each multilateral development bank to use the voice and vote of the United States to inform each such bank and the executive directors of each such bank of the goals of the United States and to ensure that each such bank accomplishes the goals set out in section 1504 of this Act and the following:

''(1) Requires the bank's employees, officers, and consultants to make an annual disclosure of financial interests and income of any such person and any other potential source of conflicts of interest.

''(2) Links project and program design and results to staff performance appraisals, salaries, and bonuses.

''(3) Implements whistleblower and witness protection matching that afforded by the Sarbanes-Oxley Act of 2002 (15 U.S.C. 7201 et seq.), the Inspector General Act of 1978 (5 U.S.C. App.), and the best practices promoted or required by all international conventions against corruption for internal and lawful public disclosures by the bank's employees and others affected by such bank's operations of misconduct that undermines the bank's mission, and for retaliation in connection with such disclosures.

''(4) Implements disclosure programs for firms and individuals participating in projects financed by such bank that are consistent with such programs of the Department of Defense and the Environmental Protection Agency.

''(5) Ensures that all loan, credit, guarantee, and grant documents and other agreements with borrowers include provisions for the financial resources and conditionality necessary to ensure that a person or country that obtains financial support from a bank complies with applicable bank policies and national and international laws in carrying out the terms and conditions of such documents and agreements, including bank policies and national and international laws pertaining to the comprehensive assessment and transparency of the activities related to access to information, public health, safety, and environmental protection.

''(6) Implements clear procedures setting forth the circumstances under which a person will be barred from receiving a loan, contract, grant, or credit from such bank, shall make such procedures available to the public, and makes the identity of such person available to the public.

''(7) Coordinates policies across international institutions on issues including debarment, cross-debarment, procurement, and consultant guidelines, and fiduciary standards so that a person that is debarred by one such bank is subject to a rebuttable presumption of ineligibility to conduct business with any other such bank during the specified ineligibility period.

''(8) Requires each borrower, grantee, or contractor, and subsidiaries thereof, to sign a contract to comply with a code of conduct that embodies the relevant standards of section 104 of the Foreign Corrupt Practices Act of 1977 (15 U.S.C. 78dd-2) and the international conventions against bribery and corruption.

''(9) Maintains independent offices of Inspector and Auditor General which report directly to such bank's board of directors and an audit committee with its own additional experts who are independent of management, or access to such experts, to assist it in ensuring quality control.

''(10) Implements an internationally recognized internal controls framework supported by adequate staffing, supervision, and technical systems, and subject to external auditor attestations of internal controls, meeting operational objectives, and complying with bank policies.

''(11) Ensures independent forensic audits where fraud or other corruption in such bank or its operations, projects, or programs is suspected.

''(12) Evaluates publicly, in cooperation with other development bodies, the interim and final results of project and non-project lending and grants on the basis of Millennium Development Goals, the goals of the Organisation for Economic Co-operation and Development related to development, and other established international development goals.

''(13) Requires that each candidate for adjustment or budget support loans demonstrate transparent budgetary and procurement processes including legislative and public scrutiny prior to loan or contract agreement.

''(14) Requires that before approving any natural resource extraction proposal the affected countries disclose accurately and

audit independently all payments and revenues in connection with such extraction or derived from such extraction.

''(15) Requires each project where compensation is to be provided to persons adversely impacted by the project include impartial and responsive mechanism to receive and resolve complaints.''.

Mr. MCCONNELL. This amendment has been cleared on both sides of the aisle.

The PRESIDING OFFICER. If there is no debate, without objection, the amendment is agreed to.

The amendment (No. 1293) was agreed to.

Mr. MCCONNELL. I move to reconsider and table that motion.

The motion to lay on the table was agreed to.

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

The PRESIDING OFFICER. The clerk will call the roll.

The journal clerk called the roll.

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

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

Mr. FRIST. Mr. President, today, we will be voting on final passage on the Foreign Operations appropriations bill. I want to take this opportunity to thank my colleagues for their tremendous work and, in particular, Senator MCCONNELL for his stewardship of this bill.

Diplomacy and foreign policy are the essential pillars of our national security. They reflect the values, principles, views, and interests of the people we represent, the American people. They are central to advancing the U.S. role and our place, our stature, in the world.

America's national security depends on our ability to integrate and coordinate all of the elements of our national power. It includes diplomacy, intelligence, economic strength, and military might.

The Foreign Operations bill advances those efforts and demonstrates our generosity and our priorities. The legislation provides $9.7 billion to ensure that the Department of State and other related agencies and our personnel serving overseas have the tools, the equipment they need to advance America's security.

In the past year, freedom movements have swept the globe—in Ukraine, in Georgia, the elections in Afghanistan and Iraq, Lebanon, and the Palestinian territories—and have inspired literally millions around the world. Saudi Arabia, Kuwait, and Egypt have also taken demonstrable steps toward democracy. Having visited most of those countries, and having had the opportunity to speak directly to senior officials in each, I have seen real changes, impressive changes.

The spread of democracy unifies our values, unifies our national interests. As Americans, we believe every person has the right to live in a free society where they can choose their own leaders, have a hand in their own destiny, and secure a bright future for their children. And democracy, along with all the hope and progress it brings, creates peace and stability between the United States and our friends and allies.

The Foreign Operations bill provides $120 million for the Middle East Partnership Initiative to help spread democracy among the Arab people. By promoting economic, educational, and political reform in the Middle East, we marginalize our terrorist enemies. They lose their state-sponsored safe havens, they lose potential recruits, and they lose the ability to exploit political grievances for terrorist gain.

Democracy provides an engine for the people, not the terrorists, to win, to take responsible and peaceful action to better their lives, their countries, and hold their leaders accountable. The United States must continue to provide support to the activists and reformers in the Middle East. These heroes make great sacrifices for the cause of freedom, and they are critical allies in our fight against terrorism.

We must also continue to support our work providing aid and humanitarian relief. America leads the world in providing international aid. But too often international aid money never reaches the very people it is intended to help. It is stolen or wasted by corrupt or inefficient governments. That is why this bill strengthens accountability requirements. The Millennium Challenge Corporation requires recipient governments to take clear steps, verifiable steps, to govern justly in an open, transparent democratic way, to invest in people by improving education and health care, to promote economic freedom so their economies can grow and provide jobs. Against this backdrop, aid money can do the most good.

Today, many throughout the developing world—particularly in Africa, where I was 2 weeks ago—suffer from devastating diseases. We know them: HIV/AIDS, tuberculosis, malaria. These deadly diseases have the potential to decimate entire populations and to prevent those nations from ever becoming modern, prosperous countries.

The legislation before us allocates $2.9 billion for the President's initiative against HIV/AIDS, tuberculosis, and malaria. Two billion of that total is directed to the Global HIV/AIDS Initiative, $400 million covers our contribution to the Global Fund to fight AIDS, tuberculosis, and malaria. In total, the bill allocates $203 million above the budget request for this coming fiscal year. These funds are targeted to help where it is needed most. They zero in on the 15 countries in Africa, Asia, and the Caribbean.

I again thank my colleagues and the President of the United States and the American people for their generosity and for their leadership in this great humanitarian effort.

A number of other health-related programs are also incorporated into the foreign operations bill—$1.6 billion has been allocated for the Child Survival and Health Programs Fund. This includes $375 million for child survival and maternal health, which is an increase of $49 million above last year's level. In addition, this funding includes $30 million for vulnerable children and an additional $285 million for infectious diseases.

Today, around the world, there are more than 600,000 pregnancy-related deaths and more than 4 million deaths among newborn babies per year. Most of these tragedies are preventable. The Foreign Operations bill provides $375 million to prevent these deaths.

Many of these problems we see around the world stem from the lack of available clean drinking water and proper sanitation in many regions of the world. Water-related illnesses pose fatal threats to vulnerable populations, especially children.

Every 15 seconds a child dies from a disease contracted from unclean water. According to the World Health Organization, approximately 1.1 billion around the world lack access to clean, safe water sources; 2.6 billion people lack access to basic sanitation.

As a result, approximately 1.8 million people die very year from diarrheal disease. Ninety percent of those deaths occur in children under the age of 5.

And if we do nothing, with an increasing world population and further constraints on our world's water resources, the problem is only expected to get worse.

I commend the assistant majority leader, Senator MCCONNELL, the chairman of the Foreign Operations Appropriations Subcommittee, for providing $200 million to the U.S. Agency for International Development for safe water programs in his bill. Fifty million dollars of that amount is targeted to programs in Africa where the need is great.

Private, nonprofit sector programs are also working hard, including the Millennium Water Alliance, Water for People, Water Leaders Foundation, and Living Water International. These groups are dedicated to delivering comprehensive, safe water technologies throughout the globe.

Some are building major infrastructures. Some are digging wells and providing hand pumps to villages. Others are developing lightweight, low-cost, low-energy water purification systems that could be available to distribute to communities, schools, and orphanages for combating water-related diseases in Africa.

I commend all of these organizations for their dedication and compassion. Together we are working to make this an International Decade for Action known. In 10 years, we intend to cut in half the number of people around the globe who lack access to safe, clean water.

Another demonstration of America's compassion is our work with the effects of civil strife, especially war and

violence. This appropriations bill will provide $74 million for the Conflict Response Fund to assist in stabilizing and reconstructing countries impacted by conflict or civil strife.

In addition, $900 million is allocated for Migration and Refugee Assistance and $40 million for the Emergency Refugee and Migration Assistance Fund.

Unlike many donor countries, the United States strives to ensure that foreign assistance is effective, that it is distributed to those who need it the most, and that it gets measurable results.

In addition to foreign aid, the foreign operations bill also addresses the most dangerous threats we face today—the spread of weapons of mass destruction and the global war on terrorism. This bill provides $440 million for nonproliferation, anti-terrorism, and other related programs.

We are working closely with our friends and allies to secure stockpiles of WMD-related materials and technology, and make sure that they have the capability to protect these sensitive materials.

The bill also provides funding and assistance for our coalition partners in the global war terrorism. The legislation includes $4.6 billion for foreign military financing.

This funding, along with other national resources committed by our coalition partners, is essential for improving the capabilities of our coalition allies so that they can continue to make their vital contributions to this global effort.

The $86 million allotted for the international military education and training programs will ensure that our allies maintain the ability to work closely with American forces on the battlefield and take independent initiative to the fight against terrorism.

The United Nations also has an important role to play in the advance of democracy and the fight against terror. The world organization provides a medium for nations to discuss and resolve differences peacefully through dialogue and diplomacy.

It also monitors particular international agreements to ensure that nations are fulfilling their obligations and commitments. The U.N. is also critical to organizing and providing humanitarian and other assistance to the world's most desperate regions.

In order to carry out these functions effectively, however, the U.N. must undergo serious reform.

The United Nations needs to take action against its officials who are guilty of waste, fraud, and abuse. And it must also take steps to make the organization as a whole ore accountable, transparent, and efficient.

The United Nations has many positive contributions yet to make. But, in order to fulfill its mission, it must do more to clean house.

America's foreign policy reflects the values, beliefs and culture of the American people and the history of our great Nation. By advancing our values abroad, the United States not only makes the world a better place, it makes it a safer place, too.

As a free people, we are duty bound to share the blessings of liberty with citizens around the globe.

Our generation, no less than the one before, is compelled to confront the challenges of our times—and to fulfill America's destiny, in the words of the Great Emancipator, as mankind's last, best hope.

SUDAN

Last night, the Senate passed a resolution to support the fragile peace process between the government in Khartoum and the southern Sudanese. I applaud my colleagues for their compassion and concern for this troubled region of the world.

The resolution calls upon the U.S. Government to closely monitor the peace process now underway. It also focuses our attention to the continuing crisis in Darfur, and calls for continued pressure on Khartoum to end its genocidal campaign and bring justice to the criminals who have ravaged the people and the land of Darfur.

Eleven days ago, the leaders of Sudan took an historic step.

John Garang, leader of the Sudanese Liberation Army, returned to the capitol of Khartoum for the first time in 21 years to be sworn in as Sudan's vice president. Dr. Garang told the cheering crowd over a million strong, ''My presence here today in Khartoum is a true signal that the war is over.''

Together, he and President Bashir signed a new interim constitution officially forming the National Unity Government of Sudan. Under this agreement, Sudan will enter a 6-year interim period. At the 4-year mark, nationwide elections will be held at the provincial level, as well as for the national legislature. The interim period will culminate with a vote by the people of southern Sudan deciding their political future.

After two decades of brutal civil war that has killed 2 million people and displaced over 4 million more, north and south are finally on the verge of genuine peace.

It is a fragile moment, but one for celebration.

Last month, I had the opportunity to meet with Dr. Garang in my office here in Washington. During our meeting, he emphasized to me that for the peace to hold, both parties must fulfill their obligations under the peace agreement signed last January.

He also stressed that pressure from the United States is critical. The civil war and its aftermath have created a staggering humanitarian crisis. And he is not confident the government in Khartoum will fulfill all of its obligations under the Comprehensive Peace Agreement. Dr. Garang firmly believes that U.S. and international sanctions are necessary to keep the process moving forward.

During our meeting, he also told me that we can help him sell the peace to the Sudanese people. Our assistance in education, health care, and roads, for example, can help show a traumatized Nation the benefits of peace over continued violence.

The road forward will not be easy. Millions have lost their lives in 20 years of struggle. But the days, weeks and months ahead hold great promise not only for the north and south, but for the entire country.

Nowhere is that hope more needed than in the western region of Darfur

For 2 years, the Sudanese Government has waged a brutal genocide against the Darfur people. Despite United Nations Security Council resolutions, and pressure from the international community and neighboring countries, the Government of Khartoum continues to kill and maim.

Up to 180,000 innocent victims have died as a result of the government-sponsored violence. Two million more have been displaced. Entire villages have been burned to the ground.

Last November, the Khartoum Government agreed to halt the attacks. But within hours of the agreement, Sudanese police raided a camp in southern Darfur, destroying homes and driving out civilians.

I have visited the region and have heard the stories first hand.

Last August, I visited a refugee camp called Touloum in Chad. Thousands of refugees are housed in dust-covered tents. Many more live in make-shift shelters of gathered wood and plastic sheeting.

I met with refugees and community leaders. Their testimonials were searing.

I heard the story of a mentally disabled 15-year-old boy being thrown into a burning house, and of an old, paralyzed man burned alive in his hut.

I heard stories of women raped in front of their own children, and male villagers being summarily executed.

I asked one refugee in Touloum what it would take for him to go home. He said, ''I'll go if you come with me and stay with me.''

Last week, the Government of Sudan and the rebels in Darfur signed a Declaration of Principles for the Resolution of the Sudanese Conflict in Darfur. This agreement provides a framework for negotiations.

In order for it to work, however, all parties must stop the violence now. The conflict will only be resolved through peaceful negotiations and dialogue.

The United Nations has taken limited steps to punish those responsible for the atrocities. In March, the U.N. Security Council voted to freeze the assets of individuals deemed guilty of committing war crimes or breaking cease-fire agreements. It also voted to ban these individuals from traveling.

In addition, the Security Council voted to forbid the Sudanese Government from carrying out offensive military flights over Darfur, and from sending military equipment into the

region without first notifying the Council.

The introduction of troops into Darfur from the African Union is a positive development. There are currently 2,400 African Union troops in Darfur. By August, that number should go up to 7,700 and by next spring 12,300. NATO has also agreed to provide logistical support to the African Union peacekeepers in Darfur.

These are hopeful and helpful measures. But more must be done. The violence will continue to escalate and the death toll will rise unless, and until, the international community takes stronger action against Khartoum.

The world's leaders need to impose more comprehensive sanctions on the Sudanese Government, including on its oil industry. Tough and intense pressure must be brought to bear.

The progress between the south of Sudan and Khartoum is promising and should guide the way forward in Darfur.

But time is running out. We cannot ''wait and see.'' The Darfur people need our help. They are crying out for support. We must act, now, before it is too late and their voices fade to silence.

CUBA

Today, we have an opportunity to assist the Cuban people in their struggle for liberty. The Foreign Operations bill under consideration provides funding for an airplane to transmit Radio Martí, around the clock, providing constant support to those on the island fighting for freedom.

I urge my colleagues to support this effort. Radio Martí has been critical in promoting the cause of Cuban liberty.

Since its inception 20 years ago, Radio Martí has brought news to and from the isolated country in defiance of Castro's censors.

On May 20, 1985, at 5:30 in the morning, Radio Martí launched its first broadcast to the Cuban people. Fourteen and a half hours of uncensored news reached Cuba from a studio here in Washington, DC, via transmitters in Marathon Key.

Named after the Cuban intellectual and patriot, José Martí, the station broke through Castro's propaganda machine and offered the Cuban people news, entertainment and discussion with Cuban journalists, thinkers, writers and entertainers.

In just a few short years, Radio Martí became the most listened to station in Cuba.

Many Cuban reporters now send their stories to the U.S.-based station to bypass the government and beam directly into Cuban homes. Over the years, dissidents and human rights advocates have come to rely on these transmissions for strength and hope.

As President Reagan told an audience back in 1983 while Congress was debating the Radio Broadcasting to Cuba Act, ''there is no more important foreign policy initiative in this administration, and none that frightens our adversaries more, than our attempts through our international radios to build constituencies for peace in nations dominated by totalitarian, militaristic regimes.''

In 1990, TV Martí was launched, bringing in a new wave of free media. Within 23 minutes of its first broadcast, Castro jammed the airwaves, but his success was only temporary.

Like its radio companion, TV Martí offers political news and debate. It also airs soap operas and sports.

Whether as news or entertainment, these broadcasts help to spark the imaginations and aspirations of the Cuban people. They pierce the regime's imposed isolation and bring the Cuban people into the world community, and the world community to the Cuban people.

To this day, the Communist party controls all formal means of mass communication on the island. It has constructed a complicated apparatus of censors and technology to air its propaganda and smother divergent views. All print and electronic media are considered state property under the control of the party. Foreign magazines and newspapers are outlawed as subversive material.

That is why Radio and TV Martí are so critical. And that is why I urge my colleagues to amplify our efforts now.

José Martí once said that, ''Others looked at radio and saw a gadget; his genius lay in his capacity to look at the same thing, but to see far more.''

I urge my colleagues to share the vision held by our former president Ronald Reagan when he first proposed Radio Martí. The Wall had not yet fallen, and millions of people still lived under the boot of the brutal Communist empire.

But he knew that Radio Free Europe was reaching and inspiring millions of men and women trapped behind the Iron Curtain, in bleak Communist towns and in dark Communist prisons. And like Radio Free Europe, he knew that Radio Martí would reach and lift up those living in the Communist island just 90 miles from our southern shores.

So, today, I urge my colleagues to continue our support for the aspirations of the Cuban people.

With just one plane and one radio station, we can broadcast the call of freedom to millions.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 1245

Ms. LANDRIEU. Mr. President, I call up amendment No. 1245. I understand there will be a request to set the vote at 2 o'clock on the amendment.

The PRESIDING OFFICER. The amendment is pending.

Ms. LANDRIEU. Mr. President, amendment 1245 is offered on behalf of myself, Senator CRAIG, and others to focus some time and discussion on the issue of family, of stability, of permanency for children around the world. I couldn't agree more with the Senator from Tennessee when he says this underlying bill, the bill that funds all of our foreign operations, assistance to many countries throughout the world, countries that are developing, countries that are well established, that share our values, that one of the most critical components of this underlying bill is to advance American values around the world.

We know not every action we take is perfect. We know not every thought we have is exactly right. But Americans believe we work hard at establishing good values. We know we are not perfect, but we try to get better and better each decade and each century. I could not agree more with the Senator from Tennessee when he says this bill in particular is a bill that helps us to advance our values around the world.

One of the values all Americans believe in is the value of family, the importance of family, the importance of the principle that children should in fact be raised in families. Children don't raise themselves. Governments don't raise children; parents raise children. And sometimes one responsible parent raises a child. That is the way it has been. That is the way we like to see it. It is the way we want to promote it here at home and abroad.

Senator CRAIG and I offer this amendment with others to express the sense of Congress regarding the use of the funds in this bill, which are substantial in section 3, for orphans and displaced and abandoned children. This amendment simply says our money in this bill should be laid down by USAID. We are not earmarking any money. We are not adding any money. We are not spending any additional money, just the money that is in this bill, that Members have said we want to send out to countries, should recognize the principles of The Hague Convention on Protection of Children and Co-Operation in Respect of Intercountry Adoption, should recognize the principle that children should stay with the families to which they are born. Our aid, whether it is for economic development or for education or health, should recognize the dignity and respect of each individual family unit. Try to keep children who are born to a family connected to that family.

Sometimes we know that doesn't happen or, unfortunately, it can't happen. War, disease, famine, violence separate children from their natural parents. When that happens, it is the principles of the United States, the values of the United States that we proudly share with the world to say that child who is orphaned should not be left alone to raise themselves. That child should be placed with a loving, caring, responsible relative as quickly as possible, someone in the extended family.

It could be the grandmother, grandfather, responsible aunt or uncle, perhaps an older sibling, not 12 years old, not 13 years old, but a 20-year-old or a 30-year-old, to raise that child and then that family unit continues.

When there is no a responsible adult in that family, then our principles say we should then look for some other family, perhaps a neighbor, another family in the community, a friend of the family to take that child or those children in and raise them and try to instill good values and security and happiness for that child's harmonious development.

If there is no family to be found within the neighborhood, the village, the community, then we should, as a human family, find some family in the world to take in that child. It is the miracle of adoption that is occurring all over this country and all over the world.

My husband and I have adopted children. We are very proud of our wonderful children. Many Members of Congress have added to their families or created their families through adoption. It is becoming something that Americans understand and believe to be important. There should not be any orphaned children, any waiting children. They are just unfound families, and we need to do a better job of connecting children who need homes with loving parents who will give them that support.

I come to this issue not just from a personal perspective but even before we went through this miracle of adoption ourselves, I understood this to be the truth. Children can't raise themselves. I was raised in a home, the eldest of nine children, with two loving parents. Many of us had wonderful experiences as we were growing up. We understand the value of keeping children protected and nurtured in the family setting. We come to this floor all the time trying to stop child trafficking, stop child abuse, mental illness, promote special education. The best way to stop some of that is to connect children with responsible adults who will raise them. It saves the taxpayers a lot of money, saves a lot of pain, saves a lot of anguish. That is what Americans, whether they are Republican, Independent, or Democrat, believe in. That is one thing I am confident of and need no poll to tell me.

I am a little surprised that when we laid down this amendment, we thought it would be accepted without any discussion, but there evidently is some hesitation. There is some sense that USAID doesn't agree with that. I am interested. If some Senator would like to explain USAID's position that they don't think families are important, I think the Congress would love to hear that. It would be quite a surprise to those of us who are appropriators who fund USAID and actually believe in so much of what they are doing, that they have a problem with an amendment that simply says children belong in families. That is all this amendment says.

Last year Americans adopted 120,000 children. Twenty thousand children came from many countries around the world to find a happy home here in America. One hundred thousand children were adopted, half of them out of our own foster care system which we recognize has some strengths but some weaknesses. We are working on that. We admit our long-term foster care has kept children in limbo for far too long. It has been a barrier, sometimes, to appropriate reunification. It most certainly has been a barrier to adoption.

Senators such as Senators ROCKEFELLER, DEWINE, CLINTON, and others have spent many years working to reform that system. We are making a lot of headway. We are proud of it. But we had over 50,000 children adopted out of foster care.

Two children visited my office yesterday. They were 12 and 10, precious little boys from Louisiana. They said: Senator, we want you to meet our new mom. We were just adopted.

I asked the mom: Could I please speak to the children privately for a few moments?

She said: Fine.

So I had the little children in my office. I said: You don't have to tell me any of the details. I know it has been difficult. I just want to know, are you OK, are you happy?

They said: Senator, we are very happy with our new mom. She was our foster mom for a number of years. She is doing her best. Our parents just haven't been around.

I didn't want to go into too much detail with the children. But their little eyes were so hopeful. I walked out and I said: Congratulations. These two children now have a loving adult mother who is going to raise them and give them a future that they didn't have in the first years of their life.

I thank the Senators for all of their work and what they have done in that regard. We are making a lot of progress in our Nation. So this amendment basically recognizes that and says that we believe we should do everything we can to keep children in the family to which they are born. But when that separation happens, through all the things that I said about what can cause it, we need then to establish a permanent plan for children that tries to place them in another family as quickly as possible. Domestic adoption first. But if there are no families willing to adopt in that community or country, then intercountry adoption into the human family becomes very important before orphanages, institutions, et cetera.

So that is what this amendment does. It lifts our values that the Senator from Tennessee spoke about, lifts language from laws we have already passed in overwhelming numbers on this Senate floor, and it says in this amendment that all of the money in section 3 should recognize these principles.

There are over 54 countries in the world that have basically signed and ratified and are in the process of implementing these principles that are in the Landrieu-Craig amendment. This amendment says that sometimes temporary refugee camps are necessary, where children are temporarily separated because of war. But when the permanency plans begin to be made, let's make sure we put domestic adoption and intercountry adoption before long-term institutional care or, for that matter, letting children out on the streets to raise themselves. It is very clear.

So I say, again, that I hope we can get a strong, bipartisan vote on this amendment. I am sorry that there has been any difficulty. It was not meant to be that way. But I felt this issue had to be clarified in the bill because I was hearing too much at hearings, seeing too many things in letters that were passed on some of these issues that it gave me pause to think, I wonder if the USAID position is truly reflecting the position of the Congress, of the current Bush administration, of the State Department, which is the stated policy in support of the idea that children belong in families.

So I am hoping that with the cosponsors we have on this amendment we will get a strong vote affirming that intercountry adoption may offer advantages of a permanent family to a child or children for whom a family cannot be found in the child's home country. Let me state again:

> Affirms that intercountry adoption may offer advantages of a permanent family to a child for whom a family cannot be found in the child's state of origin.

That seems to be controversial language. I cannot see it.

No. 4:

> Affirms that long-term foster care or institutionalization are not permanent options and should, therefore, only be used when no other permanent option is available.

That is clear. We want to try to find a child a home, a real family. And there are 40 million orphans in the world, so this is not an easy task. But it is doable if we all work at it. If we cannot find children a home, if we have worked hard to look for a home for somebody that would take them in their own country, and we look internationally and try to find a family that would take them in, and we cannot find that, then, of course, we can have long-term institutions and foster care as the last and final option.

Please, let's give children a chance. In New Orleans right now—I had pictures sent to me—14 little orphans from Russia, between the ages of 5 and 12, through a program that many of us support, came over to the United States and spent 6 weeks in New Orleans. You know what the great news is? Yesterday, 12 of those 14 children are going to find permanent homes here. These children are older, but they are not damaged goods. Just because they are not little 3-month-old infants or 6-

month-old infants, they have a bright future. God gave them a lot of talent. They are stuck in an orphanage, where they have very little hope and opportunity. At the age of 15, they will be turned out on the street to fend for themselves.

If you want to talk about child prostitution or trafficking or what happens to children when they leave an orphanage at age 15, with no parents, no means of support, and no education—this amendment cuts down on child trafficking. This amendment cuts down on child exploitation. This amendment cuts down on child prostitution. If you can connect a child to an adult that will protect a child, that is the parents' primary job, protecting our children, and most parents do that very well.

For me to stand on the Senate floor and have to argue this to the agency that is sending out money around the world because they think this is not what other cultures are about—I am not an expert. I am a sociology major, but I never read where a family is not the primary building block of the community. If anybody knows of any other culture that doesn't recognize the family, let me know because in all of my reading, I have never read that anywhere. In every culture, family is important. We might describe it a little differently, and we may have different views about what a family looks like, which is not the subject of this amendment, but I don't know any culture anywhere in the world that doesn't think family is important.

So when USAID stands there and tells me something such as, it is not really in other cultures that this is important, I say, hogwash. Families are important. We define them differently. We respect the different views of how families come together. But in every culture adults raise children, and that is all this amendment says. It says, as a last resort, when you cannot find a family for a child—when you have tried and cannot find a family—then go ahead and build your orphanages, your institutions, and I hope that they will build them in a way and staff them in a way that these children know that, despite the fact they don't have a mother, father or someone to love them, they can be raised with a skill so that they can find their way. It is difficult when you are on your own. Children have done it before, and they will do it again. But for heaven's sake, can we try to find them a family?

Senator CRAIG and I offered this amendment. We cochair the commission on adoption. We have 180 Members of Congress who feel very strongly about this issue. I don't think we should be debating it, but for some reason we are. Our Members are Republicans and Democrats. None of our Members can understand why we are having this discussion, but here we are.

So this amendment simply, again, reaffirms its commitment to the founding principles of the Hague convention on the protection of children, recognizing that each country should take, as a matter of priority, every appropriate measure to enable a child to remain in the care of the child's family of origin. But when that is not possible, they should strive to place the child in a permanent and loving home through adoption. It affirms that intercountry adoption may offer the advantage of a permanent family to a child for whom a family cannot be found in the child's country. It affirms that long-term foster care or institutionalization are not permanent options and should, therefore, only be used when no other permanent option is available. It recognizes that programs that protect and support families can reduce the abandonment and exploitation of children.

I congratulate President Bush and his administration for agreeing to a breakthrough amendment with the country of Vietnam recently to open up again international adoption. There were some corruption issues. There was some lack of transparency in the process. There was some concern that this was not operating as smoothly as it should. So it was temporarily suspended. But because of the good work of the President and the President's administration, that was basically recreated. I have a copy of the agreement.

When an agency such as USAID tells me; ''We like what you are saying, but it is not our policy,'' I am confused because the President of the United States signed an agreement with Vietnam that has the same language of The Hague, in the first paragraph of this document: Agreement between the United States and the Socialist Republic of Vietnam. Clause 1, clause 2, and clause 3 are exactly this amendment. Forty-one Members of the Senate and the Congress signed a letter to the President of Romania outlining this exact principle. So the 41 Members who signed this letter, and myself, are very confused as to why this amendment is a problem. Again, I offered it to clarify.

This will be a great clarification to USAID that, unequivocally, the Members of this body and the House of Representatives, when this is passed, say that we value families; we think children should be in families; we want to do everything we can to connect children to families; we think they should stay in the families to which they are were born but, if not, find one close to home and, if not, someplace in the human family for them. End of story.

If that all fails, go ahead and build your orphanages and institutions. I don't know of anybody who grew up in an orphanage that liked it—not one person. I don't know anybody alive that ever told me that they had a happy time growing up in an orphanage. That is not a value that Americans believe in. I have had lots of people tell me they were so happy to grow up in a loving family. I have had people cry to me and say: I spent time in an orphanage my whole life. Nobody ever came for me, Senator. I have had people tell me that. I have never had anybody say to me how happy they were to grow up in a refugee camp or an orphanage.

I am not spending a penny in this bill to promote the idea that children could be happy being raised in an orphanage when one caregiver comes in for 300 children. I have been in a lot of these orphanages. Some of our other members have been also. I have traveled all over the world to some of these orphanage. I cannot describe the horrors of what I have seen. I cannot sit here on the floor of the Senate and let this go through being a little unclear. This is very clear to me, and it should be very clear to the Members of this body.

I know we are going to vote at 2 o'clock. I appreciate my colleagues giving me this time to express myself. I obviously feel strongly about it. Many Senators and House Members feel strongly about this. We are doing this here in the United States. This is our policy. So we need to promote, as Senator FRIST said, our values—not force them, but promote them. Nothing is being forced here. We are promoting and saying, these are our values. We believe family is important. We are giving plenty of room in this amendment. We understand that there might be some contingency plans that have to be made, but let's try to connect children to families. I think it is the least we can do. I wanted to clarify that this is a value of the people of the United States of America.

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

I suggest the absence of a quorum

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Ms. LANDRIEU. Mr. President, I would like to take this opportunity to add just a few more items for the record on the subject about which I was just speaking, which is the Landrieu-Craig amendment on international adoption, domestic adoption, and family preservation.

One of the items that got my attention which prompted the offering of this amendment was a National Public Radio commentary, which I want to submit for the RECORD, after the tsunami disaster. I had the opportunity to visit the region affected with the Senator from Tennessee. I spent 3 days on the ground reviewing the damage in Sri Lanka and all over the devastated area.

This is what prompted this amendment, when we were focused on the issue of these children having been displaced. Of course, we remember the devastation that occurred. Children were tragically separated from their families. There was great interest in the children who might have been orphaned in that disaster and whether they could find a home elsewhere.

There was a great coalition of people in the United States and around the world who felt strongly about that. We began working on it and encouraging that children who had been orphaned, whose parents had been swept out to sea, the children who survived, of trying to place them with relatives, along the lines of what I have been speaking.

Then there was this NPR commentary, and I would like to read a paragraph of it into the RECORD:

Jaco spends his days—

This is a UNICEF worker funded in part by USAID—

walking through refugee camps, trying to find orphans. He's not from Aceh; he's a social worker from nearby Medan who came here as part of—

The Government's efforts at a child welfare program that is working with UNICEF to care for children who have lost their parents.

This worker is walking through this refugee camp, and he finds an orphan, according to NPR, and he finds the orphan's aunt. He says to the aunt: We would like to take this child to one of the Islamic boarding schools.

The aunt says: No, I would like to help raise this child.

The worker then is in a discussion trying to convince the aunt to let the orphan be raised in a boarding school.

This is what started this whole amendment. I know one cannot believe everything one reads in the newspapers, and one cannot believe everything one hears on the radio, but when we investigated this and looked into it, we found that this, in fact, was a pattern that was occurring; that our money was being used to fund workers who, instead of being so happy that they found an aunt for this child and saying, ''We have a program that can help; we know it is difficult; you are probably raising three or four other children; we are appreciative that you are taking in this orphan,'' our money was being used to promote something completely contrary to our views and policies, which is: Oh, don't worry, let the government take this child and raise it in a boarding school.

Whether it was a Christian boarding school, Islamic boarding school, Muslim boarding school, the Christian, Muslim, or Islamic boarding schools are not the same as being raised in a Christian, Muslim, Islamic family. That is the point.

What happens is, if we don't make this clear, it will end up that money is going to support orphanages and discouraging the reunification of orphans with their families.

I ask unanimous consent to print in the RECORD this commentary by National Public Radio which has prompted this whole initiative, if anyone has questions about it.

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

ANALYSIS: INDONESIAN GOVERNMENT BANS ADOPTIONS OF TSUNAMI ORPHANS

Steve Inskeep, host: Indonesian authorities are trying to provide security to some of the most vulnerable victims of last month's tsunami. In the province of Aceh, an estimated 35,000 children were orphaned or separated from their parents. The government has temporarily outlawed adoption in that province. Its plan is to send the orphans to Islamic boarding schools instead, but the schools are not ready and it's hard just to identify the kids who need help. NPR's Adam Davidson reports from Banda Aceh.

Adam Davidson, reporting: Jaco(ph) spends his days walking through refugee camps, trying to find orphans. He's not from Aceh; he's a social worker from nearby Medan who came here as part of Pusaka Indonesia, a child welfare group that is working with UNICEF to care for children who have lost their parents.

Jaco (Social Worker): (Foreign language spoken)

Davidson: Today he's in Berwang Hitan(ph), an Indonesian army base that has been transformed into a refugee camp. It's right under the flight path of US Navy helicopters. He lifts the flap of a thick canvas tent, walks in and asks the dozen or so people sitting on mats if there are any orphans here. At the first tent, they say no. There was one, but some cousins came by the other day and took her away.

Davidson: At the second tent, he finds Suryani(ph), a five-year-old girl, standing in a pretty green dress. She's been watched over by a cousin, Harati(ph), who is also caring for her own infant son.

Harati (Tsunami Survivor): (Through Translator) I found her when we were running from the tsunami.

Davidson: Harati says she watched Suryani's parents drown when the tsunami struck their village, Lampung. She grabbed the little girl and now considers her her own daughter. Jaco writes down Suryani's information—name, age, parents' name, home village—and then tells Harati that it will be very difficult for her to care for Suryani, since they no longer have a house or any possessions.

Jaco: (Foreign language spoken)

Davidson: He says she should send Suryani to one of the new Islamic boarding schools that will open soon. The girl will be well cared for, and the family can visit on weekends. Harati thanks Jaco and smiles. When Jaco leaves, she says that she's not sending Suryani anywhere. She'll take care of the girl on her own. Jaco is sympathetic, but thinks Harati is wrong.

Jaco: (Through Translator) If we think psychologically it's normal if their family would like to take the orphans then, but if we think logically, right now they don't need only being with the family but they need food, they need education, they need therapy from the psychologists to make their life normal again.

Davidson: Jaco and his small team have identified 56 orphans so far, 20 in this camp alone. There are dozens of children here, most of them with their parents. Pusaka Indonesia, the child advocacy group, has set up a special children's area in the corner of the camp. There's a host of teachers and social workers who watch over the kids. Vivi Sofianti is a child psychologist. She leads them in games and songs.

Davidson: She says they stop being depressed when they sing.

Ms. Vivi Sofianti (Child Psychologist): (Through Translator) What I've learned from them right now, they really need entertainment to forget their—what will happen to them.

Lucman(ph) (Tsunami Survivor): (Foreign language spoken)

Davidson: Lucman, 45, walks up to a table under a canopy next to the children's area. He's looking for his 15-year-old son, Maludin(ph), and his nine-year-old daughter, Safrida(ph). He hasn't seen them since the tsunami destroyed their neighborhood, Pulanga Han(ph), in downtown Banda Aceh. Lucman spent the last two weeks searching for them in dozens of refugee camps. A Pusaka Indonesia worker takes down the children's information. All the data is entered into a database in two computers next to the desk. There's a list of hundreds of parents and dozens of children. The goal is to link the children Jaco and his team find with the parents who are searching for their own. Deni Purba runs the operation.

Mr. Deni Purba (Aid Worker): I believe half of them will find their relatives. That's why we are here.

Davidson: There are similar programs all over Aceh province. But in the end, Purba believes, thousands of children will be left with no relatives at all. He says it will be up to the Indonesian government to decide what to do with those who are alone. But, Purba says, the best solution is the one the government is planning, to send all the orphans to boarding schools.

Davidson: Adoption wouldn't work.

Mr. Purba: No, we don't support adoption, because is not Acehenese culture.

Davidson: There are rumors of child sex traffickers prowling for orphans. There are stories of foreigners buying Acehenese children. Purba says the children have suffered enough trauma and should be kept here, where people speak their language and know their culture, and where the orphans can help each other adjust to a new kind of life.

AMENDMENT NO. 1242

Ms. LANDRIEU. Mr. President, yesterday, there were several amendments voted on and, unfortunately, I was not here yesterday. I was attending a funeral of one of our State officials who unexpectedly passed away. Had I been here, I would have voted with my colleagues in rejecting the Coburn-Boxer amendment to the fiscal year 2006 State and Foreign Operations appropriations bill, which is the bill about which I am speaking.

Mr. President, while the vote on this amendment was taking place, as I said, I was returning from the funeral of my dear friend and Louisiana Secretary of State, the Honorable Fox McKeithen. Had I been here, I would have voted with my colleagues in rejecting the Coburn-Boxer amendment to the fiscal year 2006 State and Foreign Operations appropriations bill.

In preparation for this vote, I cosigned a letter, along with my colleagues Senators FEINSTEIN, SANTORUM, and SPECTER requesting that Senators vote against the amendment. I have concluded this amendment would derail something that would benefit both China and the United States at a critical time in our two nations' history.

In this, the most important bilateral relationship of the 21st century, it is crucial that both countries continue to work in cooperation with one another.

The Shaw Group-Westinghouse consortium is the only American team bidding on a contract to construct four advanced-designed nuclear powerplants in China.

This deal has the full support of the U.S. Department of Energy which has authorized that the Shaw Group and Westinghouse Consortium work in the

People's Republic of China, PRC. The National Nuclear Security Administration, NNSA, has thoroughly reviewed the proposal and determined that concerns over national security are negligible.

Nuclear safety and technology transfer are key national security issues that nobody takes lightly. After much deliberation and consideration of these sensitive issues, it is clear that this deal is good for both the United States and China.

The AP1000 advanced design nuclear reactor is one of the safest nuclear reactors in the world and is on the cutting edge of nuclear technological innovation. This innovation will yield significant economic and environmental benefits.

This proposal would support a significant number of high value U.S. export oriented jobs in the manufacturing and engineering services areas.

At a time when Americans are concerned about their jobs, we should demonstrate through initiatives such as this that we have their economic best interests at heart.

The Shaw-Westinghouse Consortium benefits small businesses by virtue of the many U.S. subcontractors that will be used during the implementation phase of this contract.

The Consortium's bid would create or sustain more than 5,000 high-tech U.S. jobs, and provide ongoing jobs for many years to come, not just for the China project, but for sales in the United States and other global markets

This proposal seeks to address not only jobs, but the tremendous trade imbalance between the United States and China.

The U.S. Export-Import Bank exists to provide financing of last resort to assist exporters in order to create jobs and export growth for the U.S. economy.

This deal would be consistent with the 1985 Agreement for Cooperation Between the Government of the United States of America and the Government of the People's Republic of China Concerning Peaceful Uses of Nuclear Energy.

To limit the purchasing of U.S. civilian nuclear energy technology to the Chinese would be disastrous to our bilateral relations at a time when we must engage the Chinese and to cloak this proposal in anti-Chinese rhetoric is doing a disservice to the American people.

These exports to China will most assuredly yield significant benefits to companies and workers in the United States and assist in the promotion of the safe, reliable, and efficient growth of nuclear power in China, something which will be essential to both countries.

The chief competitor is AREVA, a French company. AREVA will have the full support of the French equivalent of the Export-Import Bank, COFACE.

If this amendment is passed it will not punish China, but reward the French and other European economies and exporters who will clearly prevail should the Shaw/Westinghouse consortium be denied competitive financing.

This is precisely the sort of investment our country should make to ensure that we continue to create and sustain high-tech industrial jobs in the United States and the continued growth of the nuclear power industry, which will assist as we seek more self-reliance in the energy sector of the economy.

In no way will the taxpayers be fleeced by this project. The loans associated with the Chinese nuclear power project are made to Chinese customers and are guaranteed by the Government of China.

The taxpayers are not subsidizing these loans and are not at risk according to major credit agencies who evaluate sovereign risk. In addition, the Export-Import Bank of the United States charges an exposure fee commensurate to the credit risk being taken. For over a half century the Ex–Im Bank has supported equipment and services for nuclear power projects in China.

If we do not proceed with caution, the threats of anti-Chinese sentiment will tarnish a productive bilateral dialog for every issue that emerges with China.

The Shaw Group-Westinghouse Consortium has a sterling reputation and a distinct advantage with its cutting edge technology. If this deal would have been thwarted in the Senate, it is the United States that would have been punished, not the Chinese.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Ms. MURKOWSKI). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. MCCONNELL. Madam President, while Senator LANDRIEU is still on the Senate floor, Senator LEAHY and I were just discussing the following unanimous-consent request which will get her vote at 2:30 p.m. Let me say before propounding this unanimous-consent request, Senator LEAHY and I are working on trying to get all the remaining amendments and final passage dealt with at the same time around 2:30 p.m. We are not there yet. But I will start by asking unanimous consent that the Senate proceed to a vote in relation to the Landrieu amendment No. 1245 regarding orphans at 2:30 p.m. today, with no second-degree amendments in order to the amendment prior to the vote.

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

The Senator from Vermont.

Mr. LEAHY. Madam President, I am just wondering if perhaps the Senator from Kentucky, who has dual responsibilities as chairman of this subcommittee and as the Republican whip—maybe we should talk in our respective cloakrooms—we have a number of people we know who want to offer amendments—that we get perhaps a unanimous consent agreement, and the time we can work out, sequencing each of those amendments. I don't know about time at the moment. I am trying to think of some way—we have been on this bill since Friday. A lot of us have other matters to attend to, including meetings with the President's nominee to the Supreme Court. Senator MCCONNELL and I have sat here through hours of quorum calls. I think it is time to fish or cut bait. I say this to our cloakrooms, this may soon turn into a unanimous consent agreement and will require each of these amendments to come up and either be voted on or withdrawn.

I don't know how else we get it done. We have been several hours in quorum calls so far, and some of us have other things to do. I have no problem with somebody getting a vote. Vote for it or against it, but let's get it done.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. MCCONNELL. Madam President, I am checking right now on the possibility of adding to the 2:30 p.m. vote the one amendment left on this side that might require a vote. I will know shortly. We should be able to add that to the queue at 2:30 p.m. That will give us two votes at 2:30. Senator LEAHY indicated he is working on trying to get additional votes so we can wrap this bill up later this afternoon.

The PRESIDING OFFICER. The Senator from Louisiana.

AMENDMENT NO. 1245, AS MODIFIED

Ms. LANDRIEU. Madam President, I have a modification to my amendment. It is at the desk. It is a technical modification.

The PRESIDING OFFICER. Without objection, the amendment is so modified.

The amendment (No. 1245), as modified, is as follows:

On page 326, between lines 10 and 11, insert the following:

ORPHANS, DISPLACED AND ABANDONED CHILDREN

SEC. 6113. (a) The Senate—

(1) reaffirms its commitment to the founding principle of the Hague Convention on Protection of Children and Co-Operation in Respect of Intercountry Adoption, that a child, for the full and harmonious development of the child's personality, should grow up in a family environment, in an atmosphere of happiness, love, and understanding;

(2) recognizes that each State should take, as a matter of priority, every appropriate measure to enable a child to remain in the care of the child's family of origin, but when not possible should strive to place the child in a permanent and loving home through adoption;

(3) affirms that intercountry adoption may offer the advantage of a permanent family to a child for whom a family cannot be found in the child's State of origin;

(4) affirms that long-term foster care or institutionalization are not permanent options and should therefore only be used when no other permanent options are available; and

(5) recognizes that programs that protect and support families can reduce the abandonment and exploitation of children.

(b) The funds appropriated under title III of this Act shall be made available in a manner consistent with the principles described in subsection (a).

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

NOMINATION OF JOHN ROBERTS

Mr. MCCAIN. Madam President, as we all know, last night the President of the United States announced the nomination of Judge John Roberts to the U.S. Supreme Court. The President noted in his remarks that one of the most consequential decisions a President makes is his nomination of a Justice to our Nation's highest Court. By nominating Judge Roberts, I believe the President has met the challenge. I commend him for choosing a thoroughly accomplished jurist and attorney to rise to this country's highest Court.

I point out that the selection process the White House and the President went through was thorough and, indeed, viewed as satisfactory—in fact, praised significantly by Members on both sides of the aisle. The President and his staff consulted with more than 70 Members of the Senate. The President reviewed the credentials of many well-qualified candidates, and the President also met with a number of potential nominees.

I believe the consultation part of the advise and consent process we go through was more than met by the President and his staff. The process has resulted in a nominee who truly stands on his achievement.

Presidents can and sometimes have nominated Justices for political reasons alone. However, this President has done something truly praiseworthy in nominating Judge Roberts. He focused on the merits and picked a distinguished attorney with a keen legal mind and an impressive record of accomplishment.

I think all of us are aware of Judge Roberts' academic background. We are aware of his clerking for Justice William Rehnquist, his service in the Department of Justice and, very importantly, being a member of the small group of lawyers who have practiced before the Supreme Court. In fact, Judge Roberts has appeared before and argued cases before the U.S. Supreme Court some 39 times. The process has been followed and has resulted in an outstanding nominee.

There are questions about whether Judge Roberts will answer questions concerning specific issues. I think that issue was put to rest in the Breyer and Ginsburg nominations where, appropriately, they did not answer questions that would relate to cases that would be argued before the U.S. Supreme Court.

There may be some question about whether Judge Roberts is conservative. I think the President of the United States made it very clear in the last campaign, and I personally heard him state on numerous occasions, that he would appoint as a Supreme Court Justice, in the event of a vacancy, a person who strictly interpreted the Constitution of the United States. So just as in the previous administration President Clinton appointed judges such as Justices Breyer and Ginsburg who would be viewed by some as liberal, so I think it is entirely appropriate that Justice Roberts be viewed as ''conservative,'' if conservative means someone who strictly interprets the Constitution of the United States in making these incredibly important decisions that are made by the U.S. Supreme Court.

As is well known, I am a card-carrying member of the Gang of 14. One of the criteria of the Gang of 14 is that we would not filibuster a nominee to a court or the Supreme Court unless it was under ''extraordinary circumstances.'' I do not speak for the other Members. Each of those Members speaks for himself or herself. I do believe—at least in my opinion, I am convinced—that even though various Members of the Senate on the other side of the aisle may oppose and vote against Justice Roberts' nomination, and perhaps for well-founded reasons, that by no means, by any stretch of the imagination, would Justice Roberts, because of his credentials, because of his service, because of his extraordinary qualifications, meet the extraordinary circumstances criteria.

Again, I only speak for myself, but having been in on those negotiations about extraordinary circumstances for hundreds of hours, I believe Judge Roberts deserves an up-or-down vote, and I hope the other members of that group would also agree with me.

So I think this is a good day for America. We start a process which we should complete by the first week in October so that Justice Roberts can sit in the fall session of the U.S. Supreme Court. I think many of us watching him on television last night as he stated his profound appreciation for the role of the U.S. Supreme Court in our constitutional democracy, as well as his deep regard for the Court as an institution—this is without a doubt a man who is not only fit to face the magnitude of the task before him but who has the temperament and the judgment to understand the seriousness of his possible service as a member of our Nation's highest Court.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. MCCONNELL. Madam President, I ask unanimous consent that the Senate proceed to a vote in relation to the Chambliss amendment No. 1271 following the vote in relation to the Landrieu amendment with no second-degree amendments in order to the amendment prior to the vote.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. MCCONNELL. What that means is that at the moment, there are two stacked votes at 2:30, the Landrieu amendment and the Chambliss amendment.

I see that the Senator from Texas is in the Chamber and would like to address the Senate, I believe as in morning business, on another issue.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. Madam President, I ask unanimous consent to proceed as in morning business.

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

Mr. CORNYN. Madam President, I add my voice of support to the President's decision to nominate Judge John G. Roberts to the U.S. Supreme Court. The process of selecting the next Associate Justice should reflect the best of the American judiciary and not the worst of American politics. From the President, the American people deserve a Supreme Court nominee who reveres the law. From the Senate, the American people deserve a confirmation process that is civil, dignified, respectful, and one that does its dead level best to keep politics out of the process.

Yesterday, President Bush did his part by announcing the nomination of Judge Roberts, and now it is up to us in the Senate to do our part to ensure that the process for confirming this nomination does honor to the Supreme Court, to the Senate, and to the Nation.

The Supreme Court of the United States is one of our Nation's most cherished institutions. It is also our Nation's most powerful symbol of our commitment to constitutional democracy and the rule of law. We need men and women who serve on that Court who meet the highest standards of integrity, intellect, and character. Most important, we need men and women who are committed to the principle that the duty of unelected judges in a democracy is to apply the law as written by the people's representatives and not to make the law up as they go along.

By every indication, Judge Roberts fits this description of what I would consider to be an ideal nominee. Judge Roberts was educated at Harvard College and Harvard Law School. Before he became a judge on the District of Columbia Court of Appeals in 2003, he was widely regarded as one of the most outstanding advocates practicing before the U.S. Supreme Court. He has argued dozens of cases before the Court, both as a lawyer in private practice in Washington and as a public servant.

Over the years, he has held a wide variety of positions with the Department of Justice, including Principal Deputy Solicitor General, the Federal Government's second highest ranking lawyer before the U.S. Supreme Court. With these credentials, it is not surprising that we confirmed this nominee to the Court of Appeals by unanimous consent just 2 years ago.

Although Judge Roberts has been on the bench only since 2003, his distinguished legal career leaves no doubt that he is extraordinarily well qualified for the Supreme Court. It bears remembering that Chief Justice Rehnquist had never served as a judge before he was nominated to the Court. Similarly, Justice Sandra Day O'Connor, who Justice Roberts will be succeeding if confirmed, had served only briefly as a State court judge before she was elevated to the Supreme Court. As Senator LEAHY, the ranking member of the Senate Judiciary Committee, said at her confirmation hearing, although:

. . . her tenure on the appellate bench has not been long in years . . . we should realize that only 60 of the 101 Justices sitting now or in the past have had any prior judicial experience. Only 41 of these have had more than 5 years of service when confirmed, and among those who had no prior experience when confirmed to the United States Supreme Court were included John Marshall and Joseph Story.

As you know, Justices Marshall and Story were two of the most distinguished Justices who ever served on the Supreme Court and, indeed, in our Nation's history. Although the number cited by Senator LEAHY has changed some over the years since Justice O'Connor was confirmed, his point still stands. One does not need to be a career jurist to serve this Nation with distinction as a Justice of the U.S. Supreme Court.

I believe the President has made a commendable decision, nominating Judge Roberts. As I stated earlier, the American people deserve from the President a Supreme Court nominee who reveres the law. From all reports, that is exactly what the American people received yesterday. From the Senate, the American people deserve a confirmation process that is civil, dignified, and respectful, and one that keeps politics out of the judiciary as much as is humanly possible.

One of the challenges we face when considering a nominee, and particularly one such as Judge Roberts who has had such a long and distinguished career serving clients, is to understand that his work on behalf of his clients does not necessarily reflect his personal views that may appear on a variety of legal documents likely to come before the Senate. As all of us who have practiced law know, the duty of the lawyer is to make sure to make the very best possible argument on behalf of his or her client, regardless of whether the lawyer would agree with those arguments in the first instance. Litigants in our adversarial system of justice are supposed to be judged by a jury of their peers, not by their lawyers.

I think it very important that we keep this in mind. Just as we would not judge Judge Roberts nor should we judge Judge Roberts by the positions he has taken on behalf of clients he has represented, we would not judge a prospective nominee should he or she have practiced, let's say, in the area of criminal law, and have defended people who have been accused of crimes. We would not impute those crimes or that position to the lawyer who is representing them, providing them the legal defense to which they are entitled under our constitutional system. My argument is we should simply apply that same standard to Judge Roberts and any other nominee as well.

I think it is also important that we remain aware there are those outside of this Chamber who will try to taint this process. Already we have seen those who seem to have had a ''fill in the blank'' press releases, waiting only for the name of the prospective nominee before they send them out into cyberspace and across America and indeed around the world. We know there are those outside these Chambers who will try to vilify any nominee in order to exploit this process for political gain, including raising money. I can only hope we will not, in this body, the 100 Senators who work here and represent our constituents, be tempted by the outside interest groups to engage in the same sort of irresponsible rhetoric that is used by too many of them.

Let us behave as Senators. Let us do our human best to uphold the dignity of this great body. And let us try to uphold the dignity of the U.S. Supreme Court and conduct ourselves in a manner worthy of the American people. History affords some benchmarks to the Senate for determining whether the Senate has undertaken a confirmation process worthy of the Court and of the American people. There is a right way and, unfortunately, a wrong way to debate the merits of a Supreme Court nominee.

In 1993, as I have observed previously on this floor, President Clinton nominated Ruth Bader Ginsburg, a distinguished jurist but one with an extensive record of activism in a variety of liberal causes outside of the judiciary. The Senate looked past all of that and voted to confirm Justice Ginsburg by an overwhelming bipartisan vote. The Senate did so because we understood our proper role in the confirmation process should embody three principles: First, that we should focus our attention on judicial qualifications, not personal political preferences; second, we should engage in respectful and honest inquiry, not partisan personal attacks; and third, we should apply the same fair process, confirmation or rejection by majority vote, that has existed for more than 214 years of our Nation's history.

Yes, this is an important moment for our country. The nomination of any person to the U.S. Supreme Court is a celebration of our Constitution and our Nation's commitment to the rule of law. The President has nominated an impressive individual to serve on our Nation's highest Court and I look forward, as just one Member of this body, to a dignified, civil, and respectful confirmation process in the Senate.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. I ask to be recognized to speak as in morning business.

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

Mr. DURBIN. Madam President, I am glad I am following the comments of my colleague Senator CORNYN because we are both privileged to serve on the Senate Judiciary Committee, which will be the first line of inquiry in relation to Judge John Roberts, who has been nominated by President Bush to serve on the U.S. Supreme Court.

I have been in public life for over 20 years and cast over 10,000 votes on so many different topics. If you had asked me what is the most important vote you have ever cast, it is easy; the most important vote you are ever called on to cast is whether America goes to war, because you know as a result of that vote, if the answer is affirmative, that Americans will lose their lives. You will ask families to give up their sons and daughters, husbands and wives, brothers and sisters, in the name of defending America. So there is nothing more important than that vote. It is one of the few times—and I faced it three or four times in my congressional career—when you really do lose sleep. You toss in bed at night thinking, What is the right thing to do?

I would say that after a vote on war, the second most challenging vote is the one we will face in a few weeks right here in the Senate, the selection of an individual to serve on the Supreme Court. Why is it so important? I think it is important because we know, America knows, the Supreme Court is a very special institution in our democratic form of Government. It may be—in fact I would argue that it is—the single most important institution when it comes to protecting our rights and liberties. Across that street—we can see it through the glass door here—is the Supreme Court, with nine individuals who will make decisions on a regular basis that will change the face of America, change the lives of American people. Think about the power you give to that person who serves in the Supreme Court: a lifetime appointment to stand in judgment not only of individuals and their causes, but to stand in judgment of laws that have been written by past generations and to stand in judgment of new laws that come before them with constitutional questions and policy questions. It is a momentous responsibility.

Rarely does the Senate have an opportunity to consider a vacancy on the Supreme Court. I have served now for 9

years in the Senate and never cast a vote on a Supreme Court nominee. This is the longest period of time since 1823 when we have not had a vacancy on the Supreme Court. Now we do. With the retirement of Justice Sandra Day O'Connor we have an opportunity to fill this vacancy with a person of quality, someone who will serve our Nation.

President Bush has nominated Judge John Roberts of the District Court of Appeals. I am familiar with him to a limited extent because he came before our Senate Judiciary Committee several years ago. I think I would concede, and most would concede, the obvious: He is a very well qualified person. This man was summa cum laude at Harvard, editor of the Harvard Law Review, and has had some of the most important responsibilities as Principal Deputy Solicitor General speaking on behalf of the Government of the United States of America. He has worked at one of the most prestigious law firms in our country. There is no question about this man's legal skill—none at all.

Nor has there been any serious question of any kind raised about his integrity, his honesty. I have not heard a single word suggesting he does not have the temperament to be a Federal judge. After all, it is a lifetime appointment and those of us who practiced law before Federal judges know that sometimes lifetime appointments can go to their heads and they become somewhat imperial. That has never been suggested when it comes to Judge Roberts.

So you say: Senator, if his legal skills are accepted, if he is an honest man, if his temperament is good, why not approve him and get on with it? Because this is the Supreme Court. And because the American people expect us to go through the regular process of asking important questions. What are those questions? I think they come down to these: We need to know whether a nominee such as Judge Roberts is in the mainstream of American values; whether he is coming to this position on the Supreme Court with a balanced view, an open mind, the kind of judicial outlook on the challenges he faces which will do the Court proud and do the Nation proud.

What kinds of issues will we talk about? When we come to the Judiciary Committee I am sure there will be questions of civil rights. In my lifetime, America has changed dramatically in the field of civil rights. I can recall as a youngster seeing evidence of segregation, even growing up in East St. Louis, IL—segregated schools, segregated swimming pools—in my lifetime. But that changed in the 1960s and we decided as a Nation that it diminished us to discriminate against people because of their race.

We have decided since that the same rules should apply in many ways to questions of gender equity, whether women should have the same opportunity as men. So this whole body of law, this whole movement in the United States on civil rights is a movement we have come to accept as part of America. There are some who still resist it, but most Americans believe we are a stronger and better nation when we celebrate our diversity. The Supreme Court is the place where key decisions on civil rights will be decided. The rights of minorities, the rights of women, the rights of those with minority religious beliefs, the rights of the disabled—that Court will make those decisions.

Isn't it important to know whether Judge Roberts stands in the mainstream of values when it comes to our civil rights? I think it is essential. It is one of the most important questions.

What about the rights of women? They have been debated quite a bit on the floor of the Senate and the House, certainly before the Supreme Court. People point to the case of Roe v. Wade. That is the litmus test case for so many people. But I think it goes much deeper. It isn't just the question of abortion—which is controversial, and many people in good faith feel strongly for and against a woman's right to make that decision. But at the heart of that debate is something even more fundamental, the right of privacy. What is it that I should expect as an American citizen, that I should guard as my individual right of privacy? What right of privacy does my family have? Where can I draw the line and say the Government cannot cross this line?

There have been cases before the Supreme Court that decided that, made those decisions and decided where that line would be drawn. Let me tell you of one, because when I tell youngsters—I just had a group of college students I spoke to here on the Hill. When I tell them the story, I can see they are absolutely amazed, but this is something that happened in recent memory for some. Just a few weeks ago was the 40th anniversary of a Supreme Court decision called Griswold v. Connecticut. It was a landmark decision. The nine Justices found in our Constitution—which I keep in my desk and Senator BYRD carries with him at every waking moment—a concept that is not written in the Constitution. Search this Constitution with ROBERT C. BYRD at your side and you will never find the word privacy, but the Supreme Court found the concept of privacy in this Constitution when they considered the case of Griswold v. Connecticut.

What was that case all about? A little history is worth repeating. At the turn of the last century, the 19th century, there was a man named Anthony Comstock. Mr. Comstock came from the State of New York. He had passionate convictions when it came to morality. He believed it was wrong to have any form of pornography, any form of abortion, and any form of birth control. After passing a State law in New York, he was elected to Congress, which enacted the Comstock law that said basically we prohibit the dissemination of information even about birth control, and then Congress did something more. They gave Anthony Comstock of New York extraordinary powers that no American has today. They made him an agent of the U.S. Post Office and gave him the power to investigate and arrest people who violated the law that was passed in his name.

He spent his adult life traveling across the United States trying to find those who were giving people counseling on birth control or abortions, and so forth, and prosecuting them under the law in his name. Before he died, he said he had filled up 61 different passenger train cars with all the people he had arrested in the name of his law, and it was in that Anthony Comstock tradition that States such as Connecticut enacted laws which said no married person can legally go to a pharmacy and have a prescription filled for birth control pills. In 1965, no doctor in Connecticut could legally prescribe birth control pills, and no pharmacist could legally fill the prescription for a married person. This was the law in Connecticut in 1965. When I tell that to young people today, they say: you have to be kidding. No. That was the law in Connecticut and other States.

When the law was challenged, the Supreme Court across the street said: that is wrong. That is such an intimate, personal, private decision, the Government should stay away from it. And in this Constitution, without the express words, they found the concept of privacy, and that concept of privacy 8 years later was part of the rationale for Roe v. Wade, that that decision on terminating a pregnancy was a personal, private family decision and that except under extraordinary circumstances the Government should not get involved.

So when Judge Roberts comes before us, some have argued that it is out of line for us to ask him: what is your position when it comes to the Government and the right of privacy? I think it is fundamental. I want to know what is in his heart and what is in his mind.

Does he believe in this concept we have seen enshrined in Supreme Court decisions, or does he believe the Government should infringe on privacy rights?

You say, well, Senator, you are pointing to cases that are 40 years old, 30 years old. How is that relevant today? Consider the matter of Terri Schiavo, the tragedy involving this poor young woman who for 15 years was in this—I do not know if vegetative state is the proper word, or comatose state, kept alive by a feeding tube, case after case in court as to whether her husband, who said he expressed her will that she didn't want to live under these circumstances, had the right to end this feeding tube, case after case, court after court, squabbles and arguments within the family—good faith, genuine arguments. And then finally

the day came when all these legal appeals had been exhausted. There was a movement in Congress to step in, to have the Federal courts and the Federal Government step into that hospital room, the room where that tragic story of Terri Schiavo was taking place. The argument was made in this Chamber and on the floor of the House that the privacy of that family, this intimate personal decision, should take a back seat to the right of the Federal court to insert itself into that room.

Think about it. Hundreds and thousands of American families every single day make that hard decision. They do it hoping they have done the right thing for the poor person who is suffering and for the family that survives. And some argued at that moment, when that doctor and that family has to sit down and make that heart-breaking decision, it is time for the Federal court to step in. The right of privacy, a right still unresolved and that will be resolved many times over by the person we put on the Supreme Court.

Workers' rights, the right to work in a safe workplace, the right to be paid a fair wage, the right to make certain that if you have paid a lifetime into a retirement system and someone tries to take it away, you have a moment in court to stand up for what you have worked for. Those decisions course through the Federal courts all the way to the Supreme Court, and this nominee and others who are the deciding votes make those decisions.

I could go on with all of the agenda the new Supreme Court Justice might face, but I hope in these few moments that I have spoken, you understand the gravity of this decision.

Judge Roberts is 50 years old. If he is a healthy person with a good lifespan, he may sit on that Court for a quarter of a century. He may be there 25 or 30 years. We have one chance, only one, to ask questions of him, to ask what is in his heart, what are his values, does he reflect the mainstream of America.

Sandra Day O'Connor, when she came to the Court, was befriended and sponsored by one of the greats who served in the Senate, Barry Goldwater of Arizona. I can remember as a college student, Barry Goldwater's race for President of the United States in 1964. He was running as a genuine conservative and he lost. LBJ beat him handily. But he came back to the Senate, retired, and always maintained his dignity and interest in public service. When you look back at his career, he was more a libertarian than conservative, but he surely inspired a lot of people. He wanted Sandra Day O'Connor to serve on the Supreme Court. He liked the fact she was so talented. She graduated No. 3 in her class at Stanford Law School, had a tough time finding a job because she was a woman, and was elected to the State senate. Senator Barry Goldwater thought running for public office was a good thing. I do, too. I think running for public office humbles the exalted and it is a good thing when people have that experience. And she became the first woman to serve on the Supreme Court. Most people said she would follow in the Barry Goldwater conservative tradition, and she did, but it was mainstream conservatism. It was the kind of conservatism that many in the Republican Party and even some in the Democratic Party are very comfortable with.

Later in her career of 24 years of service you saw the libertarian streak coming out in her opinions. She started standing up for a woman's right to choose. She did not want to eliminate Roe v. Wade. She stood up when it came to affirmative action at the University of Michigan. She stood up when it came to the rights of prisoners and detainees even in this war on terrorism—sort of unpredictable, but clearly demonstrating that she had an open mind even as a mainstream conservative.

Now, I am resigned to the fact that when President Bush nominates someone to the Supreme Court, it won't be my choice. I am resigned to the fact that person will be a conservative. But what I am looking for and many Democrats are looking for is someone who is a mainstream conservative. I want them to hold the basic conservative values but not come to the Court with some movement on their mind, some political agenda on their mind. I want them to look at things honestly, with an open mind.

I sincerely hope Judge Roberts ends up being one of those people as we consider his nomination. We need to find out basic things about him, questions that were not answered when he stood for confirmation to the U.S. Court of Appeals for the District of Columbia Circuit. He has the intelligence for the job. We will ask him whether he has the independence for the job. He has the credentials for the job. But we need to ask questions about his commitment to the basic freedoms and liberties in America. The Senate must determine through this confirmation process whether Judge Roberts is entitled to a lifetime position on the highest Court of the land. I know he avoided some answers in an earlier hearing. I hope he will be open and candid and honest at his next hearing. I do not insist that he agree with me on every issue, but I insist that he be open and honest in his answers so we can understand where he is coming from. The Senate and the American people have a right to know where he stands.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mr. WARNER. Madam President, will the distinguished Senator yield? I ask unanimous consent that I can follow the Senator from Texas and seek recognition.

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

Mr. WARNER. I thank the Presiding Officer.

Mrs. HUTCHISON. Madam President, I think President Bush has hit a home run. Because I was with the Baylor Lady Bears this morning congratulating them on winning the national NCAA women's basketball championship, I would say he hit a three-pointer from midcourt. I think John Roberts is exactly what our country expects in quality and demeanor for a person to be elevated to the highest court in our land. The Supreme Court is such an important part of our Constitution, unique, really, in the world, that we have a judicial branch with such stature as the coequal branch of government along with the President and the Congress. For someone to be able to sit on the Supreme Court, you look for a John Roberts, someone who has integrity, temperament for the Court, and you have to have judicial temperament because you are an arbiter who is going to affect people's lives.

Academic achievement. We want our Supreme Court Justices to have the finest legal mind possible, and John Roberts fits that description—Harvard, summa cum laude graduate; Harvard Law School, graduated with honors, and respect of his peers. When you have someone such as Walter Dellinger, who served as Solicitor General under President Bill Clinton, who told the Judiciary Committee at one point, ''In my view, there is no better appellate advocate than John Roberts,'' I think that shows the range of support and respect from his peers John Roberts has. He has experience in a variety of legal fields including, of course, serving on the Circuit Court of Appeals, second only to the Supreme Court. But he is also young enough that he will be able to make a lasting impression on the Supreme Court. At the age of 50, we know he has many years to serve.

Some people have asked me, well, didn't you want a woman? Well, yes, of course, I did. Of course, I think diversity is important on the Supreme Court. I would like to see another woman. I would like to see a Hispanic American on the Supreme Court. But I believe first and foremost what we want is the very best person, and for this time the President has chosen John Roberts. I think we should give him our full support.

Yes, the Senate is going to do its due diligence. Yes, we are going to meet our responsibilities. We are going to ask questions. We are going to examine his background. Of course, we are going to look at his record as an attorney, as a judge. But we also are going to do it with integrity and with a respect for the process. I think Justice Ginsburg's confirmation process is an example. In fact, President Clinton's two nominees for the Court took an average of 58 days from nomination to confirmation. I think 2 months is an acceptable amount of time to be able to delve into someone's background and career, to be able to ask the questions you would expect from the Senate, and I thought

that in President Clinton's nominations we gave him deference. As Senator DURBIN said, just before me, President Bush is not going to appoint someone DICK DURBIN would appoint. Well, certainly President Clinton isn't going to appoint someone that I would also nominate. But that wasn't the question. The people of America elected President Clinton, just as they elected President Bush. So we now need to look at their nominee, knowing that perhaps the philosophy may not be the same on the other side of the aisle as it is going to be for President Bush's nominee. But I want the same deference given to John Roberts I gave to Ruth Bader Ginsburg. I looked at her record of integrity, I listened to the people who were for her and against her, and I determined that for President Clinton this was a nominee who should be supported. She would not meet my litmus test of issues, but she is an academically qualified person of integrity with judicial temperament.

I hope Judge Roberts receives the same level of support and respect that has been given to Justice Ginsburg by this Senate.

President Bush and the White House staff have demonstrated an unprecedented level of consultation with Senators. I don't think any President and his staff have consulted with as many Senators as President Bush has on this, his first nominee. I was very pleased to be called and to be able to give names.

I admit that John Roberts was one of the names I mentioned in my consultation call as the example of the very great legal mind and opportunity he would bring to the Court. He is the kind of person we expect to be appointed to the U.S. Supreme Court.

Everything I have heard so far, both from Democrats and Republicans—Republicans being supportive, Democrats being wait and see, let's look at the record, but not negative—is a good thing. John Roberts is going to meet every test. He showed when he was at his Senate confirmation hearing for his circuit court of appeals appointment that he is really good. He had tough questions. You could see the intelligence coming through.

I know he is a family man. He was with his wife and two precious children at the hearing he had a couple of years ago and then again last night. He is a family man who will be a role model for children, for our country, and a patriot, a person who wants to be a public servant, someone who believes in our country and the role of the Supreme Court in our country.

This is a man who is going to be confirmed very easily. I hope that is the case. I hope the Senate will show how the Senate ought to operate with due diligence and, yes, asking questions in a respectful way for this very esteemed judge who is being proposed for the Supreme Court by our President.

I am proud of our President. He has done a terrific job of looking at all of the options and saying he wants one of his legacies to be the selection of a great Supreme Court Justice who will serve for a long time. He has made the right choice.

I support this nomination. I support the right of the Senate to do our responsibility under the Constitution for advice and consent. That is going to happen from the early indications I have seen, in the talk shows, in the questioning by the media, and also in the Senate. I look forward to the next 2 months and seeing this institution do what we ought to be doing in the right way.

I am very proud today to support the nomination of John Roberts to the Supreme Court of the United States.

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

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

The assistant legislative clerk proceeded to call the roll.

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

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

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

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

AMENDMENT NO. 1304

Mr. SCHUMER. Mr. President, I send to the desk an amendment that has not yet been filed.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New York [Mr. SCHUMER] proposes an amendment numbered 1304.

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

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

The amendment is as follows:

(Purpose: To require a report to Congress on mergers of certain United States and foreign companies)

On page 326, between lines 10 and 11, insert the following:

REPORT ON RECIPROCITY

SEC. 6113. (a) Notwithstanding any other provision of law, no agency or department of the United States may approve a merger between a United States company and a foreign-owned company or an acquisition of a United State company by a foreign-owned company prior to 30 days after the date on which the Secretary of State submits to Congress the report required by subsection (c).

(b) In this section:

(1) The term ''appropriate congressional committees'' means the Committee on Appropriations, the Committee on Armed Services, the Committee on Banking, Housing, and Urban Affairs, and the Select Committee on Intelligence of the Senate and the Committee on Appropriations, the Committee on Armed Services, the Committee on Financial Services, and the Permanent Select Committee on Intelligence of the House of Representatives.

(2) The term ''foreign-owned company'' means an entity that is owned or controlled by the government of a foreign country.

(3) The term ''entity'' means a partnership, association, trust, joint venture, corporation, or other organization.

(4) The term ''owned or controlled'' means—

(A) in the case of a corporation, the holding of at least 50 percent (by vote or value) of the capital structure of the corporation; and

(B) in the case of any other kind of legal entity, the holding of interests representing at least 50 percent of the capital structure of the entity.

(5) The term ''United States company'' means an entity that has its primary place of business in the United States and that is publicly traded on a United States based stock exchange.

(c) The report referred to in subsection (a) is a report submitted to the appropriate congressional committees by the Secretary of State, in consultation with the Secretary of Commerce, on a proposed merger between a United States company and a foreign-owned company or an acquisition of a United State company by a foreign-owned company. Such report shall include an assessment of whether the law and regulations of the government that owns or controls the foreign-owned company would generally permit a United States company in the same industry as the foreign-owned company to purchase, acquire, merge, or otherwise establish a joint relationship with an entity whose primary place of business is located in such foreign country.

Mr. SCHUMER. Mr. President, we have had some discussion floating around this Foreign Operations appropriations bill about the proposed CNOOC-Unocal merger. As I understand it, amendments that directly affect that merger have been withdrawn. That is not a problem, as far as I am concerned, if the sponsors of those amendments on both sides of the aisle wish to delay offering the amendments, to do it on a different appropriations bill.

My amendment is different. Let me explain.

My basic problem with the CNOOC-Unocal merger is not the same as that of many of my colleagues.

I am not sure it meets the strategic test, and I am willing to leave that to the body that judges that strategic test. I have a different problem. It is a problem that the Senator from South Carolina and I have talked about in terms of currency and other issues; that is, China doesn't play fair. What China thinks is good for China, they don't think is good for American companies. That is true here in terms of mergers. CNOOC wishes to buy Unocal, an important company in the United States dealing with a very important commodity—oil—whether it meets the strategic test or not. But if you look at the ability of American companies to buy Chinese companies in industries that China considers strategic, you will find barriers along the way. At least that is what I have found.

What is good for the goose is good for the gander. We ought to have some degree of reciprocity. If the Chinese—in this case, the Chinese Government, since they own 70 percent of CNOOC—wish to buy an American company, why should they be allowed to block

American companies that wish to buy similarly situated Chinese companies, the American automobile industry, the American construction industry, the American financial services industry? I will be issuing a report shortly which shows that in these strategic industries, American firms have barriers placed in their way. All of them meet approval. Yet in instance after instance, the American company cannot buy a majority share. The barriers are different for different industries, but they exist. In fact, foreign investment in China is divided into four categories—encouraged, permitted, restricted, and prohibited. Even in the nonprohibited categories, all foreign investment must be approved by the Ministry of Foreign Trade and Economic Cooperation called MFTEC.

The United States has a policy of being open to foreign direct investment in nearly every case, and strict levels of Government approval are only reserved for the most sensitive transactions involving national security. Of the 1,525 cases that have been filed with the Committee on Foreign Investment in the United States since 1988, only 25 have warranted investigation; 12 have been reported to the President, and only one has been denied. In the converse situation, where American firms seek to buy Chinese companies, the devil is often in the details. The Chinese Government creates de facto barriers that almost always require Western companies to give up some degree of control over its enterprise that would be highly irregular in any truly free market.

What is more, it is nearly impossible to gain an accurate picture of which investments, mergers, and joint ventures are rejected by the Chinese Government because companies' investors don't publicly want to admit it. The Chinese will say to General Motors or General Electric or scores of smaller companies: We will let you do it, but only under these circumstances. And the company, not wanting to offend the Chinese, doesn't fight the circumstances. All too often these large companies have an interest to their shareholders—they are supposed to—but not to the United States. If it serves their interest to send the technology to China, even though it will create many jobs in China and hurt jobs here in the United States, so be it. It is good for General Motors. So it is hard to figure this out. As I said, we have begun to do it, and we will be issuing a report shortly about it.

There are additional complications when a U.S. company wants to merge or acquire a Chinese state-owned enterprise such as a CNOOC, which is a state-owned enterprise, because any merger with an SOE requires additional approval of many state agencies, and so in instance after instance, which we will highlight in our report, the Chinese do not play the same way with our companies that they want us to play with their companies.

What our amendment does is very simple. It does not prohibit a merger from taking place. It simply requires a report be submitted to the Secretary of State, in consultation with the Secretary of Commerce, to assess whether that country will allow a similar transaction to occur in the opposite direction. The aim is not building barriers but simple reciprocity—fair, part of free trade, and better for everybody.

I hope my colleagues will accept this amendment. It doesn't go to the heart of this merger—that is a different issue which we will delay and do on a different bill—but, rather, goes to the point that the Chinese should treat our companies the way they want us to treat theirs.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

NOMINATION OF JOHN ROBERTS

Mr. WARNER. Mr. President, I rise to speak on behalf of the prospective member of the Supreme Court. The nomination of Judge John Roberts has been transmitted to the Senate by President Bush. I express my very strong support, based on the facts as we now know them, for this outstanding individual.

I wish to commend the President of the United States on his selection, and particularly commend him with regard to the procedures he followed pursuant to the constitutional clause of advice and consent. He consulted a number of the Members of the Senate in the context of this nomination of Judge Roberts and, indeed, the process that will soon be undertaken by the Senate.

Also, I wish to speak to the Gang of 14, a bipartisan group of 14 individuals, 7 Republicans and 7 Democrats, of which I have been privileged to have been a member of from the very beginning, and I wish to speak to the work the group performed on behalf of the leadership and the Members of this body.

In the course of drawing up the memorandum of understanding between members of the Gang of 14, I was privileged to work with my good friend of so many years and, indeed, a former leader of the Senate, ROBERT BYRD of West Virginia. We devised the portion of our memorandum of understanding as it relates to advice and consent. Speaking for myself, I believe the President lived up to, in every respect, what our expectations and desires were in putting in that clause. I thank my friend from West Virginia, as I have often done on the floor of the Senate, for his advice, and sometimes consent, to my own views.

Mr. President, that group of 14 did provide the foundation for our leaders—Republican and Democrat—to bring forth the nominations of six Federal circuit judges, each of whom received the advice and consent of the Senate, and now serve as federal judges. I think that is an important point that should be brought up in the context of this nomination.

Also, the question is sometimes asked about another clause of our memorandum of understanding, extraordinary circumstances. I feel as follows:

By way of background, I was privileged to introduce the then-lawyer John Roberts to the Senate Judiciary Committee on two occasions. The Judiciary Committee had two hearings and asked him to appear in both instances.

I ask unanimous consent to have printed in the RECORD the remarks I made at those hearings, which detail extensively his biography and the like.

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

STATEMENT AND SUBMITTED REMARKS OF SENATOR JOHN WARNER BEFORE THE SENATE JUDICIARY COMMITTEE ON JAN. 29, 2003

Mr. WARNER. Chairman HATCH, Senator LEAHY, and members of the committee, I will ask to submit my statement for the record——

The CHAIRMAN. Without objection, all statements will be put in the record.

Senator WARNER [continuing]. For 3 reasons: First, as a courtesy to the committee and to our guests who have been very patient; secondly, this nominee, John Roberts, is indeed one of the most outstanding that I have ever had the privilege of presenting on behalf of a President in my 25 years in the U.S. Senate. His record needs no enhancement by this humble Senator, I assure you.

So I ask that the committee receive this nomination. He is accompanied by his wife Jane, his children Josephine and John, who have been unusually quiet, and we thank you very much and patient, his parents and his sisters.

If I may indulge a personal observation, Mr. Roberts is designated to serve on the Circuit Court of Appeals for the District of Columbia.

Exactly one-half century ago, 50 years, I was a clerk on that court, and so I take a particular interest in presenting this nominee.

Also, the nominee is a member of the firm of Hogan & Hartson, one of the leading firms in the Nation's capital. Fifty years ago, I was a member of that firm. And I just reminisced with the nominee. I was the 34th lawyer in that firm, which was one of the largest in the Nation's capital. Today, there are 1,000 members of that law firm, to show you the change in the practice of law in the half-century that I have been a witness to this.

Mr. Chairman, you covered in your opening remarks every single fact that I had hopefully desired to inform the committee. So, again, for that reason you have, most courteously, Mr. Chairman, stated all of the pertinent facts about this extraordinary man, having graduated from Harvard, summa cum laude, in 1976. Three years later, he graduated from Harvard Law School, magna cum laude, where he served as managing editor of the Harvard Law Review. Those of us who have pursued the practice of law know that few of us could have ever attained that status. Even if I went back and started all over again, I could not do it. He served as law clerk to Judge Friendly on the U.S. Court of

Appeals for the Second Circuit and worked as a law clerk to the current Chief Justice of the Supreme Court, Judge Rehnquist—Justice Rehnquist.

So I commend the President, I commend this nominee. I am hopeful that the committee will judiciously and fairly consider this nomination and that the Senate will give its advice and consent for this distinguished American to serve as a part of our Judicial Branch.

STATEMENT TO THE JUDICIARY COMMITTEE ON THE NOMINATION OF JOHN ROBERTS TO SERVE AS A JUDGE FOR THE UNITED STATES COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA CIRCUIT, JANUARY 29, 2003

Chairman HATCH, Senator LEAHY, and my other distinguished colleagues on the Senate's Judiciary Committee, I am pleased to be here today to introduce Mr. John Roberts, an imminently qualified nominee for a federal judgeship.

While Mr. Roberts now lives in Maryland, he is a former resident of the Commonwealth of Virginia and a member of Hogan & Hartson, a firm that I had the pleasure of being affiliated with some years ago.

Joining Mr. Roberts today are many members of his family: his wife Jane, his children Josephine and John, his parents, and his sisters.

Mr. Roberts has been nominated for a judgeship on the United States Court of Appeals for the District of Columbia Circuit. This is a court that I am most familiar with.

Following my graduation from the University of Virginia Law School in 1953, I was privileged to serve as a law clerk to Judge E. Barrett Prettyman, on the United States Court of Appeals for the D.C. Circuit. Judge Prettyman later became Chief Judge of this important court.

As a result of the profound respect so many people, including myself, had for Judge Prettyman, I had the honor several years ago of sponsoring, and with the help of others, passing legislation to name the federal courthouse in DC after Judge Prettyman.

Now, almost 48 years after having served as a law clerk for Judge Prettyman on this federal appeals court, I am pleased to be here today to support the nomination of John Roberts to the same court on which Judge Prettyman once served.

John Roberts has had a distinguished legal career. And, in my view, his record indicates that he will serve as an excellent jurist.

Mr. Roberts' resume is an impressive one. He graduated from Harvard College, Summa Cum Laude, in 1976. Three years later, he graduated from Harvard Law School, Magna Cum Laude, where he served as managing editor of the Harvard Law Review.

He has served as a law clerk to Judge Friendly on the United States Court of Appeals for the Second Circuit and worked as a law clerk to the current chief justice of the Supreme Court of the United States—Judge Rehnquist.

Mr. Roberts has also practiced law for over twenty years in the public and private sectors. He has served as Associate Counsel to President Reagan, worked as the Principal Deputy Solicitor General of the United States, and worked as a civil litigator at Hogan & Hartson, where he currently serves as head of the firm's Appellate Practice Group.

Mr. Roberts has presented oral argument before the U.S. Supreme Court in 39 cases covering an expansive list of legal issues.

Without a doubt, Mr. Roberts' legal credentials make him well qualified for the position to which he has been nominated. I am thankful for his willingness to resume his public service, and I am confident that he would serve as an excellent jurist.

I urge my colleagues on the Committee to support his nomination.

STATEMENT AND SUBMITTED REMARKS OF SENATOR JOHN WARNER BEFORE THE SENATE JUDICIARY COMMITEE ON APRIL 30, 2003, DURING THE PRESENTATION OF WILLIAM EMIL MOSCHELLA, NOMINEE TO BE ASSISTANT ATTORNEY GENERAL, OFFICE OF LEGISLATIVE AFFAIRS, U.S. DEPARTMENT OF JUSTICE, AND JOHN G. ROBERTS, JR., NOMINEE TO BE CIRCUIT JUDGE FOR THE DISTRICT OF COLUMBIA

Senator WARNER. Thank you, Mr. Chairman.

Now, Mr. Chairman, I should like to say a few words on behalf of Mr. Roberts. This is my second appearance on behalf of this distinguished individual, and I must say in my 25 years in the Senate, I do not believe I have ever done this before. But at the invitation of the Chair, I will appear over and over again, be it necessary, on behalf of this individual because I personally and, if I may say, professionally feel very strongly about this nominee.

He has been nominated for a position on the United States Circuit Court of Appeals for the District of Columbia. If I may say, following my graduation from the University of Virginia Law School in 1953, I return this weekend for my 50th reunion, where I am privileged to address my class. But following that, I was privileged to be a law clerk to Judge E. Barrett Prettyman on the United States Circuit Court of Appeals, the very circuit to which this nominee has been appointed by the President of the United States.

I have a strong knowledge of this circuit, having started my career there 48 years ago, and I feel that this candidate will measure up in every respect to the distinguished members of the circuit that have served in the past and who are serving today. And I urge in the strongest of terms that he be given fair consideration by this Committee and that he will be voted out favorably.

Mr. Chairman and Senator Leahy, we start with he graduated from Harvard College summa cum laude in 1976. Three years later, he graduated from Harvard Law School magna cum laude, where he served as managing editor of the Harvard Law Review. He served as law clerk to Judge Friendly on the United States Court of Appeals for the Second Circuit and worked as law clerk to the current Chief Justice of the Supreme Court of the United States, the Honorable Judge Rehnquist.

Also, he has practiced law for over 20 years. He served as associate counsel to President Ronald Reagan, worked as the Principal Deputy Solicitor General of the United States, and has worked as a civil litigator in the firm of Hogan and Hartson, which, I must say, I also served in following my clerkship with Judge Prettyman.

So I do urge upon this Committee, Mr. Chairman, and all members, that the fair consideration that is the duty of the United States Senate under the Constitution under the advise and consent provisions be exercised on behalf of this distinguished nominee.

I thank you for the attention of the Committee, and I wish you well.

STATEMENT TO THE JUDICIARY COMMITTEE ON THE NOMINATION OF JOHN ROBERTS TO SERVE AS A JUDGE FOR THE UNITED STATES COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA CIRCUIT, APRIL 30, 2003

Chairman Hatch, Senator Leahy, and my other distinguished colleagues on the Senate's Judiciary Committee, I am pleased to be here for a second time to introduce Mr. John Roberts, an imminently qualified nominee for a federal judgeship. It is my hope that after a second hearing on this important nominee, this committee will recognize that this nominee is eminently qualified for this judgeship.

While Mr. Roberts now lives in Maryland, he is a former resident of the Commonwealth of Virginia and a member of Hogan & Hartson, a firm that I had the pleasure of being affiliated with some years ago.

Mr. Roberts has been nominated for a judgeship on the United States Court of Appeals for the District of Columbia Circuit. This is a court that I am most familiar with.

Following my graduation from the University of Virginia Law School in 1953, I was privileged to serve as a law clerk to Judge E. Barrett Prettyman, on the United States Court of Appeals for the D.C. Circuit. Judge Prettyman later became Chief Judge of this important court.

As a result of the profound respect so many people, including myself, had for Judge Prettyman, I had the honor several years ago of sponsoring, and with the help of others, passing legislation to name the federal courthouse in DC after Judge Prettyman.

Now, almost 48 years after having served as a law clerk for Judge Prettyman on this federal appeals court, I am pleased to be here today to support the nomination of John Roberts to the same court on which Judge Prettyman once served.

John Roberts has had a distinguished legal career. And, in my view, his record indicates that he will serve as an excellent jurist.

Mr. Roberts' résumé is an impressive one. He graduated from Harvard College, Summa Cum Laude, in 1976. Three years later, he graduated from Harvard Law School, Magna Cum Laude, where he served as managing editor of the Harvard Law Review.

He has served as a law clerk to Judge Friendly on the United States Court of Appeals for the Second Circuit and worked as a law clerk to the current chief justice of the Supreme Court of the United States—Judge Rehnquist.

Mr. Roberts has also practiced law for over twenty years in the public and private sectors. He has served as Associate Counsel to President Reagan, worked as the Principal Deputy Solicitor General of the United States, and worked as a civil litigator at Hogan & Hartson, where he currently serves as head of the firm's Appellate Practice Group.

Mr. Roberts has presented oral argument before the U.S. Supreme Court in 39 cases covering an expansive list of legal issues.

Without a doubt, Mr. Roberts' legal credentials make him well qualified for the position to which he has been nominated. I am thankful for his willingness to resume his public service, and I am confident that he would serve as an excellent jurist.

I urge my colleagues on the Committee to support his nomination.

Mr. WARNER. So I was privileged to have that opportunity. In the context of performing that task before the Judiciary Committee, I made an independent assessment for myself of his credentials to be a Federal judge. Indeed, I talked to a number of friends who knew him very well.

I point out that I was privileged to serve as a law clerk on the Federal Circuit Court of Appeals for the District of Columbia, where he is currently serving. In addition, I had the great opportunity to be associated with the law firm of Hogan & Hartson, eventually becoming a partner. Justice Roberts, of

course, in his distinguished career, likewise was a member of the firm of Hogan & Hartson before going into various responsible positions in the executive branch, which are enumerated in my detailed biographical sketch of him.

I bring that up because I have a very strong feeling about the firm of Hogan & Hartson. I had the opportunity while there to be closely affiliated with senior partner Nelson T. Hartson. I was a junior lawyer and he was then general counsel to Riggs National Bank and other financial institutions here in the Nation's Capital. I had the privilege of carrying his briefcase, as a young lawyer often did, and preparing his memorandum and briefs and the like during my own work for those clients. He was a magnificent man of the old school and of the law firms of this Nation.

Hogan & Hartson stands out second to none as a law firm in this Nation. I remember so well that Nelson T. Hartson had ethical standards second to none. His leadership permeated down through that firm, certainly in those early days when I was privileged to be there. The firm is much larger now, but it still has a profound reverence for its founder, its leader and former senior partner Hartson, and the principles for which he stood, primarily in the area of ethics.

As to my independent examination, I certainly believe John Roberts brings to this Senate a clear record of extraordinary public service and achievements. But the question is sometimes asked about the issue of extraordinary circumstances in reference to the memorandum of understanding among the Gang of 14. I can only express my own opinion, but I do so very carefully.

I am respectful of the process by which the chairman and ranking member of the Senate's Judiciary committee will examine this nominee. They both are dear and valued friends whom I have known over the course of the 27 years I have served in the Senate. They have an important function to perform in the Judiciary Committee. In no way do I want to get out ahead of their examination of the record. Therefore, based on what I know today regarding John Roberts and my own independent investigation at the time I was privileged to introduce him, I can only opine as this process evolves that there will not be, in my judgment, a body of fact that would give rise in any way to invoking the extraordinary circumstances provision of the Gang of 14's memorandum of understanding.

Again, I carefully couch that, reserving my respect, as we all do, for the work to be done by the Judiciary Committee. But in the end, I repeat, I do not think there will be any body of fact that will give rise to invoking the extraordinary circumstances clause.

I had the pleasure this morning to call quite a few friends all across the Commonwealth of Virginia, on both sides of the spectrum, to listen to their views about this nominee. I regard those conversations as private, certainly in terms of the names of the individuals. But I was given the liberty to say two individuals, whom I have known for my entire 27 years plus—I will add 1 year, 28 years, 1 year campaigning for the Senate when I knew them both—two of the most extraordinary and nationally and internationally known religious leaders shared with me their strong approval and appreciation to the President for the nomination of this distinguished gentleman.

Likewise, I talked with a number of friends on the other side of the spectrum, two of whom are acknowledged liberals whom I have known for decades and whose opinions I value from time to time. These individuals with whom I spoke this morning have known Judge Roberts, and they likewise recognize the extraordinary credentials of this fine individual, and I think in their own ways expressed strong support.

I mention that because I think it is important for all of us to reach out and seek the views of those who feel, as I do, that this nomination is one of the most important contemporary chapters of American history.

Also, this morning, in response to several press inquiries about the Senate, I have stated that I unequivocally believe that this institution will proceed with its responsibilities under the Constitution, under the advice and consent clause, in a manner that reflects credit on the Senate itself and in a manner that reflects fairness and dignity towards the nominee. I believe that the Senate will proceed in the finest traditions of its over 200 years of experience in terms of its duties of advice and consent, and I think our Nation, and indeed, much of the world, will concur when the process is finally complete.

I conclude by moving into that terrain that is always a bit dangerous—listening to good friends who have known John Roberts for many years talk about him. I met with him briefly this morning. We joked together about this. He said: Now, I am a little apprehensive, John, about some of the persons with whom you talked. But in any event, just the warmest accolades were extended by old friends who mentioned the fact that John Roberts had been very active in what we call pro bono cases.

When I was an assistant U.S. attorney in the District for years, I saw the abuses of the system where those apprehended under the law for alleged criminal violations did not receive the quality of legal representation to which they were entitled. I participated with a number of my friends in establishing at Georgetown University the Prettyman Institute, which trains young lawyers in how to deal with pro bono cases. I remember Judge Oliver Gasch, now the late Judge Gasch, who was very active in working with me, as we worked with the Georgetown University Law School and established that institute. It has been very successful.

I mention that because John Roberts has had quite a record, as has Hogan & Hartson, in pro bono representation of those whose economic circumstances are so much less fortunate than ours, but nevertheless are entitled to first-class representation, and this fine lawyer and jurist has given that in years past.

In addition, in the firm of Hogan & Hartson, John Roberts was also often sought out by the young lawyers to counsel with them on how best to do his expertise, that is appellate court work. That is always magnificent in a firm when there is an individual to whom the young lawyers can go, perhaps those outside of the firm too, and get advice.

Also, there is a small lunchroom in the firm now and there is a table there. It is interesting, the table is dedicated to William Fulbright, a distinguished Member of the Senate who later worked with Hogan & Hartson. Around that table some great conversations occurred. Often, when John Roberts was at the table with his other partners and fellow lawyers in the firm, they recognized that he could be engaged in almost any subject and have a serious contribution. For example, he loves sports. Like so many of us, given the opportunity, when he gets up in the morning, he kind of looks at the sports page before he goes to all of the news on the other pages. Certainly I do, and I think a lot of Americans do that. He can give you statistics about the Redskins and the baseball teams and others. It is extraordinary.

When I look at the entirety of this individual and look at the American public—I am not talking just about the interest groups who will take a role in this one way or another, as they should and are entitled to, but I am talking about those citizens who watch our government perform its duties—I believe the American public will judge this individual as the facts come out. For those who will follow it, it will be quite an education with regard to not only the institution of the Senate and its constitutional responsibilities of advice and consent, but the law of the land and the very large number of issues that face this Nation today, issues that may well come before the Supreme Court someday.

So there is an educational process for all of us to be had. But I think in the final analysis, the American public will say to itself: This man has the right stuff and will do the right thing for America and for us as individuals.

Mr. President, I have already placed in the RECORD my introduction of then-lawyer Roberts, now Judge Roberts, at two previous hearings. I have an extraordinary letter written by, I think, about 150 lawyers, many of whom I know because so many of them I have had associations with through the

years. It is addressed to the leadership of the Judiciary Committee. It says:

The undersigned are all members of the Bar of the District of Columbia and we are writing in support of the nomination of John G. Roberts, Jr., to serve as a federal court of appeals judge. . . .

It is extraordinary. It is Democrats on one side, Republicans on the right, and a mixture in the center. I cannot recall in my years here ever seeing a document of such import as this in the context of a judicial nomination.

I ask unanimous consent that this letter be printed in the RECORD.

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

DECEMBER 18, 2002.

Re Judicial nomination of John G. Roberts, Jr., to the United States Court of Appeals for the District of Columbia Circuit

Hon. TOM DASCHLE,
Hon. ORRIN HATCH,
Hon. PATRICK LEAHY,
Hon. TRENT LOTT,
U.S. Senate,
Washington, DC.

DEAR SENATORS DASCHLE, HATCH, LEAHY, AND LOTT: The undersigned are all members of the Bar of the District of Columbia and are writing in support of the nomination of John G. Roberts, Jr., to serve as a federal court of appeals judge on the United States Court of Appeals for the District of Columbia Circuit. Although, as individuals, we reflect a wide spectrum of political party affiliation and ideology, we are united in our belief that John Roberts will be an outstanding federal court of appeals judge and should be confirmed by the United States Senate. He is one of the very best and most highly respected appellate lawyers in the nation, with a deserved reputation as a brilliant writer and oral advocate. He is also a wonderful professional colleague both because of his enormous skills and because of his unquestioned integrity and fair-mindedness. In short, John Roberts represents the best of the bar and, we have no doubt, would be a superb federal court of appeals judge.

Thank you.

Sincerely,

Donald B. Ayer, Jones, Day, Reavis & Pogue, Louis R. Cohen, Wilmer, Cutler & Pickering, Lloyd N. Cutler, Wilmer, Cutler & Pickering, C. Boyden Gray, Wilmer, Cutler & Pickering, Maureen Mahoney, Latham & Watkins, Carter Phillips, Sidley, Austin. Brown & Wood, E. Barrett Prettyman, Jr., Hogan & Hartson, George J, Terwilliger III, White and Case, E. Edward Bruce, Covington & Burling, William Coleman, O'Melveny & Myers, Kenneth Geller, Mayer, Brown, Rowe & Maw, Mark Levy, Howrey, Simon, Arnold & White, John E. Nolan, Steptoe & Johnson, John H. Pickering, Wilmer, Cutler & Pickering, Allen R. Snyder, Hogan & Hartson, Seth Waxman, Wilmer, Cutler & Pickering,

Jeanne S. Archibald, Hogan & Hartson; Jeannette L. Austin, Mayer, Brown, Rowe & Mawt; James C. Bailey, Steptoe & Johnson; Stewart Baker, Steptoe & Johnson; James T. Banks, Hogan & Hartson; Amy Coney Barrett, Notre Dame Law School; Michael J. Barta, Baker, Botts; Kenneth C. Bass III, Sterne, Kessler, Goldstein & Fox; Richard K. A. Becker, Hogan & Hartson; Joseph C. Bell, Hogan & Hartson; Brigida Benitez, Wilmer, Cutler & Pickering; Douglas L. Beresford, Hogan & Hartson; Edward Berlin, Swidler, Bertin, Shereff, Friedman; Elizabeth Beske (Member, Bar of the State of California); Patricia A. Brannan, Hogan & Hartson; Don O. Burley, Finnegan, Henderson, Farabow, Garrett & Dunner; Raymond S. Calamaro, Hogan & Hartson; George U. Carneal, Hogan & Hartson; Michael Carvin, Jones, Day, Reavis & Pogue; Richard W. Cass, Wilmer, Cutler & Pickering.

Gregory A. Castanias, Jones, Day, Reavis & Pogue; Ty Cobb, Hogan & Hartson; Charles G. Cole, Steptoe & Johnson; Robert Corn-Revere, Hogan & Hartson; Charles Davidow, Wilmer, Cutler & Pickering; Grant Dixon, Kirkland & Ellis; Edward C. DuMont, Wilmer, Cutler & Pickering; Donald R. Dunner, Finnegan, Henderson, Farabow, Garrett & Dunner; Thomas J. Eastment, Baker Botts; Claude S. Eley, Hogan & Hartson; E. Tazewell Ellett, Hogan & Hartson; Roy T. Englert, Jr., Robbins, Rullell, Englert, Orseck & Untereiner; Mark L. Evans, Kellogg, Huber, Hansen, Todd & Evans; Frank Fahrenkopf, Hogan & Hartson; Michele C. Farquhar, Hogan & Hartson; H. Bartow Farr, Farr & Taranto; Jonathan J. Frankel, Wilmer, Cutler & Pickering; Jonathan S. Franklin, Hogan & Hartson; David Frederick, Kellogg, Huber, Hansen, Todd & Evans; Richard W. Garnett, Notre Dame Law School.

H.P. Goldfield. Vice Chairman, Stonebridge International; Tom Goldstein, Goldstein & Howe; Griffith L. Green, Sidley, Austin, Brown & Wood; Jonathan Hacker, O'Melveny & Myers; Martin J. Hahn, Hogan & Hartson; Joseph M. Hassett, Hogan & Hartson; Kenneth Hautman, Hogan & Hartson; David J. Hensler, Hogan & Hartson; Patrick F. Hofer. Hogan & Hartson; William Michael House, Hogan & Hartson; Janet Holt, Hogan & Hartson; Robert Hoyt, Wilmer, Cutler & Pickering; A. Stephen Hut, Jr., Wilmer, Cutler & Pickering; Lester S. Hyman, Swidler & Berlin; Sten A. Jensen, Hogan & Hartson; Erika Z. Jones, Mayer, Brown, Rowe & Maw; Jay T. Jorgensen, Sidley, Austin, Brown & Wood; John C. Keeney, Jr., Hogan & Hartson; Michael K. Kellogg, Kellogg, Huber, Hansen, Todd & Evans; Nevin J. Kelly, Hogan & Hartson; J. Hovey Kemp, Hogan & Hartson; David A. Kikel, Hogan & Hartson; R. Scott Kilgore, Wilmer, Cutler & Pickering; Michael L. Kidney. Hogan & Hartson; Duncan S. Klinedinst, Hogan & Hartson; Robert Klonoff, Jones, Day Reavis & Pogue; Jody Manier Kris, Wilmer, Cutler & Pickering; Chris Landau, Kirkland & Ellis; Philip C. Larson, Hogan & Hartson; Richard J. Lazarus, Georgetown University Law Center; Thomas B. Leary, Commissioner, Federal Trade Commission; Darryl S. Lew, White & Case; Lewis E. Leibowitz, Hogan & Hartson; Kevin J. Lipson, Hogan & Hartson; Robert A. Long, Covington & Burling; C. Kevin Marshall, Sidley, Austin, Brown & Wood; Stephanie A. Martz, Mayer, Brown, Rowe & Maw; Warren Maruyama, Hogan & Hartson; George W. Mayo, Jr., Hogan & Hartson; Mark E. Maze, Hogan & Hartson; Mark S. McConnell, Hogan & Hartson; Janet L. McDavid, Hogan & Hartson.

Thomas L. McGovern III, Hogan & Hartson; A. Douglas Melamed, Wilmer, Cutler & Pickering; Martin Michaelson, Hogan & Hartson; Evan Miller, Hogan & Hartson; George W. Miller, Hogan & Hartson; William L Monts III. Hogan & Hartson; Stanley J. Brown, Hogan & Hartson; Jeff Munk, Hogan & Hartson; Glen D. Nager, Jones Day Reavis & Pogue; William L. Neff, Hogan & Hartson; J. Patrick Nevins, Hogan & Hartson; David Newmann, Hogan & Hartson; Karol Lyn Newman, Hogan & Hartson; Keith A. Noreika, Covington & Burling; William D. Nussbaum, Hogan & Hartson; Bob Glen Odle, Hogan & Hartson; Jeffrey Pariser, Hogan & Hartson; Bruce Parmly, Hogan & Hartson; George T. Patton. Jr., Bose, McKinney & Evans; Robert B. Pender, Hogan & Hartson.

John Edward Porter, Hogan & Hartson (former Member of Congress); Philip D. Porter, Hogan & Hartson; Patrick M. Raher, Hogan & Hartson; Laurence Robbins, Robbins, Russell, Englert, Orseck & Untereiner; Peter A. Rohrbach, Hogan & Hartson; James J. Rosenhauer, Hogan & Hartson; Richard T. Rossier, McLeod, Watkinson & Miller; Charles Rothfeld, Mayer, Brown, Rowe & Maw; David J. Saylor, Hogan & Hartson; Patrick J. Schiltz, Associate Dean and St. Thomas More Chair in Law University of St. Thomas School of Law; Jay Alan Sekulow, Chief Counsel, American Center for Law & Justice; Kannon K. Shanmugam, Kirkland & Ellis; Jeffrey K. Shapiro. Hogan & Hartson; Richard S. Silverman, Hogan & Hartson; Samuel M. Sipe, Jr., Steptoe & Johnson; Luke Sobota, Wilmer, Cutler & Pickering; Peler Spivak, Hogan & Hartson; Jolanta Sterbenz, Hogan & Hartson; Kara F. Stoll, Finnegan, Henderson, Farabow, Garren & Dunner; Silvija A. Strikis, Kellogg, Huber, Hansen, Todd & Evans; Clifford D. Stromberg, Hogan & Hartson.

Mary Anne Sullivan, Hogan & Hartson; Richard G. Taranto, Farr & Taranto; John Thorne, Deputy General Council, Verizon Communications Inc., & Lecturer, Columbia Law School; Helen Trilling, Hogan & Hartson; Rebecca K. Troth, Washington College of Law, American University; Eric Von Salzen, Hogan & Hartson; Christine Varney, Hogan & Hartson; Ann Morgan Vickery, Hogan & Hartson; Donald B. Verrilli. Jr., Jenner & Block; J. Warren Gorrell, Jr., Chairman, Hogan & Hartson; John B. Watkins, Wilmer, Cutler & Pickering; Robert N. Weiner, Arnold & Porter; Robert A. Welp, Hogan & Hartson; Douglas P. Wheeler, Duke University School of Law; Christopher J. Wright; Harris, Wiltshire & Grannis; Clayton Yeutter, Hogan & Hartson (former Secretary of Agriculture); and Paul J. Zidlicky, Sidley Austin Brown & Wood.

Mr. WARNER. I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, I ask unanimous consent that the pending amendment be laid aside.

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

AMENDMENT NO. 1305

Mr. DODD. Mr. President, I send an amendment to the desk on behalf of myself, Senator NELSON of Florida, and Senator REED of Rhode Island.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Connecticut [Mr. DODD], for himself, Mr. NELSON of Florida, and Mr. REED, proposes an amendment numbered 1305.

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

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

The amendment is as follows:

(Purpose: To Require the Secretary of State to Report to Congress on a Plan for Holding Elections in Haiti in 2005 and 2006)

On page 259, at the end of the page add the following new paragraph:

''(c) Funds made available for assistance for Haiti shall be made available to support elections in Haiti after the Secretary of State submits a written report to the Committees on Appropriations, the House International Relations Committee and the Senate Foreign Relations Committee setting forth a detailed plan, in consultation with the Haitian Transitional Government and the United Nations Stabilization Mission (MINUSTAH), which includes an integrated public security strategy to strengthen the rule of law, ensure that acceptable security conditions exist to permit an electoral process with broad based participation by all the political parties, and provide a timetable for the demobilization, disarmament and reintegration of armed groups: Provided, That following the receipt of such report, up to $3,000,000 of the funds made available under subsection (a)(3) should be made available for the demobilization, disarmament, and reintegration of armed groups in Haiti.

Mr. DODD. Mr. President, let me inform my colleagues that this amendment is acceptable to the managers of the underlying bill, Senator MCCONNELL and Senator LEAHY. I thank them for their work on behalf of this particular effort.

At the conclusion of my remarks, I will not ask that the amendment be adopted at this juncture. Senator MCCONNELL and Senator LEAHY prefer that occur at a later time. I wish to take the opportunity to address the amendment and the rationale for it.

I again thank my colleagues, the chairman and ranking member, for accepting the amendment to the Foreign Operations bill.

The amendment I am offering on behalf of myself, Senator NELSON of Florida, and Senator REED, relates to the situation in the Republic of Haiti. The island nation shares the island of Hispaniola with the Dominican Republic in the Caribbean. The situation there cries out, as any other place in the world, to this body. I have spoken about my concerns with respect to the ongoing crisis in Haiti many times on this floor, as have some of my colleagues.

I commend particularly Senator DEWINE of Ohio who has not only spoken about this issue on numerous occasions but, as a result of the efforts he and his family have made, has a very direct involvement in trying to improve the lives of the people in Haiti and has visited the country many times. Those concerns, unfortunately, no matter how often expressed by myself, Senator DEWINE, and others, have fallen on deaf ears, unfortunately, in the Bush administration. Apparently, no one in the current administration has made Haiti a priority, and it shows.

I support providing assistance to Haiti, but I do not believe in throwing good money after bad in that situation. Frankly, moneys in this appropriations bill in support of the current election schedule in Haiti are moneys that, in my view, will be totally wasted unless and until the Bush administration gets serious about addressing the foundations of that insecurity—the absence of the rule of law and the presence of armed groups who today terrorize Haiti's cities and towns.

That is why I offer this amendment today to insist that prior to one penny of this money being spent on the election process in Haiti that we in Congress be informed about the administration's game plan for Haiti, if it has one; and if one does not exist, that they develop such a plan so that the U.S. taxpayers' dollars are not wasted on elections that would be deemed illegitimate at best.

I don't think that elections are the be-all and end-all for solving Haiti's problems. Frankly, I am increasingly of the view that more international involvement is needed in Haiti over an extended period of time before any Haitian government has a chance of successfully governing a country which at this juncture is virtually ungovernable. Increased international involvement is unthinkable without U.S. leadership.

The political, economic, and social chaos that exists in Haiti today has created one of the most serious humanitarian crises confronting the international community. More than a year after the ouster of former President Aristide, most Haitians today have abysmal living conditions and they are getting worse by the day.

According to U.S. officials in Haiti, most Haitians, most of the 8 million people on the one-third of that island of Hispaniola, live on a dollar or less a day. More than 40 percent of the children are malnourished, and childbirth is the second leading cause of death among women.

Haiti's AIDS infection rate is the highest outside of sub-Saharan Africa, and an estimated 4,000 to 6,000 Haitian children are born with the virus each year. The average Haitian has a life expectancy of 51 years. That is 20 years short of the Latin American/Caribbean average of 71 years.

Haiti's economy is also in a total shambles. Gross domestic product has been negative in that country for two decades running. Profits from traditional exports of coffee, rice, rum, and other agricultural products of the formal economy are less than half of what they were 20 years ago. Now, remittances from Haitians living abroad are one of the main sources of income. In fact, these remittances account for almost one-third of Haiti's gross domestic product.

What has been the Bush administration's response to the Haitian crisis? Frankly, the administration has been AWOL on Haiti. While they were quick to seize the opportunity to facilitate the removal of the democratically elected President from office, since then there has been a decided disinterest on the part of the administration with respect to the fate of the Haitian people.

Last July, the United States pledged approximately $230 million in aid for fiscal year 2004–2005. This past April, the Senate passed the DeWine-Bingaman amendment, of which I was a cosponsor, providing $20 million for election assistance, employment, and public works. But all of the assistance in the world is not going to solve Haiti's problems until we begin to address the levels of insecurity that exist in that country.

Haiti borders on being a completely failed state if it is not one already. Yet, this administration continues to suggest that elections should go forward later this year so the Haitian people can replace the interim government. Last month, Assistant Secretary of State Roger Noriega and special envoys from France, Canada, and Brazil visited Port-au-Prince and said that Haiti's political transition was on target. They said the date for the Presidential and legislative elections, November 13, should remain fixed. I wonder how anyone could visit Haiti and come to that conclusion.

Last December, Senator DEWINE and I were told we could not visit Port-au-Prince because the security situation was far too dangerous. In late May of this year, the State Department issued the following travel warning on Haiti:

Due to the volatile security situation, the Department has ordered the departure of nonemergency personnel and all family members of U.S. Embassy personnel. The Department of State warns U.S. citizens to defer travel to Haiti and urges American citizens to depart the country if they can do so safely.

I ask unanimous consent that the entire travel warning issued by the Department of State be printed in the RECORD.

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

TRAVEL WARNING

(Department of State, Bureau of Consular Affairs, Washington, DC)

MAY 26, 2005.—This Travel Warning is being issued to warn American citizens of the continued dangers of travel to Haiti. Due to the volatile security situation, the Department has ordered the departure of non-emergency personnel and all family members of U.S. Embassy personnel. The Department of State warns U.S. citizens to defer travel to Haiti and urges American citizens to depart the country if they can do so safely. This Travel Warning supersedes the Travel Warning issued March 11, 2005.

Americans are reminded of the potential for spontaneous demonstrations and violent confrontations between armed groups. Visitors and residents must remain vigilant due to the absence of an effective force in much of Haiti; the potential for looting; the presence of intermittent roadblocks set by

armed gangs or by the police; and the possibility of random violent crime, including kidnapping, carjacking, and assault. Due to concerns for the safety of its personnel, the Department has ordered the departure from Haiti of all U.S. Embassy non-emergency employees and all family members of American embassy personnel. American citizens who remain in Haiti despite this warning are urged to consider departing.

Travel can be hazardous within Port-au-Prince. Some areas are off-limits to embassy staff, including downtown Port-au-Prince after dark. The embassy has imposed a curfew from 9:00 p.m. to 5:00 a.m., which could change periodically. Staff members must remain in their homes or in U.S. government facilities during the hours covered by the curfew. The embassy has limited travel by its staff outside of Port-au-Prince and the ability to provide emergency services to U.S. citizens outside of Port-au-Prince remains extremely limited. U.S. businesses continue to operate in Haiti, but take special precautions to protect their facilities and personnel. The U.N. stabilization force (MINUSTAH) is fully deployed and is assisting the government of Haiti in providing security. They have challenged violent gangs and have moved into some gang enclaves.

U.S. citizens who travel to or remain in Haiti despite this Travel Warning must remain vigilant with regard to their personal security and are strongly advised to register either online at https://travelregistration.state.gov/ibrs/ or contact the Consular Section of the U.S. Embassy in Port-au-Prince and enroll in the warden system (emergency alert network) to obtain updated information on travel and security in Haiti. The Consular Section of the U.S. Embassy can be reached at (509) 223–7011, the fax number is (509) 223–9665 and the e-mail address is acspap@state.gov. Travelers should also consult the Department of State's latest Consular Information Sheet for Haiti and Worldwide Caution Public Announcement at http://travel.state.gov. American citizens may also obtain up-to-date information on security conditions by calling 1–888–407–4747 toll free in the United States or Canada or 1–202–501–4444 from overseas. In Haiti citizens can call 509/222–0200, ext. 2000.

Mr. DODD. Mr. President, that travel warning remains in effect today. Yet, the administration would have us believe that things are on track for holding elections as currently scheduled. Unless there is dramatic action, the likelihood of fair elections in Haiti with widespread voter participation in the near future is remote, at best, and I would argue virtually impossible.

Currently, fewer than 100,000 of the 4 million potential voters have been registered and fewer than a quarter of the necessary registration centers are even open at all. As important, the role of all parties in the elections needs to be protected.

All parties must have a fair and equal chance if these elections are to be legitimate. Ultimately, what should matter most to the United States is that institutionally these elections are legitimate and fair. Whoever wins must make reforms, purge corrupt officials, and work to improve security.

In my view, United States engagement on the security situation is just the first step in what will be a very long, uphill battle if we are going to get the situation right in Haiti. Holding elections for the sake of holding elections on some rigid schedule makes no sense at all. Elections, particularly elections with little or no credibility, are not going to solve Haiti's problems. It is simply going to compound them.

Haiti is in a humanitarian crisis. For that reason alone, the United States should be far more engaged than we are. Frankly, after sending troops to Haiti 4 times in the past 90 years, it is also in our economic interest to address the problem resolutely. We should start by reviving Senator DEWINE's HERO Act, as it is called, which would help reinvigorate the Haitian economy by granting preferential trade agreements to certain Haitian textile products.

A year ago, the Senate passed the HERO bill, offered by Senator DEWINE, unanimously in this body. There was not a single vote in opposition to Senator DEWINE's proposal. The other body, the House of Representatives, unfortunately would not even consider the legislation. If the HERO Act were passed, as it should be, it could help to strengthen Haiti's economy and jumpstart real employment in that little island nation. Especially now that the Senate has passed and the House will soon act on the Dominican Republic-Central American Free Trade Agreement, this is doubly important. After all, it simply does not make any sense to help the Dominican Republic on two-thirds of the island and leave Haiti a completely failed state on the other one-third of that island.

As it stands now, the options for honest employment are slim to none in the Haitian city centers, particularly the slums of the capital, Port-au-Prince. The major employers in that country are warring gangs, many of them involved in trafficking cocaine.

Indeed, Haiti today is the major transit point for cocaine coming in from South American countries such as Colombia. From the year 2000 to 2004, approximately 8 percent of all the cocaine coming to the United States passed through Haiti. Entire neighborhoods of that country are under the control of these criminal gangs which are responsible for killings, robberies and, increasingly, kidnappings. Authorities in the interim government estimate that each day there are 6 to 12 kidnappings in Port-au-Prince alone.

In total, more than 700 people, including 7 peacekeepers for the United Nations, have been killed in Haiti in the last 8 months. The U.N. forces have tried to respond to the security threats, but frankly the U.N. force is not in a position to quell the violence in Haiti's major cities or to secure many of Haiti's major roads, both of which are now under the control of these criminal gangs.

For one, they are trying to protect a population roughly equal to that of New York City, roughly 8 million people. New York City has 40,000 well-trained and equipped police officers. Haiti has a tiny fraction of that number of U.N. peacekeepers. I would hope the recent U.N. Security Council authorization for an additional 1,000 troops and police will help the U.N. force wrest control from these criminals, but I doubt it.

Secondly, and perhaps even more important than sheer numbers, the United Nations mandate does not give the U.N. forces real authority over the Haitian national police, a force that is in severe disarray.

The national police are good people in many cases, but there are many bad ones indeed who need to be removed. If the U.N. force wants the trust of civilians, they need to make sure the Haitian national police do not ignore human rights or violations in the face of high insecurity, which only fuels the cycle of violence.

Simply put, the credibility of the U.N. force is directly tied to its ability to bring some calm and to prevent abuses. To that end, civilians should be able to contact U.N. forces directly about the abuses by the national police. That does not happen.

I am also troubled by the interim government, led by President Boniface Alexandre and Prime Minister Gerard Latortue. They have delayed justice for thousands of prisoners. Roughly 20 of the more than 7,000 prisoners at the federal penitentiary have been convicted of crimes. Many of them have spent years awaiting trial.

I am particularly concerned about the treatment of former Prime Minister Yvon Neptune who has been held without formal charges for over a year and is near death after a series of off-and-on hunger strikes which he began in February. Now in the sixth month of his protest, I am told his rib cage is sticking out of his skin and he is maybe near death.

On May 25, Prime Minister Neptune was carried to his first hearing on a stretcher where he testified for several hours. He denied the accusations that he masterminded the killings of 25 Haitians in the town of St. Marc and has refused to leave Haiti, despite that offer, until his name is cleared.

The basic point is when it comes to legal issues, it is imperative that the interim government set the tone that the rule of law matters. If they do not set the example at the top, lawlessness will not improve at the bottom. The amendment I am offering is meant to serve as a small wake-up call to the administration and to the Congress that we are watching what is happening. It is meant to send the message that Haiti is only going to have a future if we are prepared to extend a helping hand. What we need now is resolve and a serious commitment from the highest levels of our Government to bring peace, security, and stability to the people of this small island nation.

We have lost interest before. The result is clear. We cannot afford to do it again. The United States should help the Haitian people create an honest government committed to justice, committed to combating poverty, committed to democracy, and to a better

Haiti. I hope the Bush administration will make that commitment. I hope forcing them to take a serious look at conditions on the ground and responding accordingly will produce results.

Again, one does not need to have a Ph.D. in political science to know what the net effect will be if we do not get more serious about Haiti. Haitians will do what they have done, as other peoples have done in other nations who have been confronted by similar fact situations. Haiti is only a few miles off our coast, roughly about 110, 120 miles. Haitians will do what they have done historically. They will leave in droves and they will seek safe refuge wherever they can achieve it. Obviously we do not want that situation to occur again.

So the modest proposal to try and inject some sanity into our policy we hope will stem that tide. I think even more serious measures need to be taken by the international community such as a protectorate of some kind to create some stability there over the coming 10 or 15 years to give any hope to the Haitian people to regain control of their own society.

Words that I can't even conjure up cannot describe the situation in this country. It is getting worse by the hour. Every day we delay, every time we refuse to do what needs to be done, we contribute in our own way to neglect, to a deteriorating situation in that country.

I again want to thank my colleagues Senator MCCONNELL, Senator LEAHY, Senator NELSON of Florida, and Senator REED, for their support of this amendment. Again, it is not going to solve all the problems, but it may serve to get some attention.

I understand the focus on Iraq and the focus on Afghanistan. We cannot neglect the Caribbean. We cannot neglect Haiti. This amendment is designed to try and reawaken some attention to this problem.

I yield the floor.

The PRESIDING OFFICER (Mr. SUNUNU). The Senator from Rhode Island.

Mr. REED. Mr. President, I commend Senator DODD for his leadership on this issue, not just today but for many days, along with Senator DEWINE and others, and to say how precisely, accurately, and eloquently he has characterized the terrible situation in Haiti. It is one that requires a plan, requires purpose, and requires commitment by the United States. I hope we can carry this amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware.

AMENDMENT NO. 1301

Mr. BIDEN. Mr. President, I ask unanimous consent that the pending amendment be set aside and I call up amendment No. 1301.

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

The clerk will report.

The legislative clerk read as follows:

The Senator from Delaware [Mr. BIDEN], for himself and Mr. LUGAR, proposes an amendment numbered 1301.

The amendment is as follows:

(Purpose: To provide support to the Comprehensive Nuclear Test Ban Treaty Preparatory Commission and to provide an offset)

On page 169, line 4, strike ''$3,036,375,000'' and insert ''$3,031,375,000''.

On page 190, line 5, strike ''$440,100,000'' and insert ''$445,100,000''.

On page 190, line 19, insert ''that should be not less than $19,350,000'' after ''Commission''.

Mr. BIDEN. Mr. President, I know we are about to vote at 2:30 on two amendments. I wanted this to be the pending business. I will lay this aside until after the successive votes we are about to have. I thank the Chair.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, I ask unanimous consent that Senator LEAHY of Vermont and Senator BIDEN be added as cosponsors to my amendment.

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

The Senator from Louisiana.

AMENDMENT NO. 1245, AS MODIFIED

Ms. LANDRIEU. Mr. President, under the previous order, we are now about ready to have the vote on the Landrieu amendment. I ask unanimous consent for 2 minutes to close.

The PRESIDING OFFICER. Without objection, 2 minutes will be allocated to each side prior to the vote in relation to the Landrieu amendment.

Ms. LANDRIEU. Mr. President, I offered this amendment on behalf of myself, Senator CLINTON, Senator DEWINE, Senator INHOFE, and Senator CRAIG. It is an amendment we feel very strongly about and are proud to offer to the Senate this afternoon to clarify a very important principle as we give out billions of dollars in aid to other countries. That principal is very simple and straightforward: Families matter; families should be respected; children belong in families.

As we give out billions of dollars that would hopefully reflect our values, as the Senator from Tennessee, the majority leader said, that would reflect and advance our values, this amendment becomes very clear and very important, and I hope it will receive an overwhelming vote.

To clear up some misperceptions that are out there about this issue, again the Landrieu amendment is not a sense-of-the-Senate amendment. It is a directive. It is a directive to USAID to say that as you are giving out this money, keep in mind that children belong in families. Try to allocate money in a way that keeps them with the families to which they were born, their families of origin. But if they become orphaned, let's work as hard as possible to reconnect those children to other families, preferably to relatives through domestic adoption, long-term permanency, long-term care; not long-term foster care, but through the permanency of a real new family. If that family is not available in that country, then to look within the human family to place those children, keeping sibling groups together as much as possible.

That is our policy in the United States. It is what our law is. It is a value that Americans hold dear. That is what this amendment does, and I offer it in a bipartisan spirit of cooperation.

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

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

The yeas and nays were ordered.

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

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD), and the Senator from West Virginia (Mr. ROCKEFELLER), are necessarily absent.

The result was announced—yeas 98, nays 0, as follows:

[Rollcall Vote No. 195 Leg.]

YEAS—98

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

NOT VOTING—2

Byrd	Rockefeller

The PRESIDING OFFICER. The majority whip.

AMENDMENT NO. 1271

Mr. MCCONNELL. I ask unanimous consent there be 2 minutes equally divided on the Chambliss amendment. Obviously, Senator CHAMBLISS will speak in support of his amendment.

Mr. CHAMBLISS. Mr. President, my amendment is very straightforward. It simply says that none of the funds made available under this act may be used to provide assistance to any country whose government has notified the Department of State of its refusal to extradict to the United States an individual who is charged with a crime in the United States of America, where the penalty is life in prison without parole or less.

A young man from Georgia was killed on the streets of Washington,

DC, in 2002. He was a young Marine Corps officer. He was a member of the White House guard. A Nicaraguan, after he was charged with the offense, went back to Nicaragua. The Nicaraguan Government now refuses to extradict this individual to the United States to be charged with this crime he committed while he was here.

What we are doing today is taking tax funds from the mother and the father of this young man who was killed and sending them to Nicaragua. That is wrong.

This amendment will not allow that to happen. It is a great amendment. I urge agreement of the amendment.

Mr. LEAHY. Mr. President, I certainly want to extradict or bring back to America people who have committed crimes here. But I understand and I agree with the Bush administration, which is strongly opposed to this amendment. The administration letter says, in part, for example, Israel, in some cases, has refused to extradict its nationals. Jordan, with whom we have a treaty, has a court ruling that the treaty is not in force. The amendment does not take into account that the Government does not have treaties in Africa, Asia, the Middle East, the former Soviet Union, and elsewhere.

Under this amendment, for example, a few years ago when a young man committed a heinous murder in Maryland—he had dual citizenship with Israel and fled to Israel—Israel would not send him back; in that case, we would have had to cut off all aid to Israel.

That may be what Senators want to do. I point that out. That is why the administration so strongly opposes the amendment.

I ask for the yeas and nays.

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

The yeas and nays were ordered.

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

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD), and the Senator from West Virginia (Mr. ROCKEFELLER), are necessarily absent.

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

The result was announced—yeas 86, nays 12, as follows:

[Rollcall Vote No. 196 Leg.]

YEAS—86

Alexander	Bunning	Collins
Allard	Burns	Conrad
Allen	Burr	Cornyn
Baucus	Cantwell	Corzine
Bayh	Carper	Craig
Bennett	Chafee	Crapo
Biden	Chambliss	DeMint
Bingaman	Clinton	DeWine
Bond	Coburn	Dodd
Boxer	Cochran	Dole
Brownback	Coleman	Domenici
Dorgan	Kyl	Salazar
Durbin	Landrieu	Santorum
Ensign	Lautenberg	Schumer
Enzi	Levin	Sessions
Feinstein	Lieberman	Shelby
Frist	Lincoln	Smith
Graham	Lott	Snowe
Grassley	Martinez	Specter
Gregg	McCain	Stabenow
Harkin	McConnell	Stevens
Hatch	Murkowski	Sununu
Hutchison	Murray	Talent
Inhofe	Nelson (FL)	Thomas
Inouye	Nelson (NE)	Thune
Isakson	Obama	Vitter
Johnson	Pryor	Warner
Kerry	Reid	Wyden
Kohl	Roberts	

NAYS—12

Akaka	Jeffords	Mikulski
Dayton	Kennedy	Reed
Feingold	Leahy	Sarbanes
Hagel	Lugar	Voinovich

NOT VOTING—2

Byrd	Rockefeller

CHANGE OF VOTE

Mr. KOHL. Mr. President, I ask unanimous consent that on record vote No. 196 regarding the Chambliss amendment, that I be recorded as having voted ''aye'' instead of my previous vote against the amendment. I understand this change will not affect the outcome of the vote.

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

(The foregoing tally has been changed to reflect the above order.)

The amendment (No. 1271) was agreed to.

The PRESIDING OFFICER. The majority leader.

UNANIMOUS-CONSENT AGREEMENT—S. 1042

Mr. FRIST. Mr. President, I ask unanimous consent that upon disposition of H.R. 3057, the Foreign Operations appropriations bill, the Senate turn to the immediate consideration of S. 1042, the Defense authorization bill.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from New York.

AMENDMENT NO. 1304

Mr. SCHUMER. Mr. President, I ask unanimous consent that the pending amendment be laid aside and that my amendment be called up.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. SCHUMER. Mr. President, I know we have agreement to accept this amendment, so I will not speak for very long. I know people want to vote on final passage.

Two quick points: This amendment does not block or change in any way the CNOOC-Unocal merger. It simply says, after any merger where a corporation that is owned by a foreign government seeks to buy an American company, that our Government, particularly MFTEC in the Treasury Department, issue a report that shows whether that country is treating our companies reciprocally and fairly. In other words, would an American company that wished to buy a Chinese company in a similar position be allowed to do so? I would argue that the Chinese do not. If you believe in free trade, it has to be a two-way street.

This amendment at least gives us a report and some knowledge of that condition. That is all I am asking.

With that, I yield the floor to the Senator from Kentucky.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. REED addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

LIABILITY PROTECTIONS TO THE GUN INDUSTRY

Mr. REED. Mr. President, I note the majority leader indicated we will move to the Defense authorization bill. I think that is an appropriate legislative initiative to take up. We are in war. We have troops who are being threatened every day. We have the need to move to this bill. We concluded the committee deliberations weeks ago, and we are ready to move to the bill.

But I am concerned because there has been a suggestion that in the middle of that process, we might take up a bill to grant liability protections to the gun industry. Stopping the Defense authorization bill to take up a special interest bill would be inappropriate. Moving from the national interest to a very special interest is the wrong thing to do.

If we do proceed to a bill to give liability protection to the gun industry, it would require full and intensive debate within the confines of the rules of the Senate. I would hope that we could offer amendments, which we didn't last time, because there are important issues that touch upon the issue of guns in this society that should be debated also. I would hope, once we get on to the Defense authorization bill, we would be able to pursue that until we conclude it. We owe it to the troops in the field who are defending us today. We owe them much more than the special interest lobbies in this country.

AMENDMENT NO. 1304

The PRESIDING OFFICER. The majority whip.

Mr. MCCONNELL. Mr. President, the Schumer amendment has been cleared on both sides. I recommend we move forward with it.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, without objection, the amendment is agreed to.

The amendment (No. 1304) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 1255, AS MODIFIED

Mr. MCCONNELL. Mr. President, I call up amendment No. 1255 and send a modification to the desk. This too has been agreed to on both sides.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Kentucky [Mr. MCCONNELL], for Mr. FEINGOLD, proposes an amendment numbered 1255, as modified.

The amendment, as modified, is as follows:

On page 326, between lines 10 and 11, insert the following:

OVERSIGHT OF IRAQ RECONSTRUCTION

SEC. ____. (a) Subsection (o) of section 3001 of the Emergency Supplemental Appropriations Act for Defense and for the Reconstruction of Iraq and Afghanistan, 2004 (Public Law 108–106; 117 Stat. 1234; 5 U.S.C. App. 3 section 8G note), as amended by section 1203(j) of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 118 Stat. 2081), is amended by striking ''obligated'' and inserting ''expended''.

(b) Of the amount appropriated in chapter 2 of title II of the Emergency Supplemental Appropriations Act for Defense and for the Reconstruction of Iraq and Afghanistan, 2004 (Public Law 108–106; 117 Stat. 1224) under the heading ''OTHER BILATERAL ECONOMIC ASSISTANCE'' and under the subheading ''IRAQ RELIEF AND RECONSTRUCTION FUND'', $30,000,000 of unobligated funds should be made available during fiscal year 2006 only to carry out section 3001 of the Emergency Supplemental Appropriations Act for Defense and for the Reconstruction of Iraq and Afghanistan, 2004 (Public Law 108–106; 117 Stat. 1234), as amended by section 1203 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 118 Stat. 2081); *Provided*, That such amount is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress).

Ms. COLLINS. Mr. President, I am happy to join with my colleague, Senator FEINGOLD, in offering an amendment extending the mandate of the Special Inspector General for Iraq Reconstruction, SIGIR. The Special Inspector General serves as a watchdog over the billions of U.S. taxpayer dollars allocated for Iraq reconstruction. It has been effective in its role, uncovering and exposing a wide range of problems with the use of taxpayer funds in Iraq. For example, in reports released on May 4, the SIGIR documented instances of files that could not be located by contract managers, contract funds that no one could account for, and failures by U.S. officials to live up to commitments made to Iraqi authorities regarding the management of funds slated to rebuild Iraq. The SIGIR also found indications of potential criminal activity in the case of the South-Central Iraq audit, where managers could not account for what happened to $96.6 million of $119.9 million that was disbursed in South-Central Iraq.

The SIGIR's tenure is currently 10 months after 80 percent of Iraqi relief and reconstruction funds are obligated, rather than expended. As a result, his term could expire well before all of the work that has been contracted has been performed and payments have been made. Current estimates are that Iraq reconstruction fund obligations could meet the 80 percent threshold very soon. The Feingold-Collins amendment would extend the SIGIR's tenure by changing the termination date to 10 months after 80 percent of the funds are expended.

As chairman of the Senate Homeland Security Committee and Governmental Affairs Committee, which oversees government contracting, I meet with and receive briefings regularly from the Inspector General on the office's ongoing work and findings. He conducts needed, on-the-ground oversight of contracts in Iraq. His audit and investigative work provides much needed transparency of these operations and demonstrates to the new Iraqi government the importance of openness and oversight to a democratic society.

Despite its effectiveness, the SIGIR office is set to begin closing down before the majority of reconstruction funds for Iraq have even been expended. We need to extend the mandate of this office to help make sure that American tax dollars are being used effectively and efficiently, and to help our reconstruction effort succeed.

Without the SIGIR's experienced oversight, I fear that we may encounter an increase in fraud, waste, and abuse in the management and administration of Iraq reconstruction contracts.

Mr. MCCONNELL. Mr. President, this amendment has been agreed to on both sides.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, without objection, the amendment, as modified, is agreed to.

The amendment (No. 1255), as modified, was agreed to.

Mr. MCCONNELL. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 1305

Mr. MCCONNELL. Mr. President, I call up amendment No. 1305. It has been agreed to on both sides.

The PRESIDING OFFICER. The amendment is pending.

Is there further debate? If not, without objection, the amendment is agreed to.

The amendment (No. 1305) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 1301

Mr. MCCONNELL. Mr. President, I call up amendment No. 1301. It has been cleared on both sides as well.

The PRESIDING OFFICER. The amendment is pending.

Is there further debate? If not, without objection, the amendment is agreed to.

The amendment (No. 1301) was agreed to.

Mr. MCCONNELL. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 1252, AS MODIFIED

Mr. MCCONNELL. Mr. President, I call up amendment No. 1252 and send a modification to the desk. It has been agreed to on both sides.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Kentucky [Mr. MCCONNELL], for Mr. BIDEN, proposes an amendment numbered 1252, as modified.

The amendment, as modified, is as follows:

On page 326, between lines 10 and 11, insert the following:

REPORT ON ASSISTANCE TO VICTIMS OF CRIMES IN FOREIGN COUNTRIES

SEC. 6113. (a) Not later than 90 days after the date of enactment of this Act, the Secretary of State shall submit to the appropriate congressional committees a report on the services provided to United States citizens who are victims of violent crime while outside the United States. The report shall include—

(1) the total number of United States citizens who reported to a United States embassy or consulate that such citizen was a victim of violent crime during fiscal year 2005;

(2) a summary of the funding available during fiscal year 2006 through the Department of State to assist United States citizens who are victims of violent crime while outside the United States;

(3) the expenditures made during fiscal year 2005 by the United States to assist such United States citizens;

(4) a proposal for providing services to such United States citizens who have no other source of funds to obtain such services, including any necessary organizational changes needed to provide such services; and

(5) proposals for funding and administering emergency assistance to such United States citizens who have no other source of funds.

(b) In this section:

(1) The term ''appropriate congressional committees'' means the Committee on Appropriations and the Committee on Foreign Relations of the Senate and the Committees on Appropriations and the Committee on International Relations of the House of Representatives.

(2) The term ''violent crime'' means murder, non-negligent manslaughter, forcible rape, robbery, or aggravated assault.

Mr. BIDEN. Mr. President, an important part of U.S. nuclear nonproliferation policy is the continuing effort to deter other countries from testing a nuclear weapon. It is often said that a country could build a relatively simple nuclear weapon, like the bomb exploded at Hiroshima, and use it with confidence even though it has not tested the device. That does not hold true, however, for more complex designs; and military commanders are loath to rely upon any weapon that has not been tested.

One major way to deter countries from conducting nuclear weapons tests is to ensure that such a test would be detected. That's because most countries, as signers of the Comprehensive Nuclear Test-Ban Treaty, the CTBT, are bound to refrain from acts that would undermine the object and purpose of that treaty, even though it has yet to enter into force. In addition, nearly all nuclear weapons states, including some that are not parties to the CTBT, have proclaimed unilateral moratoria on nuclear weapons tests.

Thus, there are both legal and political barriers to openly testing nuclear weapons.

How can we make it more likely that a covert nuclear weapons test would be detected and identified? One way is through U.S. and allied data collection, including the fine seismic network put together by the Air Force Technical Applications Center, or AFTAC. I support and applaud the work of AFTAC, which is truly a center of excellence. But AFTAC cannot and does not do everything; not every country will cooperate with the United States in the nuclear detection mission; and when we use AFTAC, we pay the full bill.

AFTAC's work is supplemented importantly by the International Monitoring System, or IMS, that is being set up by the Preparatory Commission for the CTBT Organization, the CTBTO PrepCom. The worldwide seismic network of the IMS will include sites in Russia, China, Iran and elsewhere that cannot be duplicated through U.S. or bilateral arrangements. It will also combine long-distance, low-frequency, or teleseismic, coverage with high-frequency, regional seismic data that many experts believe will do a better job of detecting a ''decoupled'' explosion that uses an existing cavity to resist detection.

The IMS will marshal four different types of data—not only seismic, but also hydroacoustic, infrasound, and airborne radionuclide emissions—collected at 321 sites, mostly seismic arrays. The use of multiple methodologies will make it more difficult for a country to evade detection, as it gets very difficult to design a test that avoids detection by all four means. And the rest of the world is paying more than three quarters of the cost of this robust monitoring system.

Finally, while national technical means may include very sensitive intelligence information, the IMS will provide data that can be used openly for diplomatic or enforcement purposes. That will greatly ease the pressure on U.S. intelligence to expose sensitive sources or methods in order to further U.S. foreign policy objectives.

The administration rightly supports the IMS and has funded the U.S. share of IMS expenses for several years. Secretary of State Rice confirmed the administration's support for this program earlier this year, in response to a question for the record that I asked after she testified on the foreign affairs budget.

In addition, the Under Secretary of State for Arms Control and International Security, Mr. Joseph, has assured the Foreign Relations Committee that funding the IMS is fully consistent with the administration's position on the CTBT, which it has said that the United States will not join, even though it is a signatory to the treaty. While I wish that the administration were of a different mind on the CTBT itself, I think they are absolutely correct in their view that the IMS serves our national security interests even if this country never ratifies the CTBT.

Unfortunately, the Office of Management and Budget imposed a severe cut on this budget item, reducing the State Department's request from $22,000,000 to $14,350,000. The Secretary of State assured the Foreign Relations Committee that the State Department is committed to finding the extra funds, even if they have to be obtained in the fiscal year 2007 budget. That's no way to run a railroad, however, and it could be difficult to get over $30 million next year to make up for the shortfall. It would be far better to find some of that extra money now and not put the United States so far in arrears.

I propose, therefore, that an extra $5 million be made available for the U.S. contribution to the CTBTO PrepCom. I am joined in this amendment by the chairman of the Foreign Relations Committee, my good friend Senator LUGAR of Indiana, which I very much appreciate. The additional funds will make it much more likely that the United States will find the money to pay its full assessment for IMS and will help keep the world from becoming a much more dangerous place.

Staff to Senators MCCONNELL and LEAHY have kindly worked with us on this amendment and identified the budget for economic support funds as an area in which a $5 million cut could be absorbed with less harm to our national security than we would risk by failing to fund the IMS in a timely manner. I understand that the managers of this bill are prepared to accept our amendment and can cover the difference in first-year outlays that will result. I am most grateful for their cooperation.

I ask unanimous consent to print in the RECORD the following question and answer.

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

QUESTIONS FOR THE RECORD SUBMITTED TO SECRETARY OF STATE CONDOLEEZZA RICE BY SENATOR JOSEPH BIDEN (NO. 12), COMMITTEE ON FOREIGN RELATIONS, FEBRUARY 16, 2005.

Question: Why is the Administration proposing a cut in the U.S. contribution to the International Monitoring System being established by the Comprehensive Test Ban Treaty Organization Preparatory Commission?

Answer: The $7.65 million cut in funding for the International Monitoring System (IMS) does not signal a change in U.S. policy toward the Comprehensive Nuclear Test Ban Treaty (CTBT). The U.S. continues to support and participate in those activities of the Preparatory Commission for the CTBT Organization (CTBTO PrepCom) in Vienna that pertain to the IMS, and the U.S. has no plans to press the PrepCom to lower its budget to a level commensurate with the $14.35 million that the Administration has allocated for it in FY06.

Unfortunately, budgets are very tight and cuts had to be made, even among programs supported by the Administration. A number of other cuts were made in the Department's program requests, including in the areas of non-proliferation and counter-terrorism. The level of funding for a program in any given year's budget does not necessarily have a bearing on the funding level for that program in the succeeding years.

It is important to note that the U.S. continues to observe a nuclear testing moratorium and encourages other states not to test. While the U.S. does not support the CTBT and will not become a party to it, the U.S. has gone to great expense to develop a Stockpile Stewardship Program to help ensure the safety and reliability of our nuclear weapons stockpile without testing.

The PRESIDING OFFICER. Is there further debate? If not, without objection, the amendment is agreed to.

The amendment (No. 1252), as modified, was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENTS NOS. 1306 THROUGH 1308, EN BLOC

Mr. MCCONNELL. Mr. President, I send to the desk a managers' package on behalf of Senator BYRD, regarding the United States-China Economic and Security Review Commission; on behalf of Senators LEAHY, CHAFEE, MIKULSKI, and CORZINE regarding women's health; and Senator FRIST regarding the use of funds for nonproliferation purposes.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Kentucky [Mr. MCCONNELL] proposes amendments numbered 1306 through 1308 en bloc.

The PRESIDING OFFICER. Is there further debate on the amendments? If not, without objection, the amendments are agreed to.

The amendments were agreed to, as follows:

AMENDMENT NO. 1306

(Purpose: To modify the responsibilities and authorities applicable to the United States–China Economic and Security Review Commission)

On page 326, between lines 10 and 11, insert the following:

RESPONSIBILITIES AND AUTHORITIES OF UNITED STATES-CHINA ECONOMIC AND SECURITY REVIEW COMMISSION

SEC. . (a) MODIFICATION OF RESPONSIBILITIES.—Notwithstanding any provision of section 1238 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (22 U.S.C. 7002), or any other provision of law, the United States–China Economic and Security Review Commission established by subsection (b) of that section should investigate and report exclusively on each of the following areas:

(1) PROLIFERATION PRACTICES.—The role of the People's Republic of China in the proliferation of weapons of mass destruction and other weapons (including dual use technologies), including actions the United States might take to encourage the People's Republic of China to cease such practices.

(2) ECONOMIC TRANSFERS.—The qualitative and quantitative nature of the transfer of United States production activities to the People's Republic of China, including the relocation of high technology, manufacturing, and research and development facilities, the impact of such transfers on United States national security, the adequacy of United

States export control laws, and the effect of such transfers on United States economic security and employment.

(3) ENERGY.—The effect of the large and growing economy of the People's Republic of China on world energy supplies and the role the United States can play (including through joint research and development efforts and technological assistance) in influencing the energy policy of the People's Republic of China.

(4) ACCESS TO UNITED STATES CAPITAL MARKETS.—The extent of access to and use of United States capital markets by the People's Republic of China, including whether or not existing disclosure and transparency rules are adequate to identify People's Republic of China companies engaged in harmful activities.

(5) REGIONAL ECONOMIC AND SECURITY IMPACTS.—The triangular economic and security relationship among the United States, Taipei, and the People's Republic of China (including the military modernization and force deployments of the People's Republic of China aimed at Taipei), the national budget of the People's Republic of China, and the fiscal strength of the People's Republic of China in relation to internal instability in the People's Republic of China and the likelihood of the externalization of problems arising from such internal instability.

(6) UNITED STATES-CHINA BILATERAL PROGRAMS.—Science and technology programs, the degree of non-compliance by the People's Republic of China with agreements between the United States and the People's Republic of China on prison labor imports and intellectual property rights, and United States enforcement policies with respect to such agreements.

(7) WORLD TRADE ORGANIZATION COMPLIANCE.—The compliance of the People's Republic of China with its accession agreement to the World Trade Organization (WTO).

(b) APPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—Subsection (g) of section 1238 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 is amended to read as follows:

''(g) APPLICABILITY OF FACA.—The provisions of the Federal Advisory Committee Act (5 U.S.C. App.) shall apply to the activities of the Commission.''.

AMENDMENT NO. 1307

(Purpose: To require that funds made available for the United Nations Population Fund be used for certain purposes)

On page 274, between lines 7 and 8, insert the following new subsection:

(e) USE OF FUNDS.—None of the funds made available for the UNFPA in this section may be used for any purpose except—

(1) to provide and distribute equipment, medicine, and supplies, including safe delivery kits and hygiene kits, to ensure safe childbirth and emergency obstetric care;

(2) to prevent and treat cases of obstetric fistula;

(3) to make available supplies of contraceptives for the prevention of pregnancy and sexually transmitted infections, including HIV/AIDS;

(4) to reestablish maternal health services in areas where medical infrastructure and such services have been destroyed by natural disasters;

(5) to eliminate the practice of female genital mutilation; or

(6) to promote the access of unaccompanied women and other vulnerable people to vital services, including access to water, sanitation facilities, food, and health care.

AMENDMENT NO. 1308

(Purpose: To provide that funds appropriated for nonproliferation, anti-terrorism, demining and related programs and made available for the Comprehensive Test Ban Treaty International Monitoring System may be made available for the Under Secretary of State for Arms Control and International Security for use in certain nonproliferation efforts and counterproliferation efforts)

On page 326, between lines 10 and 11, insert the following:

NONPROLIFERATION AND COUNTERPROLIFERATION EFFORTS

SEC. 6113. Funds appropriated under title III under the heading ''NONPROLIFERATION, ANTI-TERRORISM, DEMINING AND RELATED PROGRAMS'' may be made available to the Under Secretary of State for Arms Control and International Security for use in certain nonproliferation efforts and counterproliferation efforts such as increased voluntary dues to the International Atomic Energy Agency, activities under the Proliferation Security Initiative, and the Cooperative Threat Reduction program, and in support of the National Counter Proliferation Center and its activities.

Mr. MCCONNELL. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

ROMANIA

Mr. GREGG. Mr. President, my colleague from New Hampshire, Congressman JEB BRADLEY, successfully offered an amendment in the House of Representatives to this year's Foreign Operations appropriations bill as part of an effort to encourage the Romanian Government to act on an extremely important issue. I had originally intended to offer the same amendment here in the Senate, however, the Senator from Kentucky, the chairman of the subcommittee, has graciously offered to work with me on the issue.

While the amendment would have specifically limited assistance to Romania provided under the Assistance for Eastern Europe and the Baltic States, SEED, account, the real problem we are trying to address is the plight of over 100 American families and almost 200 Romanian orphans these families have agreed to adopt. Despite the fact that the adoptions have been approved by Romania, these young orphans and their new American families have been waiting in limbo—for years in some instances.

After approving these adoptions, Romania changed its adoption laws in order to comply with the European Union's legal standards as a condition of admittance into the European Union. However, since changing their law, Romanian officials have yet to clarify the status of these adoptions or act in any manner to fulfill the commitments that were made to these caring and compassionate Americans—or to fulfill the hopes of their own orphans.

This past March, Romanian President Basescu indicated to Members of Congress, representatives from the State Department, and several of the affected families that as soon as the European Union voted to admit Romania, his government would then move expeditiously to resolve the previously approved adoption cases. While the European Union voted to admit Romania in April, Mr. Basescu's pledge has yet to be honored by his government.

Romania became a good ally of the United States almost immediately after the breakup of the Soviet Union and indeed played a pivotal role leading to the breakup. It is out of respect for the generally good relations between our countries—and with the hope that Romania will reciprocate in equal good faith—that I have decided not to offer the amendment in the Senate as I originally planned to do. Instead, I will work during the conference on the bill to come up with a solution to this issue which is in the best interests not only of our two countries, but those of the families and orphans who have unnecessarily been kept apart too long as well.

I hope that the Romanian Government will seize this opportunity afforded to them and take appropriate and expeditious action—posthaste—to allow these children to join their new families here in America.

Mr. MCCONNELL. I appreciate the comments made by the senior Senator from New Hampshire and I strongly encourage the Romanian Government—and the State Department—to address this important issue expeditiously. The committee recommends $20 million for assistance for Romania under the SEED account, which is equivalent to the budget request. It is my hope and expectation that this matter be successfully resolved prior to the conferencing of this bill.

AFGHAN MEDICAL RELIEF FOUNDATION

Mr. LAUTENBERG. Mr. President, I would like to bring to your attention the important work of the Afghan Medical Relief Foundation, AMRF, which was formed in 2004 to promote the prevention, awareness, training, and treatment of life-threatening diseases. They are focused in particular on diabetes, delivering insulin and providing treatment for 15,000 to 20,000 diabetic children, young people, and adults in Afghanistan. This organization opened four new centers in Kabul in April and May 2005. Nearly 2,000 new diabetic patients a month are visiting the centers.

Mrs. DOLE. Mr. President, I thank my colleague Senator LAUTENBERG for bringing this project to the attention of the chairman and ranking member of the Foreign Operations Appropriations Subcommittee. Approximately 900,000 Afghans suffer from diabetes and the subsequent complications that forever change an individual's life. Through the good work of the AMRF, the Ministry of Public Health has improved the quality of life for thousands of Afghanis by making diabetes education, prevention, and treatment a national priority.

Mr. BURR. Mr. President, I also thank my colleagues for bringing the

important work of the Afghan Medical Relief Foundation to the attention of the chairman. The AMRF has successfully trained 16 health care professionals to diagnose and treat diabetes, developed a uniform patient management model, and increased knowledge of diabetes among the diabetic and general population.

Mr. NELSON of Nebraska. Mr. President, I thank my colleagues for bringing this project to the attention of the chairman and ranking member as well. AMRF has worked closely with the Afghan Minister of Health and has made sure that diabetes is included in the basic national health care package in Afghanistan. As the people of Afghanistan continue the hard work of building a strong democracy, it is important they have access to essential resources, such as medicines and care, which are vital in creating a peaceful and secure society.

Mr. LEAHY. Mr. President, I thank the Senator from the State of New Jersey, the Senators from the State of North Carolina, and the Senator from Nebraska. This program sounds important. Unfortunately, the subcommittee does not earmark funds for specific organizations.

Mr. LAUTENBERG. Mr. President, It is unfortunate that the subcommittee is not able to support the work of the Afghan Medical Relief Foundation, but it is understandable why the subcommittee cannot do so.

Mr. LEAHY. Mr. President, I thank my colleagues from New Jersey, North Carolina, and Nebraska, and I thank them for bringing this project to my attention. This sounds like a worthwhile project for USAID to consider.

RWANDA HIV/AIDS PROGRAM

Mr. STEVENS. Mr. President, as my colleague, Senator COLEMAN knows, halting the spread of HIV/AIDS in Africa is an issue of paramount importance. The international community is at a crucial crossroads in the effort to treat and more importantly, stop the spread of this disease.

Mr. COLEMAN. Mr. President, yes, the distinguished Senator from Alaska is correct in his statement that this is an issue at a crisis point in Africa, and one that the United States has rightly committed ourselves to fighting. I have a particular interest in an innovative proposal by the University of Minnesota to partner with the government of Rwanda to institute a comprehensive training and support program that would provide HIV care to every HIV-infected Rwandan eligible for treatment within 18 months of implementation.

Mr. STEVENS. Senator COLEMAN recently brought the University of Minnesota's program to my attention. It is of particular interest to me because it provides for training and development of nurses and HIV care practitioners, as part of a program that will be self sustaining within 5 years of implementation.

Mr. COLEMAN. Yes, as my colleague mentions, this program seeks to address the health care infrastructure by training nurse practitioners through the University of Minnesota's excellent distance learning program for nurse practitioners. This program will dramatically increase the capacity of Rwandan medical and nursing schools, creating new physicians and nurses with a high standard of training for a permanent, skilled, and sustainable force of health care professionals in Rwanda.

Mr. STEVENS. The success of this program could eventually be a template to spread out into the rest of Africa. I hope to work with my distinguished colleague and the State Department on implementation of this important program.

Mr. COLEMAN. Yes, I will work with my colleague to gain funding for this important program.

SAFE DRINKING WATER

Mr. FRIST. Mr. President, safe drinking water is one of the biggest health challenges facing the developing world. According to the World Health Organization, approximately 1.1 billion people around the world lack access to clean water sources and 2.6 billion lack access to basic sanitation. As a result, approximately 1.8 million people die every year from diarrheal disease, and sadly, 90 percent of those deaths occur in children under the age of 5.

With an increasing world population and further constraints on our world's water resources, the problem is expected to worsen significantly before it begins to improve.

I commend the assistant majority leader, Senator MCCONNELL, the chairman of the foreign operations appropriations subcommittee, for providing $200 million to the U.S. Agency for International Development for safe water programs in his bill. Further, the chairman has allocated not less than $50 million of that amount for programs in Africa, where the need is significant.

In addition to Government aid, there is a growing effort in the private, nonprofit sector to address this problem as well. Organizations such as Millennium Water Alliance, Water Missions International, Living Water International, Water for People, The Nature Conservancy, Winrock International, The Aspen Institute, and many others are working to address global water issues. Also, the WaterLeaders Foundation is an organization dedicated to delivering comprehensive, safe water technologies throughout the globe, one village at a time. They are developing lightweight, low-cost, low-energy water purification systems that will soon be available to distribute to communities, schools, and orphanages to help turn back the tide on water-related diseases in Africa.

I would like to ask Senator MCCONNELL, the chairman of this subcommittee, if anything in this bill precludes any portion of USAID funds from matching private donations to assist these types of organizations from helping to provide safe drinking water for these types of activities?

Mr. MCCONNELL. I appreciate the comments from my colleague, and commend him for his leadership on the issue of safe water. I am proud of the commitment we have made in this bill to safe water programs, particularly with regard to Africa, and I agree that nothing in this bill would preclude USAID funds from matching the good work of these dedicated private, nonprofit organizations. In fact, it is my understanding that USAID has provided $1.1 billion these last 2 years to leverage over $3.7 billion in private funds for a variety of projects including safe water.

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

● Mr. ROCKEFELLER. Mr. President, earlier today I had to miss a rollcall vote on the Landrieu-Craig amendment because of a family commitment. I would have voted for the sense-of-the-Senate amendment to urge USAID to follow the principles of the Hague Convention on the Protection of Children and Cooperation in Respect of Intercountry Adoption.

Senators LANDRIEU and CRAIG have been extraordinary leaders on the issue of adoption, and their work on the Congressional Adoption Caucus has been very important in our country and throughout the world in promoting the fundamental concept that every child deserves a safe, permanent home. This is a basic goal that we should strive for at every opportunity.●

Mr. SUNUNU. Mr. President, I offered an amendment to H.R. 3057 yesterday, which was accepted as part of a managers' package to increase economic support fund monies for Lebanon from $35 million to $40 million, and to increase the support of the American educational institutions in Lebanon out of those monies from $4 million to $6 million. I very much appreciate the assistance of Senator MCCONNELL and Senator LEAHY in that regard.

The Cedar Revolution, in which the people of Lebanon have expressed their frustration with outside interference in their internal affairs and with a sectarian brand of politics that has produced corruption, undemocratic practices, and a faltering economy, has inspired hope for major political transformation not only in Lebanon, but in other countries of the Middle East as well. It is important to express our support for the people of Lebanon, both symbolically and in concrete terms that will assist them in reviving their economy and in carrying forward a process of reform that still requires much effort and determination.

Fortunately, the Agency for International development has for some years run a small but effective assistance program in the country, relying largely on American nongovernmental organizations and education institutions which operate in Lebanon. USAID therefore has the experience and the partners to efficiently put additional assistance to good use. The

priorities should continue to be fostering fundamental democratic principles and economic recovery.

My amendment recognizes, as has the Appropriations Committee in its bill, the special role of the American educational institutions in achieving these goals. The American schools in Lebanon, through scholarships that these funds make possible, prepare the next generation of leaders by graduating young men and women who have a solid understanding of the forces of globalization, are committed to democratic values, and have the skills to reform their societies and bridge the differences between those societies and the West. Young leaders such as these will assure the future not just of Lebanon, but of the region as a whole. Lebanon benefits when such men and women from throughout the Middle East are educated at the renowned American schools in the country, as does the United States. It is therefore my intention that scholarship funds made available for these schools can be provided for students from any country within the region.

Mr. STEVENS. Mr. President, 30 years ago, Egypt and the United States developed what has become a strong partnership, dedicated to a stable and peaceful Middle East.

Egypt is a strong ally to the United States and is actively supporting the peace process in Israel and Palestine, Iraq, and the Sudan.

It has also made many democratic reforms in recent years. Women now hold a number of important political positions such as cabinet ministers, members of parliament, ambassadors, and judges.

The amended Egyptian constitution allows for multi-candidate presidential elections, and provides for equal access to publically owned media.

And a number of privately owned and managed television networks have been established.

It is important that we continue to support the positive changes taking place in Egypt, and encourage further democratic and human rights reforms.

I am concerned that conditions and limitations placed on the government of Egypt's ability to receive and spend funds will send a negative message to the people of Egypt.

The administration has expressed concerns about these legislative restrictions, which it believes could harm the relationship between our respective governments.

Mr. MCCONNELL. Mr. President, a significant amount of time and effort goes into preparing this bill every year. I want to take a moment to recognize some of the dedicated staff involved in putting it together.

First, I thank my good friend from Vermont, with whom I have enjoyed working on this issue over the last decade, who is ably served by Tim Rieser and Kate Eltrich. Over the past few months, they have worked alongside my staff helping to draft a bill and report. They have my special thanks for a job well done.

Recognition also goes to LaShawnda Smith, Tom Hawkins, Harry Christy, and Paul Grove of my staff. I thank LaShawnda for keeping the subcommittee running. She does a terrific job.

Since coming to State-Foreign Operations 9 months ago, Tom has proven an invaluable member of our team. His oversight of the security and counternarcotics programs is outstanding. Thank you, Tom.

Instead of protecting the President, Harry, a detailee from the Secret Service, has assumed his temporary duties as an appropriator in a professional manner. His work on State Department accounts has been invaluable, particularly given the most recent expansion of the subcommittee's jurisdiction.

Finally, I certainly want to thank Paul Grove, staff director, for his many years of great service with me on this assignment and other assignments in the past. There are many other people without whose help we would literally have no bill to report at all. I thank Bob Putnam, Jack Conway and, of course, Keith Kennedy. They should know that our staff greatly appreciates their patience, guidance and, when required, good humor.

For words, the editorial and printing shop is top-notch. Richard Larson is a consummate professional, nothing less than a committee treasure. He has my thanks, as do Wayne Hosier, Doris Jackson, and Heather Crowell.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I would concur completely with the Senator from Kentucky on the people he has praised. He has left out one, himself. I praise the work he has done. We worked very closely together on this. I know that Tim Rieser on my side worked so closely with Paul Grove, and I appreciate the bipartisan nature of that. I thank Kate Eltrich; the newest member on our side, Jennifer Park; of course, Paul Grove, Tom Hawkins, Harry Christy, and LaShawnda Smith on the chairman's side. It has been very good. I think we could probably go on to final passage.

Mr. MCCONNELL. Let me reiterate what a pleasure it is to work with Senator LEAHY. I have enjoyed our relationship over the years.

There is a request for a vote on final passage. I believe we are ready for that. I assume the yeas and nays need to be required.

Mr. LEAHY. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

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

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The PRESIDING OFFICER. The question is on passage of the bill, as amended. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

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

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

The result was announced—yeas 98, nays 1, as follows:

[Rollcall Vote No. 197 Leg.]

YEAS—98

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

NAYS—1

Inhofe

NOT VOTING—1

Rockefeller

The bill (H.R. 3057), as amended, was passed.

(The bill will be printed in a future edition of the RECORD.)

The title amendment was agreed to.

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

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER (Mr. COBURN). The Senator from Virginia is recognized.

AMENDMENT NO. 1263, AS MODIFIED

Mr. WARNER. Mr. President, on behalf of the leadership, I ask unanimous consent that notwithstanding passage of H.R. 3057, Salazar amendment No. 1263, as modified, which is at the desk, be agreed to and that the motion to reconsider be laid upon the table.

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

The amendment (No. 1263), as modified, was agreed to, as follows:

On page 326, between lines 10 and 11, insert the following:

INTERNATIONAL POLICE TRAINING

SEC. __. (a) REQUIREMENTS FOR INSTRUCTORS.—Prior to carrying out any program of

training for police or security forces through the Bureau that begins after the date that is 180 days after the date of the enactment of this Act, the Secretary of State shall ensure that—

(1) such training is provided by instructors who have proven records of experience in training law enforcement or security personnel;

(2) the Bureau has established procedures to ensure that the individuals who receive such training—

(A) do not have a criminal background;

(B) are not connected to any criminal or terrorist organization;

(C) are not connected to drug traffickers; and

(D) meet the minimum age and experience standards set out in appropriate international agreements; and

(3) the Bureau has established procedures that—

(A) clearly establish the standards an individual who will receive such training must meet;

(B) clearly establish the training courses that will permit the individual to meet such standards; and

(C) provide for certification of an individual who meets such standards after receiving such training.

(b) ADVISORY BOARD.—The Secretary of State shall seek the advice of 10 experts to advise the Bureau on issues related to cost efficiency and professional efficacy of police and security training programs, including experts who are experienced United States law enforcement personnel.

(c) BUREAU DEFINED.—In this section, the term ''Bureau'' means the Bureau of International Narcotics and Law Enforcement Affairs of the Department of State.

(d) REPORT.—Not later than September 30, 2006, the Secretary of State shall submit to Congress a report describing the implementation of this section during fiscal year 2006. Such report shall also include the attrition rates of the instructors of such training and an assessment of job performance of such instructors.

The PRESIDING OFFICER. Under the previous order, the Senate insists on its amendment and requests a conference with the House.

The Presiding Officer appointed Mr. MCCONNELL, Mr. SPECTER, Mr. GREGG, Mr. SHELBY, Mr. BENNETT, Mr. BOND, Mr. DEWINE, Mr. BROWNBACK, Mr. COCHRAN, Mr. LEAHY, Mr. INOUYE, Mr. HARKIN, Ms. MIKULSKI, Mr. DURBIN, Mr. JOHNSON, Ms. LANDRIEU, and Mr. BYRD conferees on the part of the Senate.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2006

The PRESIDING OFFICER. Under the previous order, the clerk will report S. 1042 by title.

The assistant legislative clerk read as follows:

A bill (S. 1042) to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

Mr. WARNER. Mr. President, I rise regarding the pending bill, provided that no other Senators seek recognition on another matter. Seeing none, I wish to accommodate my colleagues whenever possible.

It is now my privilege to once again bring forward for consideration by the Senate the annual Defense authorization bill. I commend my colleagues on the Armed Services Committee. We have a magnificent committee. All members are very active. Our attendance is good and I am proud that this institution has such diligent and hardworking Senators to provide their input to our work on the Armed Services Committee.

I also recognize what I view, and this may be slightly biased on my part, as one of the finest professional staffs of any committee of the Senate. We have had a long history of extraordinary, competent, fair-minded, open-minded people who want to devote their careers to the men and women of the Armed Forces and the causes for which they offer their life and limb, and that of their families.

Their work over the past several months has resulted in this important legislation. We completed the markup of this bill in record time and in the spirit of true bipartisanship. In particular, I am privileged to have the senior Senator from Michigan, Mr. LEVIN, a longtime, dear, and valued friend, as my ranking member and full equal working partner on this committee. He preceded me as the chairman of the committee, but we will not go back into those days, nevertheless.

Mr. LEVIN. The glory days.

Mr. WARNER. Mr. President, I have the floor.

We have served together on this committee for 27 years and we have, once again, with the other wonderful collection of Senators on this committee and the staff, produced a bill which clearly supports our men and women in uniform and their families, and strengthens the national security of our Nation.

I also want to acknowledge the strong support that we have received from the Republican leader and the Democratic leader of the Senate. These two individuals have teamed up in years past to assist the managers in getting this bill through the Senate. I cannot ever recall stronger leadership by the Senate leaders. Maybe when our distinguished colleague from West Virginia was the leader of the Senate at the time, I know he supported getting this bill through. His membership on this committee for these many years has been of great help to all of us who have been privileged to serve as chairman and ranking member.

The bill before the Senate was unanimously reported out of the committee on May 12. It reflects the strong support for the members of our Armed Forces. The bill provides $441.6 billion in budget authority for defense programs for the fiscal year 2006, an increase of $21 billion, or 3.1 percent in real terms, above the amount authorized by the Congress for fiscal year 2005.

At this juncture, I recognize the important contribution given by Senators STEVENS and INOUYE, the chair and ranking member, respectively, of the Senate Appropriations Subcommittee on Defense. It has been their hope that the Senate will act on this bill. Until such time as the Senate does act, it is not likely that they will proceed with the continuation of their deliberations, markup, and the like to bring their important bill to the floor. I say that because I want all Senators to recognize it is the intention of the Senate leadership and the managers of this bill, together with our two colleagues on the Appropriations Subcommittee on Defense, that this bill be acted upon by the Senate prior to the scheduled recess for the month of August.

I mention that because one Senator had very politely said to me: I would like to offer an amendment, but I think I will wait until after the August recess. I politely informed him that it is the intention of all parties that this bill be enacted prior to the August recess. He appreciated my candor.

This amount is consistent with the President's budget request and within the budget resolution adopted by the Congress. The bill also includes authorization for $50 billion in emergency supplemental funding for fiscal year 2006 to cover the cost of military operations in Iraq, Afghanistan, and throughout the world, together with our coalition partners, on the global war against terrorism.

I also acknowledge that while we put proper emphasis on Iraq, Afghanistan, and the war on terrorism, there are innumerable other missions undertaken night and day by the men and women of the Armed Forces for all aspects of the diverse security needs and requirements of this Nation. Many of them are on the far-flung outposts of the world performing those missions beneath the sea, above the sea, or in the air. We acknowledge with fervent gratitude their contribution, together with all of us who proudly served in uniform, and their families.

The past 3½ years have been a time of great successes and enormous challenges for the U.S. Armed Forces. The mission of our men and women in uniform has never been executed with better skill and dedication. I myself am privileged to have had modest experience in uniform. I have had the privilege of having an association with the men and women in uniform for 60 years. That is a long period of time. Almost without exception, in all those years at some point in time I have had the opportunity to either serve alongside of, or be in support of, the men and women of our Armed Forces. I had a very brief career in World War II, inauspicious as it was, and I had the opportunity to serve in that historic period. I would say unequivocally that, while our generation of World War II was referred to as ''the greatest,'' this generation is every bit as great if not greater in the complexity of the threats posed against this Nation night and day and the sacrifices they are

being called upon to make in the performance of their duties and those of their families.

The rapid success, and it was a rapid success, of Operation Enduring Freedom in Afghanistan and the rather prolonged but nevertheless successful operation to date, Operation Iraqi Freedom, has evolved into the hard work of reconstruction and stability operations in both theaters, necessary to secure peace and stability in their respective regions. Such important work brings with it new challenges associated with an extraordinarily high operational tempo on people and equipment and the need to counter asymmetric threats, including improvised explosive devices and the ever increasing, tragic, tragic use of the suicide bomber. Further, the responsibility of the Nation is to properly care for those who volunteer to serve—active, National Guard, reserve, retired, and their families. They deserve nothing less than our total support. The bill, in my judgment, meets those challenges.

This bill is being considered at a time when the United States continues to work with a coalition to defeat terrorism globally and defend freedom and democracy. The recent tragic aftermath of terrorist bombings in London reminds us once again, in this global war on terrorism, of the ruthless nature of the enemy we face. When I say ''we,'' it is not only the United States, but freedom-loving people wherever they are in the world. It is a war we must and will win.

Hundreds of thousands of soldiers, sailors, airmen, marines, and Coast Guardsmen—active, reserve, and National Guard—and countless civilians who support military, diplomatic, and humanitarian operations are serving valiantly in Iraq, Afghanistan, and other locations to secure the hard-won military successes and to preserve peace and freedom. Successful elections in Iraq and Afghanistan in the past year are testament to the yearning of those people for a voice in their own destiny, the willingness of the United States to assist, and the professionalism of the brave Americans and their coalition partners who volunteer to serve. The U.S. Armed Forces serving around the world are truly the first line of defense in the security of our U.S. homeland.

We are all mindful of the risks members of the Armed Forces face every day, and of the sacrifices made by the families and their communities. I repeat, the communities are so involved with the men and women of the Armed Forces stationed overseas, the men and women in uniform who have been asked to do much in the past year and who responded in the finest traditions of the generations of Americans who preceded them. The American people are proud of their men and women in uniform, and what they have accomplished to protect our freedom here at home and abroad.

While recent successes have proven the value of past investment in the people and equipment of the U.S. Armed Forces, this is no time for any complacency. The recurring lessons of our military operations are that national security threats are ever changing and persistent. Victory and successes must be accomplished by vigilance and preparation. Such vigilance takes the form of enhanced readiness for today's Armed Forces, and preparation for future threats to the security of the United States, its interests, and its allies.

In preparing this legislation, together with the members of our committee, we identified seven priorities to guide our committee's work on the national defense bill now before the Senate. The first priority is to provide our men and women in uniform the resources they need to win the global war on terrorism; second, to enhance the ability of the Department of Defense to fulfill its homeland defense responsibilities; third, to provide the resources and authorities needed to rapidly acquire the full range of force protection capabilities for deployed forces, particularly with regard to improvised explosive devices; fourth, to continue the committee's commitment to improve the quality of life for those who serve—active, reserve, National Guard, and retired, and their families, with particular emphasis on recruiting and retention and on the health care for those who bear the wounds of our war; fifth, to sustain the readiness of our Armed Forces to conduct military operations against all current and anticipated threats; sixth, to support the Department's efforts to develop the innovative, forward-looking capabilities necessary to modernize and transform the Armed Forces; and, finally, to continue active committee oversight of Department programs and operations, particularly in the areas of acquisition reform to ensure proper stewardship of taxpayer dollars.

With passage of the bill before us, the Senate has the opportunity to send a strong message in support of the men and women of the Armed Forces serving at numerous posts at home and abroad that America values and honors their service and that of their families.

The bill contains much-deserved pay raises and benefits for military personnel and their families, enhanced survivor benefits for those whose loved ones have made the ultimate sacrifice, improved health care for both active and reserve components of personnel and their families, and prudent investments in the equipment and technology our military needs to address current and future threats.

I urge my colleagues to debate this bill in a constructive spirit and to support its adoption.

There is one issue I would like to highlight: My colleagues and I on the committee, and I think almost every member of the committee shares this view, and many of us in the Senate—we are all concerned about the declining state of the building of new ships for the U.S. Navy. We do not believe the current or projected level of funding for shipbuilding is adequate to build the numbers of ships our Navy needs to perform and continue to perform its global missions. Always remember, the Constitution of the United States directs this Congress to raise its armies, but ''maintain'' a Navy. The Founding Fathers were specific in that direction to the Congress and it is our duty to fulfill it. They had the foresight to realize that a navy can not be quickly constituted or reconstituted. It takes a decade or more from the concept of a new ship through the years to prepare the plans, to test the ship, to test the system, and to finally slip it down the ways of the shipyard, and then for a period of time to further test it before it gains its ability to join the fleet. That is a long time.

In many respects that was as true years ago as it is today, so we must learn the lesson that it takes time to maintain our Navy. As a maritime nation, that presence of our Navy is often displayed in the form, not only of our ships, not only through ensuring open sealanes of communication and training in international waters, but also the inherent diplomatic mission of visiting our ports and proudly showing Old Glory, our flag. The Navy currently has 288 ships in the active fleet. This is the smallest number of ships in the Navy since before—I would like to repeat this—the smallest fleet since before World War II. That is before December 7, 1941.

I believe the shipbuilding budget must be reviewed by the administration as a matter of utmost urgency in the coming year, and I respectfully urge the President to establish a special shipbuilding fund, to direct the OMB to provide a dedicated fund for the building of ships rather than each year make the allocation—so much to the Department of the Navy, so much to the Department of the Air Force, so much to the Department of the Army. Keep those allocations as they are devised each year, but superimpose on the allocation of funding for the Navy a sum of dollars to turn around this declining curve of shipbuilding.

America has much to be thankful for in terms of its patriotic young Americans who volunteer to serve and who have individually and collectively performed with such professionalism and distinction in defense of the United States. The efforts of the U.S. Armed Forces have been remarkable, but they are not without cost—the loss of priceless lives that must be honored and remembered; the responsibility to care for the survivors and their families; the cost of ongoing operations and related refurbishment or replacement of heavily used equipment; and the responsibility to assure that those who serve, and their families, receive the quality of life and the benefits they need and to which they are entitled.

I believe the National Defense Authorization Act for fiscal year 2006 prudently addresses the defense needs of

our Nation and recognizes the service and sacrifice of our men and women in uniform and their families, provides the resources necessary to win the global war on terrorism, and makes the necessary investment to provide for the security of our Nation in the years to come.

I urge my colleagues to join me in sending a strong message of bipartisan support for our troops at home, their families, and to the other nations in the world—America is committed to freedom.

I yield the floor.

The PRESIDING OFFICER. Who seeks time? The Senator from Michigan is recognized.

Mr. LEVIN. Mr. President, I join with the chairman of the Armed Services Committee, Senator WARNER, in bringing S. 1042, the National Defense Authorization Act for fiscal year 2006, to the Senate floor. I do so proudly. I am always proud to stand next to Senator WARNER and with Senator WARNER and our staffs in bringing this bill forward. It has been many years that we have done this together, and we always look forward to it because it is a time we, together with our staffs, can spend time trying to strengthen the security of this country in a bipartisan way.

This bill, to my memory, has always been a bipartisan bill. Our staffs work together on a bipartisan basis. The way they have worked together should be a role model for how we in the Senate should be working. I congratulate Senator WARNER for his leadership of our committee. He sets the right pattern for all of us. Again, it is an honor to be standing here with him.

The bill we bring before the Senate is the product of 3 days of markup. I do not believe we needed a single recorded vote. There may have been some voice votes where there were some differences, but I don't even remember that. I think we worked out all of our differences. Where there were differences that remained, I think we actually were able to address them, if not resolve them, but without actually a recorded vote, if my memory is correct. That is quite a tribute to the leadership of Senator WARNER as well.

We have a common interest in providing the support the men and women in uniform need and deserve. We are unanimous on that, regardless of our positions—which differ. As Members of the Senate we don't all have the same position on events in Iraq—how we got there and how we proceed from here. There is no unanimity on that issue. And on a number of other issues there is not unanimity. But where there is unanimity is that once that decision is made democratically to send our men and women to war, in harm's way, we stand behind them. And on that there is no dissent regardless of the positions of different Senators on the underlying issues. The men and women in uniform deserve our support. They are entitled to the support. During the Vietnam era, we had times when men and women in uniform did not receive the support they deserved. That has not been true since Vietnam. And finally, I think our people recognize that the men and women we put in harm's way, who are in the uniform of the United States, when the Commander in Chief, the Congress make a decision that they go to war, they are entitled to the full support of the people and of the Congress of the United States.

We are proud of these troops. Senator WARNER and I have done many things together in the Senate, and one of them has been to travel to visit our troops. We have seen some of the most amazing men and women this country can produce who are in uniform, some of the most professional, dedicated, committed, patriotic people you will ever find representing the United States in uniform. We have been to far-flung places of the world. We have traveled long distances, but whenever we arrived where we were going, we have had that kind of feeling that whatever the thousands of miles were that we traveled to get there, it was worth it just to be inspired literally by the men and women who represent this country and take the risks for all of us.

The bill that is reported by the Armed Services Committee will improve the quality of life of the men and women in uniform, provide funding needed to continue ongoing military operations in Iraq and Afghanistan, make needed improvements to the management of the Department of Defense, and authorize critical investments that are needed to reduce the risks the United States will face in the 21st century.

First and foremost, the bill before us continues the increases in compensation, in the quality of life our service men and women and their families deserve as they face the hardships that are imposed by continuing military operations around the world. Those demands have increased significantly over the years, and we have tried to respond to those demands and to those increased hazards which the men and women face.

In particular, the bill would authorize a 3.1-percent across-the-board pay raise for military personnel, authorize a $70 million increase in childcare and family assistance, services for military families, and authorize additional funds for supplemental education aid to local school districts affected by the assignment or location of military families.

We have increased the death gratuity to $100,000 for survivors and military members who die in a combat zone, and we are going to have an amendment which will broaden that further. We have increased from $250,000 to $400,000 the maximum amount of coverage available under the Service Members Group Life Insurance Program.

Second, the bill would provide funding needed to continue ongoing military operations in Iraq and Afghanistan and help address the challenges our military faces around the world. For instance, the bill would authorize a $50 billion supplemental to cover part of the cost of ongoing military operations in Iraq and Afghanistan over the coming years. We know that supplemental is going to be needed. We on the Armed Services Committee asked the Budget Committee to add this money for our authorization bill because we have to plan on this expenditure. We know it is going to take place, and we should authorize it as part of a regular budget process and not just simply leave it to supplemental funding.

So we are authorizing a $50 billion supplemental for 2006 to cover ongoing military operations in Iraq and Afghanistan. It is far more realistic budgeting than we have too frequently not done in the past.

Our bill authorizes an increase in the Army's active-duty end strength by 20,000 people to a total of 52,400 soldiers for fiscal year 2006. It is going to be a challenge to meet that new end strength just in terms of recruitment, but we are determined that we are going to try to respond to the demand of our members of the military by increasing the size of the Army's active-duty end strength. We have added 20,000 to that and added $1.4 billion over the President's request for force protection gear for our soldiers in Iraq and Afghanistan. We authorize almost $350 million for up-armored vehicles to provide additional force protection for our troops in the field. That represents an increase of $120 million over the President's budget request.

We direct that $500 million be dedicated to the joint improvised explosive device, IED, task force to facilitate the rapid development of technology to counter the top threat to our men and women in Iraq and Afghanistan. The chairman of our committee described the threat in terms of those IEDs and what we are doing to respond to that threat, which is everything we possibly can do given its nature and the fact that threat is really, if not the top threat, one of the top threats to our service personnel.

Our bill authorizes up to $500 million for the continuation of the Commanders Emergency Response Program. This program enables our military commanders in the field to respond quickly and flexibly to urgent requirements in fiscal years 2006 and 2007. They have told us that this authorization and appropriation which follows is one of the most effective actions we can take to increase their capability in the field, and that Commanders Emergency Response Program continued at $500 million for these 2 years is provided.

Third, the bill contains a number of important provisions to improve the efficiency and the transparency of the Department's operations. For instance, the bill contains provisions that would prohibit the inappropriate use of contracting techniques that result in the heightened risk of fraud and abuse by

limiting the Government's insight into contractor cost and performance in the acquisition of major weapons systems.

It addresses continuing awareness of interagency contracts by requiring the inspector general to review major interagency contracts which have been used by the Department of Defense. There have been real abuses in these interagency contracts, and we have, indeed, had a number of hearings over the years into some of these abuses where one agency uses the contract of another agency in order to carry out some function, but there is no transparency. Nobody knows it is done. You can do it noncompetitively. There is too much opaqueness in that process, and we are trying to make sure the abuses in the interagency contract area are addressed, and so we require the inspector general to review the major interagency contracts the Department of Defense is using or has used.

Our bill strengthens the defense ethics oversight by requiring major defense contractors to identify former Department of Defense officials on their payrolls and by requiring a review of ethics rules that are raised by the increased use of contractors to perform Government acquisition functions, and we establish a contract fraud risk assessment team to assess the vulnerability of Department of Defense contract fraud, waste, and abuse and require the Secretary of Defense to develop an action plan to address these areas of vulnerability.

Finally, the bill contains a number of critical provisions that should help reduce some of the risks our country will face in the coming century. We are particularly pleased that the bill authorizes the budget request for the Department of Defense Cooperative Threat Reduction Program and related Department of Energy nonproliferation programs. The greatest probable threat we face as a nation would be if a terrorist or terrorist group could get their hands on a nuclear weapon or weapon of mass destruction.

There are too many loose nukes in this world. We have to do more to address the proliferation threat. I don't believe the funding in this bill is adequate. I hope we can find a way to increase the amount of funding that goes into this threat reduction program and the other nonproliferation programs that are funded in this bill. Other than giving all the support we possibly can to our troops, there is probably nothing in this bill that directly addresses the greatest threat we face, which is the threat of a nuclear weapon in the hands of a terrorist, than this threat reduction program and the nonproliferation programs which are aimed at securing nuclear weapons and other weapons of mass destruction.

Our bill provides the President permanent authority to waive on an annual basis the condition that must be met before the Cooperative Threat Reduction Program money can be provided to countries of the former Soviet Union. This is an authority which the administration has requested. Instead of having to come to us each year for this authority, we believe it should be made permanent. Our bill enhances the authority of the Secretary of Defense to use cooperative threat reduction funds to address risks of proliferation of weapons of mass destruction outside the countries of the former Soviet Union. We not only have nuclear weapons and weapons of mass destruction inside those countries, we have those risks outside, and we ought to use this program to address again what is surely the most, or one of the most, serious risks any nation can face.

We in our bill earmark $100 million of missile defense money specifically for enhanced ground and flight testing to require objective testing and evaluation of the operational suitability of each block of missile defense that is produced.

There hasn't been enough testing in this program. There has been too much buying before we fly, and we are trying to see if we can't take some of the risk out of this program, to see, if we are going to proceed, whether we can't proceed in a way which would guarantee a system which is effective and workable and useful rather than just plowing billions of dollars into a system procuring missiles that may never be usable. So we take some of this money, specifically $100 million of that program, and we address it specifically to ground and flight testing in addition to what was previously planned.

We add $20 million to the President's budget to accelerate chemical demilitarization activity and to enable the United States to meet obligations under the Chemical Weapons Convention.

While this bill takes many important steps to fund the national defense and support our men and women in uniform, there is more that we can and should do. I would like to just mention a few areas that I hope we can revisit as our bill is considered in the Chamber.

First, the bill contains a provision that would increase the military death gratuity from $12,000 to $100,000, but it is restricted to combat-related deaths. That means that the families of soldiers, sailors, airmen and marines who die in the line of duty outside of the combat area will still receive only $12,000. Our top military officers have uniformly testified that the amount of the death gratuity should not be dependent on the circumstances of somebody who is on active duty. The death of a family member in an accident, for instance, while on active duty can be every bit as hard on a family as a death in Iraq or Afghanistan. Somebody who is killed while being trained for duty in Iraq or Afghanistan should surely have his or her family provided with the same kind of benefit as somebody who is killed in combat. From the family perspective and I think morally, there is no significant difference. They are on active duty, they are taking risks, and they are killed while taking those risks on active duty.

The Chairman of the Joint Chiefs of Staff testified before our committee the following:

> When you join the military, you join the military. You go where they send you. It's happenstance that you are in a combat zone or at home. And I think we in the past held treating people universally foremost and consistently and that's how I come down on that.

So our top uniform folks support the uniform application of that benefit to $100,000 for people who are on active duty.

Earlier this year, the Senate adopted that position. We adopted an amendment to the Emergency Supplemental Appropriations Act which would have made the families of all soldiers, sailors, airmen, and marines who die in the line of duty eligible for the full death benefit. The appropriations amendment was dropped in conference, but we should try again. I hope the Senate will stand strong on this issue and adopt a similar amendment to our bill.

Second, while the bill takes many positive steps to improve compensation and benefits for our men and women in uniform and their families, we have to do more for Guard and Reserve forces who are bearing so much of the burden in our current military operations.

Never before have we relied so heavily on the Guard and Reserve to serve on active duty over such an extended period of time. All members, representing different States, understand that. The families of the men and women who are in our Guard and Reserve forces have reminded us about how overly stretched those forces are. We do not get many complaints from the men and women themselves. They are too professional to do the complaining. We hear from families. We hear from employers.

Again, we have never before relied as heavily on our Guard and Reserve forces to serve on active duty for extended periods of times as we do now. Studies have shown that 40 percent of our junior enlisted members in the Reserve components nonetheless have no health insurance except when they are on active duty. I hope we can develop an approach to this problem that uses the military's TRICARE health care program to ensure that members of the Reserve component have adequate health insurance and are medically ready when called upon to serve.

Third, the bill earmarks $100 million of missile defense money specifically for enhanced ground and flight testing and requires objective testing and evaluation of the operational capability of each block of missile defense which is produced. Those are positive steps, as I have said, which will move us in the direction of the ''fly before you buy'' approach that we insist on with other major acquisitions.

However, the bill also authorizes more than $60 million in long-lead

funding for more interceptors on top of the 30 we already are buying, even though those interceptors are not subject to operational testing and evaluation. If we want a missile defense that works, rather than one that sits on the ground and soaks up money, we should insist on testing the missiles that we already have before we go out and buy more.

Finally, the administration requested $8.5 million for research and development of the robust nuclear earth penetrator, even though Congress canceled this program last year. Although the bill does cut $4.5 million of the Air Force money from this program, it authorizes the Department of Energy to spend $4 million to resume the feasibility study. Instead of being a leader in the effort to prevent the proliferation of nuclear weapons, we, ourselves, pursue the development of a new nuclear weapon. It is exactly the wrong message to send to the rest of the world.

We are trying to persuade the rest of the world, don't go nuclear. We are telling some of those countries, if you do go nuclear, we may take very serious action to prevent you from crossing certain red lines. Yet we, ourselves, again are on the verge of putting in money to resume a feasibility study for a new nuclear weapon to be developed. I know it is only a study, but it is a message. It is a loud message. It is a dramatic message. It is a compelling message. It is a persuasive message, and it is used against us when we go to other countries and say: Don't go down that nuclear road.

They say: Wait a minute. You are considering the possibility of going further and you already have thousands of nuclears and you are trying to persuade us that we should not be using nuclear weapons to defend ourselves when you are studying an additional use or additional weapon yourself? It weakens our argument and it weakens the argument that we must make against the most serious threat we face, which is the proliferation of nuclear weapons.

Finally, as our chairman has said, as we begin consideration of this bill, the men and women of our Armed Forces, both Active and Reserve, are deployed in harm's way in many areas of the globe that are subjected to daily armed attack in Iraq and Afghanistan. We joined together in standing behind our troops in expressing pride the extraordinary accomplishments on the battlefield. This bill will do much to provide them with the equipment they need and the compensation and benefits they deserve. If we can do more, we ought to do more. They deserve it, and their families deserve it.

We have important issues to debate. Again, I conclude by thanking Chairman WARNER for his leadership, bringing this bill to the floor and having this bill in the fairly complete shape it is in coming to the Senate. I thank him for his leadership of our staffs. We have wonderful staff, as he mentioned, and we have a wonderful committee.

We are blessed to have members on our committee who all contribute in such important ways to the production of the bill. One of those members just walked off the floor. I, as Senator WARNER did, want to recognize Senator BYRD although he is not here. He is stalwart in his commitment to this Senate and to this Nation. There are times when his plate is so overly full and his heart is so heavy, but nonetheless he performs his duty, and he is an inspiration to all members. All members of our committee deserve praise for the contribution they made to the bill.

Mr. WARNER. Mr. President, I certainly concur in those observations about our highly esteemed colleague from West Virginia. I thank the Senator for his kind remarks.

I think this is No. 27 for us—a quarter of a century. It is a pretty good record.

I am quite anxious, as I know the Senator is, that Senators bring forth amendments.

I will propose an amendment for deliberation. Moments ago, I notified your staff about it. I am perfectly willing to procedurally take it up because I know two colleagues on that side of the aisle are interested in the same subject. We notified our offices this amendment would be brought up. They may have some views on it. I hope they will address their views.

AMENDMENT NO. 1314

I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Virginia, [Mr. WARNER], proposes an amendment numbered 1314.

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

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

The amendment is as follows:

(Purpose: To increase amounts available for the procurement of wheeled vehicles for the Army and the Marine Corps and for armor for such vehicles)

On page 303, strike line 3 and all that follows through page 304, line 24, and insert the following:

(3) For other procurement $376,700,000.

(b) AVAILABILITY OF CERTAIN AMOUNTS.—

(1) AVAILABILITY.—Of the amount authorized to be appropriated by subsection (a)(3), $225,000,000 shall be available for purposes as follows:

(A) Procurement of up-armored high mobility multipurpose wheeled vehicles (UAHs).

(B) Procurement of wheeled vehicle add-on armor protection, including armor for M1151/M1152 high mobility multipurpose wheeled vehicles.

(C) Procurement of M1151/M1152 high mobility multipurpose wheeled vehicles.

(2) ALLOCATION OF FUNDS.—

(A) IN GENERAL.—Subject to subparagraph (B), the Secretary of the Army shall allocate the manner in which amounts available under paragraph (1) shall be available for the purposes specified in that paragraph.

(B) LIMITATION.—Amounts available under paragraph (1) may not be allocated under subparagraph (A) until the Secretary certifies to the congressional defense committees that the Army has a validated requirement for procurement for a purpose specified in paragraph (1) based on a statement of urgent needs from a commander of a combatant command.

(C) REPORTS.—Not later than 15 days after an allocation of funds is made under subparagraph (A), the Secretary shall submit to the congressional defense committees a report describing such allocation of funds.

SEC. 1404. NAVY AND MARINE CORPS PROCUREMENT.

(a) NAVY.—Funds are hereby authorized to be appropriated for fiscal year 2006 for the procurement accounts of the Navy in amounts as follows:

(1) For aircraft, $183,800,000.

(2) For weapons, including missiles and torpedoes, $165,500,000.

(3) For other procurement, $30,800,000.

(b) MARINE CORPS.—Funds are hereby authorized to be appropriated for fiscal year 2006 for the procurement account for the Marine Corps in the amount of $429,600,000.

(c) NAVY AND MARINE CORPS AMMUNITION.—Funds are hereby authorized to be appropriated for fiscal year 2006 for the procurement account for ammunition for the Navy and the Marine Corps in the amount of $104,500,000.

(d) AVAILABILITY OF CERTAIN AMOUNTS.—

(1) AVAILABILITY.—Of the amount authorized to be appropriated by subsection (b), $340,400,000 shall be available for purposes as follows:

(A) Procurement of up-armored high mobility multipurpose wheeled vehicles (UAHs).

(B) Procurement of wheeled vehicle add-on armor protection, including armor for M1151/M1152 high mobility multipurpose wheeled vehicles.

(C) Procurement of M1151/M1152 high mobility multipurpose wheeled vehicles.

(2) ALLOCATION OF FUNDS.—

(A) IN GENERAL.—Subject to subparagraph (B), the Secretary of the Navy shall allocate the manner in which amounts available under paragraph (1) shall be available for the purposes specified in that paragraph.

(B) LIMITATION.—Amounts available under paragraph (1) may not be allocated under subparagraph (A) until the Secretary certifies to the congressional defense committees that the Marine Corps has a validated requirement for procurement for a purpose specified in paragraph (1) based on a statement of urgent needs from a commander of a combatant command.

(C) REPORTS.—Not later than 15 days after an allocation of funds is made under subparagraph (A), the Secretary shall submit to the congressional defense committees a report describing such allocation of funds.

Mr. WARNER. Mr. President, there has been tremendous effort of our committee on both sides of the aisle with respect to the equipment being used, primarily in Iraq at this time, but could well be used elsewhere. We refer to them as the up-armored high mobility multipurpose wheeled vehicles; humvees are part of that. There is a range of these vehicles.

The purpose of this amendment is to add $105 million to the Army and $340 million to the Marine Corps for emerging up-armored HMMWV requirements that the United States Central Command, under General Abizaid, has established.

In the last few days, I was down at Quantico where they have a magnificent research and development and forward-looking contingent. I looked on the parade grounds at a series of vehicles being modified in certain ways to provide a greater degree of protection to the occupants—namely, our soldiers or Marines—who must use these vehicles in the face of this insidious, frightful threat of suicide bombers, implanted bombs which are activated by different devices, even a simple cell phone. This is tough going.

I commend a number of Senators—Senator KENNEDY, Senator BAYH, a number of Senators on my side—who have been working this issue for some years. The hour and the time has come to add significant sums of money.

At some point in this debate on the amendment I will go into further detail, but the Committee on the Budget allocated to the Committee on Armed Services a very significant amount of money to be authorized at our discretion for the purposes of the immediate requirements of the military in connection with their missions today, primarily in Iraq and Afghanistan.

The Army's current global war on terror requirement for up-armored HMMWVs is 10,000 vehicles. The Marine Corps current global war on terrorism requirement for up-armored HMMWVs is approximately 500 vehicles.

The markup of the fiscal year 2006 Defense bill, the one we are on, recommends that $120 million be provided to the Secretary of the Army to address the emerging up-armored HMMWV requirements toward its 10,000-unit requirement. The Secretary of the Army was provided the authority and flexibility to procure up-armored HMMWV's tactical wheel add-on armor, the M1151, the M1152 HMMWVs, once the Army received a validated requirement from a combatant commander. The amendment is funded for 11,693 up-armored HMMWVs, and the Marine Corps is funded for 498 up-armored HMMWVs through December 2005.

Since the markup of the fiscal year 2006 authorization bill, the committee has received new information that justifies, in our judgment, the increase of the Army and the Marine Corps requirement for dollars to meet the up-armored HMMWV goals. The Army has an emerging requirement for up-armored HMMWVs for Afghanistan which may increase the overall requirement by 300 up-armored HMMWVs.

The Marines Expeditionary Force Forward Commander recently requested that all HMMWVs in his area of operation be upgraded to the up-armored HMMWV variant. This could potentially increase the Marine Corps requirement to 2,814 up-armored HMMWVs, of which 988 are now funded.

In keeping with the commitment of the Committee on Armed Services to meet all force protection requirements, this amendment proposes to add $105 million to the Army budget authorized and $340 million to the Marines Corps to allow the Department to respond quickly to the commander's request. It is there.

This is quite a complicated amendment. A number of Senators have expressed an interest in this amendment. I would like to debate this tonight. I request the leadership consider having a record vote in due course. I urge Senators who have an interest in this matter to communicate with me or Senator LEVIN.

I would like to have Senators' views. I propose to put it to one side; thereby giving a full opportunity for all members to express their views. Again, I will seek the authority of the leadership to have a record vote on this. Each Senator will want to vote on this amendment. I cannot think of any equipment issue more important to the men and women from your States than this.

I want to accommodate my colleagues, and I will yield the floor so my distinguished colleague, Senator LEVIN, can make such comments as he wishes.

The PRESIDING OFFICER. Who yields time?

The Senator from Michigan.

Mr. LEVIN. Mr. President, first, this amendment addresses a very significant issue, which took up a lot of time of the committee. We have, in the bill itself, added some additional money to what the administration requested because their request was so inadequate to the threat. We have found over the period of time we have been in Iraq and Afghanistan a totally inadequate response to our armor needs.

We have had I don't know how many hearings in the Armed Services Committee—the chairman says about five; and that would be about my recollection, too—where we have pressed our military leaders, the Secretary of Defense, as to why there has been such a slow response to such an obvious need. So we have been pressing very hard to provide all of the adequate resources. We get different answers from the people who run the Defense Department than we get from the people who are providing the vehicles.

We were told, for instance, by the manufacturer that they never got a request for an increased amount. On the other hand, our military leaders said: Well, sure, we pressed for an increase in the amount.

We have a total conflict on the subject of whether there was ever a time when funding was short, because the committee was determined that we provide all of the resources—all of the resources—that are necessary to provide the armor. It is inexcusable we have men and women who are subject to these devices on the side of the road who do not have the best armor.

Hearing after hearing, we put pressure on our civilian and uniformed leaders to provide the equipment our men and women deserve, and the armor our men and women deserve.

There has been a number of Members of our committee, particularly Senator KENNEDY, Senator BAYH, and others, who have had not only a major interest in and made a major effort to press for additional funding and for additional armor but who I know are interested in this subject on this bill.

So I suggest to my friend from Virginia that we give them an opportunity to read what he has now offered because I think it would be very possible they may want to either go in a slightly more increased direction or in a different direction. And I am not sure, they may want to offer a second-degree amendment to this amendment or they may be perfectly happy to cosponsor it. But I would like to give them an opportunity, since this does come at this hour, to read to see exactly what is being proposed since they have such an interest in this issue and I know they were planning on offering language on this bill.

I would join in the suggestion that this language be available promptly to the members of the committee or any Member of the body because I think every Member of this body has had an interest in trying to press the Defense Department to provide greater armor at greater speed.

I have been very dissatisfied, publicly, as to an issue having to do with the fact that our military leaders tried to get the manufacturer, as we understand it, to have a second source. That would have required the manufacturer to share some technology with the second producer. According to one story, they refused to share the technology with a second producer. If that is true, as I said publicly before, it would be pretty shocking we would have a contractor who produces material for the Defense Department, who knows we desperately need more, who would not share the technology with a second source so we could produce the armor a lot faster.

There is a lot of significant background. I think we ought to give every member of our committee and every Member of the Senate an opportunity to take a look at the approach the chairman is proposing to see whether this meets the various needs and thoughts of Members of the Senate. I welcome the chairman's willingness to lay this amendment aside to give those Members an opportunity.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, it is a perfectly reasonable request. I fully wish to accommodate my colleague's wishes. We will lay this amendment aside. But I would like to draw attention to the fact that the subject is one which has been under constant review, the subject of five hearings in committee over a period of time. It is so important, I would like to have this bill start off with the amendment. I am hopeful, with the concurrence of the leadership, we can address this amendment this evening.

I am perfectly willing to lay it aside now and let colleagues come over and speak to it, as you say, and take such parliamentary steps as they so desire.

So at this time, Mr. President, I ask unanimous consent that the pending amendment of the Senator from Virginia be laid aside.

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

AMENDMENT NO. 1315

Mr. WARNER. Now, Mr. President, I have, I think, discussed with our colleague another amendment. It relates to a subject that one of our distinguished Members of the House of Representatives, Congressman SKELTON, sent. He actually brought this up as a freestanding issue in the House of Representatives. It was considered by the House and adopted. So it is now, presumably, before the Senate as a freestanding item. But it would be my desire, subject to the viewpoints of my colleague, Senator LEVIN, that it be incorporated in this bill, identical to what Congressman SKELTON wishes to do.

The essence of it is as follows: The National Defense University and the Joint Forces Staff College do an extraordinary job of preparing our military and, indeed, a number of civilian personnel for greater responsibility. The Joint Advanced Warfighting School, which is part of the Joint Forces Staff College, has created and is now presenting a course on Joint Campaign Planning and Strategy.

The first class graduated recently, and it was composed of an impressive group of global war on terrorism officers, in other words, officers who are devoting, at this time, their professional attention to this subject.

The amendment authorizes the award of a Master of Science degree, and it is one I think is deserving of the consideration of this body and, hopefully, adoption by this body. It is an amendment which I will now send to the desk for immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for himself and Mr. LEVIN, proposes an amendment numbered 1315.

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

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

The amendment is as follows:

(Purpose: To authorize the National Defense University to award the degree of Master of Science in Joint Campaign Planning and Strategy)

At the end of subtitle H of title V, add the following:

SEC. 596. AUTHORITY FOR NATIONAL DEFENSE UNIVERSITY AWARD OF DEGREE OF MASTER OF SCIENCE IN JOINT CAMPAIGN PLANNING AND STRATEGY.

(a) JOINT FORCES STAFF COLLEGE PROGRAM.—Section 2163 of title 10, United States Code, is amended to read as follows:

"§ 2163. National Defense University: master of science degrees

''(a) AUTHORITY TO AWARD SPECIFIED DEGREES.—The President of the National Defense University, upon the recommendation of the faculty of the respective college or other school within the University, may confer the master of science degrees specified in subsection (b).

''(b) AUTHORIZED DEGREES.—The following degrees may be awarded under subsection (a):

''(1) MASTER OF SCIENCE IN NATIONAL SECURITY STRATEGY.—The degree of master of science in national security strategy, to graduates of the University who fulfill the requirements of the program of the National War College.

''(2) MASTER OF SCIENCE IN NATIONAL RESOURCE STRATEGY.—The degree of master of science in national resource strategy, to graduates of the University who fulfill the requirements of the program of the Industrial College of the Armed Forces.

''(3) MASTER OF SCIENCE IN JOINT CAMPAIGN PLANNING AND STRATEGY.—The degree of master of science in joint campaign planning and strategy, to graduates of the University who fulfill the requirements of the program of the Joint Advanced Warfighting School at the Joint Forces Staff College.

''(c) REGULATIONS.—The authority provided by this section shall be exercised under regulations prescribed by the Secretary of Defense.''.

(b) CLERICAL AMENDMENT.—The item relating to section 2163 in the table of sections at the beginning of chapter 108 of such title is amended to read as follows:

''2163. National Defense University: master of science degrees.''.

(c) EFFECTIVE DATE.—Paragraph (3) of section 2163(b) of title 10, United States Code, as amended by subsection (a), shall take effect for degrees awarded after May 2005.

Mr. WARNER. In brief, the amendment would amend section 2163 of title 10, United States Code, to authorize the president of the National Defense University to confer the degree of Master of Science in Joint Campaign Planning and Strategy on those students attending the Joint Advanced Warfighting School at the Joint Forces Staff College who pursued the particular course.

The Joint Forces Staff College initiated a new advanced course of study in Joint Campaign Planning and Strategy in 2004. The program received its full accreditation from the Department of Education in the fall of 2004. As I said, the first class graduated in 2005. So the legislation would authorize conferral of the degree retroactively to that class of 2005 and prospectively to the future classes.

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

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

Mr. WARNER. Mr. President, the pending amendment which I sent to the desk, I ask unanimous consent that it be laid aside.

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

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

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SESSIONS. Mr. President, I rise to discuss the bill before us, S. 1042, the National Defense Authorization Act for fiscal year 2006. I am pleased to serve under Chairman WARNER and Ranking Member LEVIN on the Armed Services Committee. It is a particular thrill for me to have that honor.

I am privileged to serve as the chairman of the Subcommittee on Strategic Forces. In that capacity, I have worked hard, our staff has worked hard, in cooperation particularly with my ranking member on the Strategic Forces Subcommittee, Senator NELSON of Florida. Our efforts have been to contribute our part to the bill that is now before the Senate.

Under the leadership of Senator WARNER, we believe we have achieved our goal of bringing forward legislation that serves the national security needs of this country, protects the interests of our fighting men and women, and does so while making deliberate and judicious use of precious taxpayer dollars. We simply have to be frugal. There is no money to waste.

The Strategic Forces Subcommittee exercised oversight for the Department of Defense budget request for missile defense, strategic forces, space, intelligence, surveillance and reconnaissance, and intelligence support activities. The DOD budget request in these areas included $9.5 billion in procurement, $27.2 billion in research and development, and $3 billion in operations and maintenance. The administration budget request also included $14.8 billion for the Department of Energy nuclear weapons and environmental management programs and activities.

The bill reflects a net increase of $40 million in procurement, a net decrease of $16 million in research and development, and a net increase of $11 million in the amount requested in operations and maintenance, for a total net increase of $35 million—not a lot of increase. It also reflects the requested level of funding for the Department of Energy programs and activities.

The bill fully funds the request for missile defense, but it does so in a way that reduces some funding for longer term developmental efforts to support near-term capabilities and enhanced testing. Overall, $8.8 billion was requested for missile defense activities, of which $7.8 billion is for the Missile Defense Agency.

Significant funding actions in the markup include an increase of $100 million for the ground-based midcourse defense system to enhance ground and flight testing, and an increase of $75 million for the Aegis BMD system to improve system performance and to accelerate SM–3 missile delivery in 2007. Both of these systems, while continuing to undergo development and testing, are available today for use in an emergency to protect the United States and its allies against limited ballistic missile attacks. By focusing

on near-term capabilities, this bill sends a strong message to potential adversaries that the United States is no longer vulnerable to ballistic missile threats or coercion.

The bill makes significant adjustments to the President's budget request for military satellite programs. The bill recommends a $200 million reduction in the Transformational Satellite Program, TSAT, to put the program on a healthier developmental track; an increase of $100 million for the Advanced Extremely High Frequency Satellite Program, AEHF, to begin procuring a fourth AEHF communications satellite; and a reduction, however, of $75 million for the Space Radar Program due to insufficient programmatic and cost definition. We expect this Space Radar Program to be successful as time goes by.

Related to the Department of Energy, the bill includes $14.8 billion for nuclear weapons and environmental management programs for the fiscal year 2006, the amount requested by the administration. Of this amount, $6.6 billion is for the National Nuclear Security Administration nuclear weapons activities.

The bill includes a few modest increases to help reduce deferred maintenance and to support the infrastructure of the nuclear weapons complex. The bill also increases funding for security at Department of Energy sites. This is a reflection of the need to enhance security at these sites in response to the potential threats that exist after 9/11.

The bill also includes authorization at the budget request to continue the feasibility study of the robust nuclear earth penetrator, RNEP. This bill does not, however, provide any funding for Air Force activities to integrate RNEP into a delivery platform. The committee has honored the balance struck 2 years ago when Congress enacted a provision prohibiting the administration from proceeding beyond a feasibility study of RNEP without explicit authorization from Congress. No such authorization was sought by the administration this year, and none is provided. The $4.0 million provided for RNEP is for continuation of the feasibility study and nothing beyond that.

The bill also funds the Department of Energy Environmental Management Program at $6.6 billion. The Environmental Management Program is addressing the environmental cleanup needs at Department of Energy nuclear sites. This environmental contamination is an unfortunate and highly expensive legacy of our victory in the Cold War. Our bill provides appropriate funding to continue this cleanup program.

Again, I thank the ranking member on the Strategic Forces Subcommittee, Senator NELSON, for working with me on this legislation and throughout our hearings and in the markup leading up to this point. The Armed Services Committee takes a lot of time and deliberation to produce this bill. It is the product of a lot of hard work, a lot of hard choices, and a fair amount of compromise. I hope my colleagues will support the bill that our committee has produced. I again express my appreciation to Chairman WARNER for his leadership, for the fact that we have been able to move this bill promptly this year. I think our Nation is going to benefit from many of the important provisions that are contained in it.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I wish to thank my longtime friend and committee member, the Senator from Alabama. We have worked together. We have traveled together. We have been to Iraq together. We went down last Friday to Guantanamo to inspect the detention facilities down there. He has always responded to the request of the chairman, pack a bag, will travel, take on any mission. I thank him.

I also thank him for working as subcommittee chairman and getting the work done in his subcommittee.

Mr. SESSIONS. Mr. President, I thank the chairman. There is no committee on which I serve that is more of a pleasure to work and has a better bipartisan spirit. Chairman WARNER and Senator LEVIN deserve much credit for that. We get to make a number of trips. Nobody makes more trips than Chairman WARNER, but it is a thrill to visit our fine men and women in uniform in the highly dangerous areas that we many times get to visit.

It is an honor to be on the committee whose responsibility it is to support them.

I thank the chairman.

Mr. WARNER. I thank my colleague.

Mr. President, we are working with the other side. I think we have a package of cleared amendments, but maybe the Senator wishes to address something else.

AMENDMENT NO. 1315

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. LEVIN. Mr. President, the amendment which was just offered has now been cleared on this side relative to the degree at the university. We support it. Senator NELSON is our ranking member. We wanted to doublecheck with him.

The PRESIDING OFFICER. Is there further debate on amendment No. 1315?

If not, the question is on agreeing to the amendment.

The amendment (No. 1315) was agreed to.

Mr. WARNER. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

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

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

Mr. WARNER. Mr. President, I ask unanimous consent to add Senator JON KYL as a cosponsor of amendment No. 1314.

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

AMENDMENTS NOS. 1318, 1319, 1320, 1321, 1322, AND 1323, EN BLOC

Mr. WARNER. Mr. President, with the attention of my distinguished ranking member, we ask that a series of amendments, which I will now send to the desk, which have been cleared, be considered, and I ask that any statements relating to the individual amendments be printed the RECORD.

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

The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER] proposes amendments numbered 1318, 1319, 1320, 1321, 1322 and 1323 en bloc.

Mr. WARNER. Mr. President, I ask unanimous consent that further reading of the amendments be dispensed with.

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

The amendments are as follows:

AMENDMENT NO. 1318

(Purpose: To authorize a pilot program on expanded public-private partnerships for research and development)

At the end of subtitle E of title VIII, add the following:

SEC. 846. PILOT PROGRAM ON EXPANDED PUBLIC-PRIVATE PARTNERSHIPS FOR RESEARCH AND DEVELOPMENT.

(a) PILOT PROGRAM AUTHORIZED.—The Secretary of Defense may carry out a pilot program to authorize the organizations referred to in subsection (b) to enter into cooperative research and development agreements under section 12 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a) in order to assess the benefits of such agreements for such organizations and for the Department of Defense as a whole.

(b) COVERED ORGANIZATIONS.—The organizations referred to in this subsection are as follows:

(1) The National Defense University.

(2) The Defense Acquisition University.

(3) The Joint Forces Command.

(4) The United States Transportation Command.

(c) LIMITATION.—No agreement may be entered into, or continue in force, under the pilot program under subsection (a) after September 30, 2009.

(d) REPORT.—Not later than February 1, 2009, the Secretary shall submit to the congressional defense committees a report on the pilot program under subsection (a). The report shall include—

(1) a description of any agreements entered into under the pilot program; and

(2) the assessment of the Secretary of the benefits of the agreements entered into under the pilot program for the organizations referred to in subsection (b) and for the Department of Defense as a whole.

AMENDMENT NO. 1319

(Purpose: To modify the requirements for reports on program to award prizes for advanced technology achievements)

At the end of subtitle E of title II, add the following:

SEC. 244. MODIFICATION OF REQUIREMENTS FOR REPORTS ON PROGRAM TO AWARD PRIZES FOR ADVANCED TECHNOLOGY ACHIEVEMENTS.

Subsection (e) of section 2374a of title 10, United States Code, is amended to read as follows:

''(e) ANNUAL REPORT.—(1) Not later than March 1 each year, the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the activities undertaken by the Defense Advanced Research Projects Agency in the preceding year under the authority of this section.

''(2) The report for a year under this subsection shall include the following:

''(A) The results of consultations between the Director and officials of the military departments regarding the areas of research, technology development, or prototype development for which prizes would be awarded under the program under this section.

''(B) A description of the proposed goals of the competitions established under the program, including the areas of research, technology development, or prototype development to be promoted by such competitions and the relationship of such areas to the military missions of the Department.

''(C) The total amount of cash prizes awarded under the program, including a description of the manner in which the amounts of cash prizes awarded and claimed were allocated among the accounts of the Defense Advanced Research Projects Agency for recording as obligations and expenditures.

''(D) The methods used for the solicitation and evaluation of submissions under the program, together with an assessment of the effectiveness of such methods.

''(E) A description of the resources, including personnel and funding, used in the execution of the program, together with a detailed description of the activities for which such resources were used.

''(F) A description of any plans to transition the technologies or prototypes developed as a result of the program into acquisition programs of the Department.

''(G) For each competition under the program, a statement of the reasons why the competition was a preferable means of promoting basic, advanced, or applied research, technology development, or prototype development projects to other means of promoting such projects, including contracts, grants, cooperative agreements, or other transactions.''.

AMENDMENT NO. 1320

(Purpose: To make a technical correction relating to the Science, Mathematics, and Research for Transformation (SMART) Defense Education Program)

On page 289, line 25, strike ''during such periods'' and insert ''in the case of the period after completion of the degree''.

AMENDMENT NO. 1321

(Purpose: To establish certain qualifications for individuals who serve as Regional Directors of the TRICARE program)

At the end of subtitle B of title VII, add the following:

SEC. 718. QUALIFICATIONS FOR INDIVIDUALS SERVING AS TRICARE REGIONAL DIRECTORS.

(a) QUALIFICATIONS.—Effective as of the date of the enactment of this Act, no individual may serve in the position of Regional Director under the TRICARE program unless the individual—

(1) is—

(A) an officer of the Armed Forces in a general or flag officer grade; or

(B) a civilian employee of the Department of Defense in the Senior Executive Service; and

(2) has at least 10 years of experience, or equivalent expertise or training, in the military health care system, managed care, and health care policy and administration.

(b) TRICARE PROGRAM DEFINED.—In this section, the term ''TRICARE program'' has the meaning given such term in section 1072(7) of title 10, United States Code.

AMENDMENT NO. 1322

(Purpose: To make technical corrections to authorizations of appropriations)

On page 27, line 21, strike ''$18,843,296,000'' and insert ''$19,011,754,000''.

On page 305, between lines 19 and 20, insert the following:

(6) For the Naval Reserve, $2,400,000.

AMENDMENT NO. 1323

(Purpose: To clarify the amendment relating to the grade of the Judge Advocate General of the Army)

On page 77, strike lines 22 through 25 and insert the following:

Section 3037(a) of title 10, United States Code, is amended by striking the last sentence and inserting the following new sentences: ''The Judge Advocate General, while so serving, has the grade of lieutenant general. An officer appointed as Assistant Judge Advocate General who holds a lower regular grade shall be appointed in the regular grade of major general.''.

Mr. LEVIN. We have no objection on this side.

Mr. WARNER. Mr. President, I urge adoption of these amendments.

The PRESIDING OFFICER. Without objection, the amendments are agreed to en bloc.

The amendments (Nos. 1318, 1319, 1320, 1321, 1322, and 1323) were agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 1324

Mr. WARNER. Mr. President, I send an amendment on behalf of Senators MCCONNELL, BUNNING, ALLARD, and SALAZAR, which would provide the Secretary of Defense authority to use research and development funds available for chemical weapons demilitarization activities under the Assembled Chemical Weapons Alternative Program to carry out construction projects for facilities necessary to support chemical demilitarization at Pueblo Army Depot in Colorado and Bluegrass Army Depot in Kentucky. I believe it has been cleared.

Mr. LEVIN. It has been.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. MCCONNELL, proposes an amendment numbered 1324.

The amendment is as follows:

(Purpose: To authorize the construction of chemical demilitarization facilities)

At the end of subtitle B of title II, add the following:

SEC. 213. CHEMICAL DEMILITARIZATION FACILITIES.

(a) AUTHORITY TO USE RESEARCH, DEVELOPMENT, TEST, AND EVALUATION FUNDS TO CONSTRUCT FACILITIES.—The Secretary of Defense may, using amounts authorized to be appropriated by section 201(4) for research, development, test, and evaluation, Defense-wide and available for chemical weapons demilitarization activities under the Assembled Chemical Weapons Alternatives program, carry out construction projects, or portions of construction projects, for facilities necessary to support chemical demilitarization operations at each of the following:

(1) Pueblo Army Depot, Colorado.

(2) Blue Grass Army Depot, Kentucky.

(b) SCOPE OF AUTHORITY.—The authority in subsection (a) to carry out a construction project for facilities includes authority to carry out planning and design and the acquisition of land for the construction or improvement of such facilities.

(c) LIMITATION ON AMOUNT OF FUNDS.—The amount of funds that may be utilized under the authority in subsection (a) may not exceed $51,000,000.

(d) DURATION OF AUTHORITY.—A construction project, or portion of a construction project, may not be commenced under the authority in subsection (a) after September 30, 2006.

(e) NOTICE AND WAIT.—The Secretary may not carry out a construction project, or portion of a construction project, under the authority in subsection (a) until the end of the 21-day period beginning on the date on which the Secretary notifies the congressional defense committees of the intent to carry out such project.

Mr. SALAZAR. Mr. President, I rise today to speak with respect to amendment No. 1326. to the Defense authorization bill, which was adopted by the Senate today, that directly affects the citizens of Pueblo, CO, and the cleanup of those chemical weapons stockpiled at the Pueblo Chemical Depot. I thank my colleagues, Senator WARNER and Senator LEVIN, and their staffs, for their help on this measure. I thank, too, Senators MCCONNELL and BUNNING and my colleague from the great State of Colorado, Senator ALLARD. We have maintained an important alliance on this issue, and I appreciate their efforts.

This bipartisan Pueblo amendment, which I am proud to cosponsor, moves $51 million from the Department of Defense's Research, Development, Test and Evaluation budget to the Military Construction budget for the Assembled Chemical Weapons Alternatives program. This program, known as ACWA, is the authority for chemical weapons destruction at both the Pueblo Chemical Depot and the Bluegrass, KY, site.

More than three-quarters of a million chemical weapons—mustard agent rounds—are stockpiled in the Pueblo Chemical Depot. These weapons are a threat to the security of the surrounding community. The United States has sworn to safely destroy these weapons before the 2012 deadline established by the Chemical Weapons Convention. Progress has been slow in the past but has recently been moving forward.

Unfortunately, under the President's budget request, there was no money allotted for Military Construction at the Pueblo Chemical Depot facility for fiscal year 2006. The program was on hold at the time the budget was released. But now that the dedication and hard

work of the citizens of Pueblo, along with a strong bipartisan effort here in DC, has resulted in forward progress, money needs to be designated specifically for MilCon so the Department of Defense can spend money for ACWA construction projects. Without money being designated for MilCon, the progress at Pueblo Chemical Depot could be halted once again.

The amendment adopted today was cosponsored by the Senators from Colorado and Kentucky. It ensures that money will be available to be spent in fiscal year 2006 for construction, planning, and design work at both the Pueblo Chemical Depot in Colorado and at the Bluegrass, KY, site.

This amendment is an essential step forward for the destruction of the tons of chemical weapons still stored at the Pueblo Chemical Depot. I hope this is another indication that the Pentagon recognizes the urgency this situation demands—an urgency the people of Pueblo and all of Colorado are right to expect.

I am proud to be part of such a strong coalition of concerned citizens and Senators from the communities impacted by these terrible weapons. But even though I am cautiously optimistic that today's amendment signals positive action in the future, there is still much work to do. I hope that this upcoming work will go forward in a similar manner: with good communications, with utmost concern for the safety of the citizens of Pueblo and Bluegrass, and with our eye always fixed on the goal of the safe destruction of these chemical weapons by 2012.

Mr. WARNER. Mr. President, I urge the Senate to adopt this amendment.

The PRESIDING OFFICER. Is there further debate?

If not, the amendment is agreed to.

The amendment (No. 1324) was agreed to.

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

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

AMENDMENT NO. 1325

Mr. LEVIN. Mr. President, on behalf of myself and Senator COLLINS, I offer an amendment that would require the Department of Defense to develop a strategic plan for the civilian workforce of the Department of Defense, and I believe the amendment has been cleared.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for himself, and Ms. COLLINS, proposes an amendment numbered 1325.

The amendment is as follows:

(Purpose: To require a strategic human capital plan for civilian employees of the Department of Defense)

At the end of title XI, add the following:

SEC. 1106. STRATEGIC HUMAN CAPITAL PLAN FOR CIVILIAN EMPLOYEES OF THE DEPARTMENT OF DEFENSE.

(a) PLAN REQUIRED.—(1) Not later than six months after the date of the enactment of this Act, the Secretary of Defense shall develop and submit to the appropriate committees of Congress a strategic plan to shape and improve the civilian employee workforce of the Department of Defense.

(2) The plan shall be known as the ''strategic human capital plan''.

(b) CONTENTS.—The strategic human capital plan required by subsection (a) shall include—

(1) a workforce gap analysis, including an assessment of—

(A) the critical skills and competencies that will be needed in the future civilian employee workforce of the Department of Defense to support national security requirements and effectively manage the Department over the next decade;

(B) the skills and competencies of the existing civilian employee workforce of the Department and projected trends in that workforce based on expected losses due to retirement and other attrition; and

(C) gaps in the existing or projected civilian employee workforce of the Department that should be addressed to ensure that the Department has continued access to the critical skills and competencies described in subparagraph (A); and

(2) a plan of action for developing and reshaping the civilian employee workforce of the Department to address the gaps in critical skills and competencies identified under paragraph (1)(C), including—

(A) specific recruiting and retention goals, including the program objectives of the Department to be achieved through such goals; and

(B) specific strategies for development, training, deploying, compensating, and motivating the civilian employee workforce of the Department, including the program objectives of the Department to be achieved through such strategies.

(c) INAPPLICABILITY OF CERTAIN LIMITATIONS.—The recruitment and retention of civilian employees to meet the goals established under subsection (b)(2)(A) shall not be subject to any limitation or constraint under statute or regulations on the end strength of the civilian workforce of the Department of Defense or any part of the workforce of the Department.

(d) ANNUAL UPDATES.—Not later than March 1 of each year from 2007 through 2012, the Secretary shall update the strategic human capital plan required by subsection (a), as previously updated under this subsection.

(e) ANNUAL REPORTS.—Not later than March 1 of each year from 2007 through 2012, the Secretary shall submit to the appropriate committees of Congress—

(1) the update of the strategic human capital plan prepared in such year under subsection (d); and

(2) the assessment of the Secretary, using results-oriented performance measures, of the progress of the Department of Defense in implementing the strategic human capital plan.

(f) COMPTROLLER GENERAL REVIEW.—(1) Not later than 90 days after the Secretary submits under subsection (a) the strategic human capital plan required by that subsection, the Comptroller General shall submit to the appropriate committees of Congress a report on the plan.

(2) Not later than 90 days after the Secretary submits under subsection (e) an update of the strategic human capital plan under subsection (d), the Comptroller General shall submit to the appropriate committees of Congress a report on the update.

(3) A report on the strategic human capital plan under paragraph (1), or on an update of the plan under paragraph (2), shall include the assessment of the Comptroller General of the extent to which the plan or update, as the case may be—

(A) complies with the requirements of this section; and

(B) complies with applicable best management practices (as determined by the Comptroller General).

(g) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term ''appropriate committees of Congress'' means—

(1) the Committees on Armed Services and Homeland Security and Governmental Affairs of the Senate; and

(2) the Committees on Armed Services and Government Reform of the House of Representatives.

Mr. WARNER. Mr. President, the amendment is acceptable to this side.

The PRESIDING OFFICER. Is there further debate? Without objection, the amendment is agreed to.

The amendment (No. 1325) was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. WARNER. Mr. President, I believe, unless my distinguished colleague has a need to further address the Senate, we have concluded the opening round of our bill. My understanding is that the pending business will be amendment No. 1314 to S. 1042, am I correct?

The PRESIDING OFFICER. That is correct, that is the pending question.

MORNING BUSINESS

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

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

VERLIE DOING

Mr. REID. Mr. President, today I rise to honor one of the pillars of my hometown, Searchlight, NV—Mrs. Verlie Doing. Saturday, July 23, 2005 will be designated Verlie Doing Day, and it could not go to a more deserving or influential person.

Searchlight has never been the same since Verlie came to town in 1968 to help her late husband run Sandy's Casino. They built the Searchlight Nugget, which Verlie still owns. Verlie is a proud Texan, but she quickly adopted the citizens of Searchlight and put down lasting roots in the community that will benefit many generations to come.

For years, Searchlight did not have a senior center; so Verlie donated a building for the Searchlight Senior Citizen's Center. Searchlight did not have a church, so Verlie helped found the Searchlight Community Church, where she plays the organ every Sunday. Searchlight did not have a modern

park so Verlie established Searchlight Park, equipped with a new playground, grills, and picnic areas for the town.

These are a few of many visible contributions that Verlie made to the community, but Verlie's most important contributions exist outside of the public eye. She never asks for recognition and she does not draw attention to her actions, but her charity touches every person in need.

''She's always doing something for someone,'' said long time friend Marion Young. ''Verlie has a kindness for everyone and she'll never let someone go down the road hungry.''

Much of Verlie's philanthropy occurs behind the scenes, but her impact is felt throughout Searchlight. Each year, Verlie furnishes ice cream for ice cream socials. She has always supported the local police department, allowing the Searchlight Police to have Police Officer's Night Out. Verlie also provides a steak dinner annually for our firefighters and medical workers. Local children at the elementary school are treated to hamburgers at the Nugget for good grades. Anyone in need always comes to Verlie first, and she never turns them away.

Verlie means a lot to me personally. After my father's passing, Verlie was a close friend to my mother. She would take her to Las Vegas to shop, and looked after her because my mother lived in Searchlight alone. Her thoughtfulness and compassion helped my mother make it through tough and trying times. I will never be able to repay her kindness to my mother.

Verlie understands the importance of community. Her philanthropy—both visible and invisible—has made Searchlight the town it is today. Verlie Doing has touched every life in Searchlight, including my own, and I know that she has changed each life for the better.

Congratulations, Verlie. I am proud to honor an authentic Searchlight hero.

PUBLIC HEALTH SERVICE ACT

Mr. GRASSLEY. Mr. President, I want to take a few minutes to explain my recent action related to S. 1418, the Wired for Health Care Quality Act. Today, with great reluctance, I asked Leader FRIST to consult with us prior to any action related to consideration of this bill, which the Health, Education, Labor, and Pensions Committee reported by voice vote this morning.

The Wired for Health Care Quality Act would promote the use of electronic health records by adopting standards for the electronic exchange of information, offer incentives for health care providers to create networks for secure exchange of electronic health information, and ensure quality measurement and reporting of provider performance under the Public Health Service Act.

I fully support linking the adoption of health information technology to quality improvements in our health care system. They go hand in hand. Which is why Senator BAUCUS and I decided to introduce our Medicare Value Purchasing Act, S. 1356, jointly with Senators ENZI and KENNEDY's Better Healthcare Through Information Technology Act, S. 1355. The thought behind a dual introduction was to enforce the message that Medicare can drive quality improvement through payment incentives, and that the adoption of information technology is also a necessary step not only to facilitate the reporting of quality measures but also to increase efficiency and quality in our health care delivery system.

Our bill creates quality payments under Medicare for all provider groups. A considerable amount of time was devoted towards ensuring that the development of quality measures and the implementation of value-based purchasing programs under Medicare were properly vetted with provider groups, beneficiary groups, and the administration. We did not want to reinvent the wheel; we wanted to build on the initiatives that already exist to develop and adopt quality measures. And because Medicare is the single largest purchaser of health care in the Nation, adopting quality payments in Medicare influences the level of quality in all of health care. We have seen time and time again how when Medicare leads, the other public and private purchasers follow.

Which is why I am troubled, that as currently drafted, S. 1418 would require the development of quality measures under the Public Health Service Act. It is hard to comprehend how the quality measurement system in this bill intersects with the quality measurement system developed in the Medicare Value Purchasing Act. The last thing we want to do is end up with two different quality measurement systems. This has the potential to derail both proposals, effectively terminating or at least postponing the common goal of improving the quality of patient care.

The Wired for Health Care Quality Act would also direct the Secretary of Health and Human Services, along with the Secretary of Defense, the Secretary of Veterans Affairs, and other heads of relevant Federal agencies to jointly develop a quality measurement system. The coordination among all these Federal agencies alone is a massive project that could indefinitely stall the development and implementation of appropriate quality measures or result in one that falls to the lowest common denominator. That could actually set back quality efforts.

I welcome the opportunity to work with the sponsors of S. 1418, Senators ENZI, KENNEDY, FRIST, and CLINTON along with members of the Health, Education, Labor, and Pensions Committee on this matter. I had hoped to accomplish that before the bill was introduced on the floor. Unfortunately, that did not happen. I do not take actions such as these lightly. But I am deeply troubled that, as currently drafted, the Wired for Health Care Quality Act could end up unintentionally delaying our common goal of improving the quality of health care for all Americans.

Mr. BAUCUS. Mr. President, I rise to address possible floor consideration of S. 1418, a bill to amend the Public Health Service Act to enhance the adoption of a nationwide interoperable health information technology system and to improve the quality and reduce the costs of health care in the United States.

Senator GRASSLEY and I have been working since January with Senators ENZI and KENNEDY on issues of quality and health information technology. Together, we introduced two bills on June 30—one that deals with Medicare quality, and another to enhance quality through the widespread adoption of health IT. The latter is S. 1356, the Medicare Value Purchasing Act of 2005, which develops a system of quality measurement and implements pay-for-performance in Medicare.

In drafting these two bills, we worked hard to craft language that was complementary rather than contradictory. Ultimately, we viewed these two pieces of policy as working together to build a comprehensive and workable health care quality system.

S. 1418 potentially disrupts the work we have done thus far, by including language that will force the duplication of quality measurement systems. It also raises questions about the jurisdictional reach of the Committee on Health, Education, Labor, and Pensions.

Medicare is the dominant payer in health care, with annual spending exceeding $300 billion. Furthermore, it is Medicare's payment systems that are often adopted by private insurance groups. Private payers use the Medicare physician fee schedule for their own book of business, and we would expect these same insurers to follow Medicare's lead on pay-for-quality.

I appreciate the process that Senators ENZI and KENNEDY have undertaken with us over the last several months. And I appreciate the majority leader's desire to move important health IT legislation. Congressional action on this issue is long overdue. But until common ground can be reached on a feasible system of measuring quality, I must reluctantly object to moving forward with S. 1418. I believe that the process outlined in this bill for the development of quality measures may well be unworkable and that it will raise deep concerns for hospitals, physicians, and other providers.

I also believe that the language on the development of quality measures in this bill ought to be designed for Public Health Service Act programs and explicitly applicable to these programs, not to Medicare or Medicaid.

I hope that our colleague, Senators ENZI, KENNEDY, FRIST, and CLINTON, will work with us to craft a bill that is appropriate for programs under the

PHSA and that complements the Medicare Value Purchasing Act of 2005. Ultimately, I believe that we have the same goals in mind. If we can come to an agreement now, we can continue moving forward with these important policies that can change the shape, quality, and ultimately the cost and benefit of our health care system.

METHAMPHETAMINE CRISIS

Mr. WYDEN. Mr. President, to draw attention to the meth crisis facing Oregon and a growing number of States around the country, I stand once again on the floor of the Senate introducing two more newspaper articles into the RECORD. Both articles highlight the plight of the most vulnerable victims of the meth crisis: America's children.

As the first piece, ''The Little Round Faces of Meth,'' from The Oregonian points out, ''The drug lurks behind nearly all of Oregon's most shocking and horrifying cases of child abuse and neglect.''

The second article, ''A Drug Scourge Creates Its Own Form of Orphan'' was printed in the New York Times a little over a week ago. As the article explains, ''In Oregon, 5,515 children entered the [foster care] system in 2004, up from 4,946 the year before, and officials there say the caseload would be half what it is now if the methamphetamine problem suddenly went away.''

The burden that meth is placing on Oregon communities is enormous. And we have to do something about it. Because even if we get the epidemic under control right now, we are going to be dealing with the consequences for years to come. And one of these consequences will be taking care of the child victims of meth. As Jay Wurscher, director of alcohol and drug services for the children and families division of the Oregon Department of Human Services explains in the New York Times article, ''In every way, shape and form, this is the worst drug ever for child welfare.''

We cannot afford to wait any longer. Each day we fail to act, another child is neglected, abused or even worse—dead—as a result of meth. I urge Congress to pass and the President to sign the Combat Meth bill, a solid step that will help us fight this terrible drug in Oregon and around the country. Among other things, the bill provides $5 million in grants to help kids affected by meth.

Mr. President, I ask for unanimous consent that the full text of The Oregonian article and the New York Times article be printed in the RECORD.

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

[From The Oregonian, July 9, 2005]

THE LITTLE ROUND FACES OF METH

You will have to imagine the face of a tearful 16-month-boy found toddling alone last Wednesday morning alongside River Road North in Keizer. You usually only see the faces of the child victims of methamphetamine, or learn their names, when they die.

The familiar faces of meth are the mug shots of the drug users and dealers spilling out of Oregon's jails and prisons. You have seen them so often in newspapers and on television newscasts that they have all but blurred into one gaunt face with hollow eyes, straggly hair, jack-o-lantern smiles.

But when a toddler winds up standing alone in a T-shirt and soiled diaper along a busy Oregon commuter street, while his parents apparently sleep off another night of drugs, it is time to realize the most awful thing about meth is not the rotten teeth it produces but the rotten parents.

That little boy in the diaper standing along River Road is among thousands of Oregon children who have suffered neglect and abuse linked to methamphetamine. State authorities say at least half of the investigated cases of abuse and neglect in Oregon trace back to the drug found in the apartment of the little boy's parents, Kurt Michael Quinn, 42, and Ivory Angela Williams, 26. The couple was arrested on multiple charges, including child neglect and possession of a controlled substance.

Of, course, meth was there. The drug lurks behind nearly all of Oregon's most shocking and horrifying cases of child abuse and neglect:

The parents who nailed a sheet of plywood over their baby's crib so that he would not escape while they were on a meth high.

The 10-month-old baby who crawled out of a two-story window and fell to the ground while his mother was strung out on meth.

The infant who died of an overdose from breast-feeding from a mother addicted to meth.

There was meth in the family of Ashton Parris, who died at 15 months from severe head injuries after the state returned him to his birth mother.

Jewell Newland was only 3-months-old when her meth-laden father, James Dean Newland, picked her up and then fell on her—with what the police affidavit called a ''whoof.'' Baby Jewell was bleeding from the mouth, but no one took her to the hospital for 14 long hours. She died of her injuries.

These are the little round faces of meth. They are the faces that demand the additional police, the tougher prison sentences, the expanded drug treatment and the hassle of a few extra minutes at the pharmacy waiting for the cold medicines that drug cookers turn into meth.

Yet, some still are not enlisted in this fight. Some oppose the tough international restrictions needed to control the ingredients in meth. Others want to weaken restrictions on cold medicines.

If only they all had a chance to pass River Road the other morning. If only they could see the face of that little boy toddling along in his T-shirt and diaper.

[From the New York Times, July 11, 2005]

A DRUG SCOURGE CREATES ITS OWN FORM OF ORPHAN

(By Kate Zernike)

The Laura Dester Shelter here is licensed for 38 children, but at times in the past months it has housed 90, forcing siblings to double up in cots. It is supposed to be a 24–hour stopping point between troubled homes and foster care, but with foster homes backed up, children are staying weeks and sometimes months, making it more orphanage than shelter, a cacophony of need.

In a rocking chair, a volunteer uses one arm to feed a 5–day-old boy taken from his mother at birth, the other to placate a toddler who is wandering from adult to adult begging, ''Bottle?'' A 3–year-old who arrived at dawn shrieks as salve is rubbed on her to kill the lice.

This is a problem methamphetamine has made, a scene increasingly familiar across the country as the number of foster children rises rapidly in states hit hard by the drug, the overwhelming number of them, officials say, taken from parents who were using or making methamphetamine.

Oklahoma last year became the first state to ban over-the-counter sales of cold medicines that contain the crucial ingredient needed to make methamphetamine. Even so, the number of foster children in the state is up 16 percent from a year ago. In Kentucky, the numbers are up 12 percent, or 753 children, with only seven new homes.

In Oregon, 5,515 children entered the system in 2004, up from 4,946 the year before, and officials there say the caseload would be half what it is now if the methamphetamine problem suddenly went away. In Tennessee, state officials recently began tracking the number of children brought in because of methamphetamine, and it rose to 700 in 2004 from 400 in 2003.

While foster populations in cities rose because of so-called crack babies in the 1990's, methamphetamine is mostly a rural phenomenon, and it has created virtual orphans in areas without social service networks to support them. In Muskogee, an hour's drive south of here, a group is raising money to convert an old church into a shelter because there are none.

Officials say methamphetamine's particularly potent and destructive nature and the way it is often made in the home conspire against child welfare unlike any other drug.

It has become harder to attract and keep foster parents because the children of methamphetamine arrive with so many behavioral problems; they may not get into their beds at night because they are so used to sleeping on the floor, and they may resist toilet training because they are used to wearing dirty diapers.

''We used to think, you give these kids a good home and lots of love and they'll be O.K.,'' said Esther Rider-Salem, the manager of Child Protective Services programs for the State of Oklahoma. ''This goes above and beyond anything we've seen.''

Although the methamphetamine problem has existed for years, state officials here and elsewhere say the number of foster children created by it has spiked in the last year or two as growing awareness of the drug problem has prompted more lab raids, and more citizens reporting suspected methamphetamine use.

Nationwide, the Drug Enforcement Administration says that over the last five years 15,000 children were found at laboratories where methamphetamine was made. But that number vastly understates the problem, federal officials say, because it does not include children whose parents use methamphetamine but do not make it and because it relies on state reporting, which can be spotty.

On July 5, the National Association of Counties reported that 40 percent of child welfare officials surveyed nationwide said that methamphetamine had caused a rise in the number of children removed from homes.

The percentage was far higher on the West Coast and in rural areas, where the drug has hit the hardest. Seventy-one percent of counties in California, 70 percent in Colorado and 69 percent in Minnesota reported an increase in the number of children removed from homes because of methamphetamine.

In North Dakota, 54 percent of counties reported a methamphetamine-related increase. At what was billed as a ''community meeting on meth'' in Fargo this year, the state attorney general, Wayne Stenehjem, exhorted the hundreds of people packed into an auditorium: ''People always ask, what can they do

about meth? The most important thing you can do is become a foster parent, because we're just seeing so many kids being taken from these homes. ''

Officials also say methamphetamine has made it harder to reunite families once the child is taken; 59 percent of those surveyed in the national counties study agreed.

The federal Adoption and Safe Families Act of 1997, enacted as babies born to crack users were crowding foster care, requires states to begin terminating parental rights if a child has spent 15 out of 22 months in foster care. It was intended to keep children from languishing in foster homes. But rehabilitation for methamphetamine often takes longer than other drugs, and parents fall behind the clock.

''Termination of parental rights almost becomes the regular piece,'' said Jerry Foxhoven, the administrator of the Child Advocacy Board in Iowa. ''We know pretty early that these families are not going to get back together.''

The drug—smoked, ingested or injected—is synthetic, cheap and easy to make in home labs using pseudoephedrine, the ingredient in many cold medicines, and common fertilizers, solvents or battery acid. The materials are dangerous, and highly explosive.

''Meth adds this element of parents who think they are rocket scientists and want to cook these chemicals in the kitchen,'' said Yvonne Glick, a lawyer at the Department of Human Services in Oklahoma who works with the state's alliance for drug endangered children. ''They're on the couch watching their stuff cook, and the kids are on the floor watching them.''

The drug also produces a tremendous and long-lasting rush, with intense sexual desire. As a result of the sexual binges, some child welfare officials say, methamphetamine users are having more children. More young children are entering the foster system, often as newborns suffering from the effects of their mother's use of the drug.

Oklahoma was recently chosen to participate in a federally financed study of the effects of methamphetamine on babies born to addicted mothers. Doctors who work with them have already found that the babies are born with trouble suckling or bonding with their parents, who often abuse the children out of frustration.

But the biggest problem, doctors who work with children say, is not with those born under the effects of the drug but with the children who grow up surrounded by methamphetamine and its attendant problems. Because users are so highly sexualized, the children are often exposed to pornography or sexual abuse, or watch their mothers prostitute themselves, the welfare workers say.

The drug binges tend to last for days or weeks, and the crash is tremendous, leaving children unwashed and unfed for days as parents fall into a deep sleep.

''The oldest kid becomes the parent, and the oldest kid may be 4 or 5 years old,'' said Dr. Mike Stratton, a pediatrician in Muskogee, Okla., who is involved with a state program for children exposed to drugs that is run in conjunction with the Justice Department. ''The parents are basically worthless, when they're not stoned they're sleeping it off, when they're not sleeping they don't eat, and it's not in their regimen to feed the kids.''

Ms. Glick recalls a group of siblings found eating plaster at a home filled with methamphetamine. The oldest, age 6, was given a hamburger when they arrived at the Laura Dester Shelter; he broke it apart and handed out bits to his siblings before taking a bite himself.

Jay Wurscher, director of alcohol and drug services for the children and families division of the Oregon Department of Human Services, said, ''In every way, shape and form, this is the worst drug ever for child welfare.''

Child welfare workers say they used to remove children as a last resort, first trying to help with services in the home.

But everywhere there are reminders of the dangers of leaving children in homes with methamphetamine. In one recent case here, an 18-month-old child fell onto a heating unit on the floor and died while the parents slept; a 3-year-old sibling had tried to rouse them.

The police who raid methamphetamine labs say they try to leave the children with relatives, particularly in rural areas, where there are few other options.

But it has become increasingly clear, they say, that often the relatives, too, are cooking or using methamphetamine. And because the problem has hit areas where there are so few shelters, children are often placed far from their parents. Caseworkers have to drive children long distances to where parents are living or imprisoned for visits; Leslie Beyer, a caseworker at Laura Dester, logged 3,600 miles on her car one month.

The drain of the cases is forcing foster families to leave the system, or caseworkers to quit. In some counties in Oklahoma, Ms. Rider-Salem said, half the caseworkers now leave within two years.

After the ban on over-the-counter pseudoephedrine was enacted—a law other states are trying to emulate—the number of children taken out of methamphetamine labs and into the foster care system in Oklahoma declined by about 15 percent, Ms. Glick said. But she said the number of children found not in the labs but with parents who were using the drug had more than compensated for any decline.

The state's only other children's shelter, in Oklahoma City, was so crowded recently that the fire marshal threatened to shut it down, forcing the state to send children to foster families in far-flung counties.

At Laura Dester, three new children arrived on one recent morning, the 3-year-old being treated for lice and two siblings, found playing in an abandoned house while their mother was passed out at home. The girl now wanders with a plastic bag over her hair to keep the lice salve from leaking. She hugs her little brother, then grabs a plastic toy phone out of his hand, leaving him wailing.

''Who's on the phone?'' asks Kay Saunders, the assistant director at the shelter, gently trying to intervene. ''My mom,'' the girl says, then turns to her little brother. ''It's ringing!''

HONORING OUR ARMED FORCES

TRIBUTE TO PRIVATE FIRST CLASS ERIC P. WOODS

Mr. GRASSLEY. Mr. President, I rise today to salute an extraordinary native Iowan who has fallen in service to his country in support of Operation Iraqi Freedom. PFC Eric P. Woods, of the 2nd Squadron, 3rd Armored Cavalry Regiment, died on the 9th day of July, 2005, in Tal Afar, Iraq, due to injuries sustained when an explosive device detonated under his vehicle. Woods, a combat medic was killed en route to aid an injured soldier. My prayers go out to his wife Jamie, his 3-year-old son Eric Scott, his parents Charles and Janis Woods, and his many other friends and family.

Eric Woods grew up in Urbandale, IA, and was an active member in the youth group at Westchester Evangelical Free Church. At Urbandale High School he wrestled and played football and baseball before graduating in 1997. While attending Iowa State University, he became manager of Krause Gentle Company. After a move to Omaha, Eric became a medic in the U.S. Army.

Private First Class Woods was a truly thoughtful soldier, requesting packages from home containing soccer balls, candy, and toys to give out to the children of Iraq. He will be remembered not only for his sacrifice for freedom but also the way in which he served, giving his life on the way to help an injured fellow soldier. Recently, his pastor said of Eric: ''His motto was to charge, not retreat. He squeezed the most out of life.'' Again my thoughts and prayers are with his family and friends. I ask my colleagues in the Senate and all Americans to remember with gratitude and admiration this courageous Iowan, PFC Eric P. Woods.

ADDITIONAL STATEMENTS

50TH ANNIVERSARY OF THE CALIFORNIA ASSOCIATION OF SANITATION AGENCIES

● Mrs. FEINSTEIN. Mr. President, I rise today to honor the achievements of the California Association of Sanitation Agencies, and to celebrate the organization's 50th anniversary.

CASA has provided the State of California with clean, safe, and reliable drinking water since its founding in 1955. Not only has CASA worked hard to ensure the well-being of Californians, but it has also championed a multitude of environmental issues related to clean water and water infrastructure that have been vital to California's long-term economic and social stability.

I want to recognize CASA's proactive leadership in promoting partnerships with a variety of organizations to create a sound public health and environmental agenda. For the past 50 years CASA has been the voice of the public wastewater agencies and served to assist and monitor a variety of water quality, and related policy issues.

CASA has fought hard on behalf of California's sanitation agencies and played an active role in numerous legislative struggles. Among CASA's legislative achievements include sponsoring legislation that gives publicly owned treatment works the authority to levy civil and administrative penalties against industrial dischargers for violations of local wastewater ordinances. Additionally, CASA has worked in partnership with the U.S. Environmental Protection Agency to develop and implement effective water rules for air toxics, sewer overflows, and biosolids management.

CASA has acted as a valuable resource by helping its member agencies understand and comply with varying

Federal and State water quality standards. CASA also has provided the legal, legislative, and administrative support for the publicly owned treatment work community and helped set the precedent for ensuring clean and safe water for all Californians. Over the years, I have come to value CASA's insight and suggestions for improving our Nation's water quality.

Today I celebrate 50 years of CASA's devoted service and contributions to our Nation, and call upon CASA to continue to lead the way in its innovative and cooperative stewardship of our Nation's complex and growing waterways. Water quality is imperative to the development and welfare of my State and the Nation, and I thank CASA for its continued effort and contributions to the cause.●

HONORING CENTENNIAL HIGH SCHOOL

● Mr. SARBANES. Mr. President, I am pleased to commend Centennial High School in Howard County, MD, for its fine performance on this year's ''It's Academic'' quiz show. After many hours of practice and four rounds of competition, Centennial has emerged as the 2004–2005 Baltimore-area ''It's Academic'' champion.

The team of Jeff Amoros, Michael Fasulo, Marin Lolic, and Seth Manoff, with the assistance of their coach John Cheek, took first place out of 81 teams that competed from both public and private schools across the State of Maryland. In its final match, Centennial defeated two formidable foes in Calvert Hall College High School and Oakland Mills High School.

''It's Academic'', which is telecast every Saturday morning during the school year on WJZ-TV, channel 13, has been quizzing Maryland students since 1961. In fact, according to the ''2005 Guinness Book of World Records'', it is the world's longest running quiz show. For Maryland students, ''It's Academic'' provides an opportunity to challenge not only their own knowledge of math, science, literature, government and history, but also how their knowledge stacks up against students around the State. This year, Centennial's team demonstrated enormous skill and erudition. Congratulations to Jeff, Michael, Marin, Seth and Coach Cheek on a wonderful accomplishment.●

MESSAGES FROM THE PRESIDENT

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

EXECUTIVE MESSAGES REFERRED

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

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

MESSAGE FROM THE HOUSE RECEIVED DURING ADJOURNMENT

ENROLLED BILL SIGNED

Under the authority of the order of January 4, 2005, the Secretary of the Senate, on July 19, 2005, received a message from the House of Representatives announcing that the Speaker has signed the following enrolled bill:

H.R. 3332. An act to provide an extension of highway, highway safety, motor carrier safety, transit, and other programs funded out of the Highway Trust Fund pending enactment of a law reauthorizing the Transportation Equity Act for the 21st century.

Under the authority of the order of July 19, 2005, the enrolled bill was signed on July 19, 2005, during the adjournment of the Senate, by the Majority Leader (Mr. FRIST).

MESSAGE FROM THE HOUSE

At 4:55 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 175. Concurrent resolution acknowledging African descendants of the transatlantic slave trade in all of the Americas with an emphasis on descendants in Latin America and the Caribbean, recognizing the injustices suffered by these African descendants, and recommending that the United States and the international community work to improve the situation of Afrodescendant communities in Latin America and the Caribbean.

The message further announced that pursuant to section 5(a)(2) of the Benjamin Franklin Tercentenary Commission Act (36 U.S.C. 101 note), and the order of the House of January 4, 2005, the Speaker appoints the following Member of the House of Representatives to the Benjamin Franklin Tercentenary Commission: Mr. CASTLE of Delaware.

MEASURES REFERRED

The following concurrent resolution was read, and referred as indicated:

H. Con. Res. 175. Concurrent resolution acknowledging African descendants of the transatlantic slave trade in all of the Americas with an emphasis on descendants in Latin America and the Caribbean, recognizing the injustices suffered by these African descendants, and recommending that the United States and the international community work to improve the situation of Afrodescendant communities in Latin America and the Caribbean; to the Committee on Foreign Relations.

EXECUTIVE AND OTHER COMMUNICATIONS

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

EC–3090. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to provisions of Sections 563 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2005, as they relate to restrictions on assistance to the central government of Serbia; to the Committee on Appropriations.

EC–3091. A communication from the Administrator, National Aeronautics and Space Administration, transmitting, the report of a proposed amendment to the Iran Nonproliferation Act of 2000, received on July 18, 2005; to the Committee on Foreign Relations.

EC–3092. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to authorizing the drawdown of up to $6.0 million of Department of Defense commodities and services, including the airlift of troops and equipment, as part of the mission to support the deployment of AU forces to Darfur, Sudan; to the Committee on Foreign Relations.

EC–3093. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed manufacturing license agreement for the manufacture of significant military equipment in the amount of $40,000,000 to Australia; to the Committee on Foreign Relations.

EC–3094. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed license for the export of defense articles or defense services sold commercially under contract in the amount of $50,000,000 or more to Colombia; to the Committee on Foreign Relations.

EC–3095. A communication from the Chairman and President, Export-Import Bank of the United States, transmitting, pursuant to law, a report involving exports to Mexico; to the Committee on Banking, Housing, and Urban Affairs.

EC–3096. A communication from the Under Secretary, Emergency Preparedness and Response, Federal Emergency Management Agency, transmitting, pursuant to law, a report that funding for the State of Rhode Island as a result of the record snow on January 22–23, 2005, has exceeded $5,000,000; to the Committee on Banking Housing, and Urban Affairs.

EC–3097. A communication from the Assistant Secretary, Division of Corporation Finance, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled ''Use of Form S–8, Form 8–K, and Form 20–F by Shell Companies'' (33–8587) received on July 18, 2005; to the Committee on Banking, Housing, and Urban Affairs.

EC–3098. A communication from the Assistant Secretary, Division of Market Regulation, Securities and Exchange Commission transmitting, pursuant to law, the report of a rule entitled ''Removal from Listing and Registration of Securities Pursuant to Section 12(d) of the Securities Exchange Act of 1934'' received on July 18, 2005; to the Committee on Banking, Housing, and Urban Affairs.

EC–3099. A communication from the Secretary of Commerce, transmitting, pursuant to law, the Inspector General's Semiannual Report for the period from October 1, 2004

through March 31, 2005; to the Committee on Homeland Security and Governmental Affairs.

EC–3100. A communication from the Counsel to the Inspector General, General Services Administration, transmitting, pursuant to law, the report of a vacancy in the position of Inspector General, received on July 18, 2005; to the Committee on Homeland Security and Governmental Affairs.

EC–3101. A communication from the Chair, Corporation for Public Broadcasting Board of Directors, transmitting, pursuant to law, the Inspector General's Semiannual Report for the period ending March 31, 2005; to the Committee on Homeland Security and Governmental Affairs.

EC–3102. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, the semi-annual report on the continued compliance of Azerbaijan, Kazakhstan, Moldova, the Russian Federation, Tajikistan, Ukraine and Uzbekistan with the 1974 Trade Act's freedom of emigration provisions, as required under the Jackson-Vanik Amendment; to the Committee on Finance.

EC–3103. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Vehicle Guidance'' (Rev. Proc. 2005–48) received on July 14, 2005; to the Committee on Finance.

EC–3104. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Foreign Bank Interest Expense Allocation to Effectively Connected Income'' (Notice 2005–53) received on July 18, 2005; to the Committee on Finance.

EC–3105. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Predeceased Parent Rule'' ((RIN1545–BC60) (TD 9214)) received on July 18, 2005; to the Committee on Finance.

EC–3106. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Substitute for Return'' ((RIN1545–BC46) (TD 9215)) received on July 18, 2005; to the Committee on Finance.

EC–3107. A communication from the Chairman, Federal Election Commission, transmitting, pursuant to law, the report of a rule entitled ''Payroll Deductions by Member Corporations for Contributions to a Trade Association's Separate Segregated Fund'' (11 CFR Part 114) received on July 15, 2005; to the Committee on Rules and Administration.

EC–3108. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, transmitting, pursuant to law, the report of a rule entitled ''Etoxazole: Pesticide Tolerance'' (FRL No. 7723–3) received on July 18, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3109. A communication from the Acting Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Irish Potatoes Grown in Washington; Order Amending Marketing Order No. 946'' (Docket Nos. AO–F and V–946–3; FV03–946–01 FR) received on July 18, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3110. A communication from the Chairman and Chief Executive Officer, Farm Credit Administration, transmitting, pursuant to law, the report of a rule entitled ''Farmer Mac Nonprogram Investments and Liquidity'' (RIN3052–AC18) received on July 18, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–142. A resolution adopted by the Senate of the Legislature of the State of Michigan relative to the United States Department of Agriculture (USDA) providing assistance, including additional emergency funding, in the effort to mitigate the infestation of the Emerald Ash Borer; to the Committee on Agriculture, Nutrition, and Forestry.

SENATE RESOLUTION 35

Whereas, Michigan asked the federal government for $29.5 million to fight the Emerald Ash Borer (EAB) in 2005. On April 19th the USDA sent a letter to Governor Granholm saying there would be no more emergency funding to fight the EAB. The state has received only about $10.9 million from USDA, which is not enough to fund all the current eradication strategies; and

Whereas, With alarming swiftness, the Emerald Ash Borer, an aggressive Asian insect, is threatening virtually all of the ask trees in the state of Michigan and surrounding region. In spite of the quarantine in 20 Michigan counties this beetle has killed or damaged approximately 15 million ask tress in the state. Overall, the EAB, an invasive species, is causing similar devastation in the states of Ohio and Indiana, as well as the Canadian province of Ontario, threatening as many of 700 million ash trees in our state and 8 million in North America; and

Whereas, Ash trees are very important to the ecology, economy, and environment of our state and the nation. Ash trees are used for many products in several sectors of business. Beyond these factors, the ash trees that grace our communities and neighborhoods are beloved shade trees that contribute enormously to the character and beauty of Michigan, the region, and the nation; and

Whereas, Governor Granholm is working to secure continued assistance from the federal government to deal swiftly with this devastating pest. Michigan needs sustained technical and financial assistance to face this emergency. The state has taken decisive actions to address this invasive species, but the magnitude of the problem and the immediacy of the issues make it clear we need the prompt assistance of Congress and the USDA: Now, therefore, be it

Resolved by the Senate, That we memorialize the Congress of the United States and the United States Department of Agriculture (USDA) to provide assistance, including additional emergency funding, in the effort to mitigate the infestation of the Emerald Ash Borer; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

POM–143. A concurrent resolution adopted by the Senate of the Legislature of the State of Louisiana relative to providing the necessary funding to restore Calcasieu Ship Channel in southwest Louisiana in order that the economic, safety, and security concerns may be adequately addressed; to the Committee on Appropriations.

SENATE CONCURRENT RESOLUTION 12

Whereas, the Calcasieu Ship Channel, located in southwest Louisiana, consists of thirty-five inland miles of navigable waterway and thirty miles of offshore channel in the Gulf of Mexico with a project depth of forty feet; and

Whereas, two major refineries are completely dependent on the ship channel for crude oil supply, which is significant since these refineries produce four percent of the supply of motor fuels for the United States and have no alternate means of receiving crude oil imports; and

Whereas, the Calcasieu Ship Channel also hosts the largest liquified natural gas import terminal in the continental United States, which is undergoing an expansion to double its capacity, and additional receiving terminals have been proposed on the Calcasieu, one of which has been approved by the Federal Energy Regulatory Commission (FERC); and

Whereas, the Port of Lake Charles handles over fifty million tons of cargo per year, making it the nation's twelfth largest port; and

Whereas, with an abundance of environmentally sensitive, potentially combustible cargo combined with a lack of viable alternative transportation modalities suggests that loss of this critical transportation infrastructure would be economically and strategically devastating; and

Whereas, for the congressional Fiscal Year 2006, operating and maintenance funding of the Calcasieu Ship Channel was cut disproportionately in comparison to other ports and waterways; and

Whereas, the Calcasieu Ship Channel cannot be maintained at its project depth at forty feet of draft under the proposed budget for Fiscal Year 2006 and will be functionally impaired as a result; such consequences to include:

(1) Increased risk of a grounding in an environmentally sensitive estuary that is not protected by a levee system.

(2) Increase in the number of tanker ship transits of liquefied natural gas and crude oil, which in turn will compound the need for future dredging and maintenance.

(3) Increase in shipping costs to users of the ship channel resulting from the mandatory lightening of ships, eventually borne by consumers.

(4) Increase in the number of transits of hazardous and combustible cargoes directly increases the number of potential terrorist targets on the channel.

(5) Should the channel be closed due to a grounding, four percent of the nation's motor fuel supply will be cut off from the raw materials needed for its production: Therefore, be it

Resolved, That the Legislature of Louisiana memorializes the Congress of the United States to provide the necessary funding to the Calcasieu Ship Channel in southwest Louisiana in order that the economic, safety, and security concerns may be adequately addressed. Be it further

Resolved, That to adequately address these concerns presented by under-funding, the Calcasieu Ship Channel needs fifteen million dollars in annual maintenance funding and an additional one-time allocation of another fifteen million dollars to restore the channel to its authorized dimensions. Be it further

Resolved, That a copy of this Resolution shall be transmitted to the secretary of the United States Senate and the clerk of the United States House of Representatives and to each member of the Louisiana delegation to the United States Congress.

POM–144. A concurrent resolution adopted by the House of Representatives of the Legislature of the State of Louisiana relative to requesting the Base Realignment and Closure Commission to reject the Defense Department's recommendation to close the Defense Information Systems Agency (DISA)

site in Slidell; to the Committee on Armed Services.

HOUSE CONCURRENT RESOLUTION 167

Whereas, the Defense Information Systems Agency (DISA) site in Slidell has been recommended for closure by the United States Department of Defense; and

Whereas, DISA is located on fourteen acres of land owned by the city of Slidell, and Slidell leases the land to the federal government for one dollar per year; and

Whereas, DISA, a computer systems agency, employs one hundred fifty-one employees with an annual payroll of $10.8 million; and

Whereas, DISA's focus on technology serves as a stimulus for the attraction of high-tech businesses and the development of additional high-paying, professional jobs in the area; and

Whereas, the loss of the ten-year-old, multimillion dollar facility would be detrimental to the housing market, economy, and the city of Slidell; and

Whereas, DISA effectively provides services that are important to the defense of the nation: Therefore, be it

Resolved, That the Legislature of Louisiana does hereby urge and request the Base Realignment and Closure Commission to maintain the Defense Information Systems Agency location in Slidell as an active military installation and further requests that the members of the Louisiana congressional delegation support its continued presence in the city of Slidell and the state of Louisiana. Be it further

Resolved, That a suitable copy of this Resolution be transmitted to the President of the United States, George W. Bush, and to the Louisiana congressional delegation.

POM–145. A concurrent resolution adopted by the Senate of the Legislature of the State of Louisiana relative to the expeditious resolution of the third nomination for the Medal of Honor; to the Committee on Armed Services.

SENATE CONCURRENT RESOLUTION 90

Whereas, Colonel Hackworth died May 4, 2005, of cancer in Mexico where he was receiving alternative medical treatments for his illness which is believed to have been caused by his exposure to defoliants during his nearly five years of combat duty in the Republic of Vietnam; and

Whereas, Colonel Hackworth was a legendary combat leader, earning a battlefield commission in the Korean War and receiving his first Silver Star and Purple Heart before he was old enough to vote; and

Whereas, Colonel Hackworth was such an exceptional and outstanding soldier that he became the youngest ''Bird'' Colonel in the United States Army during his numerous tours in Vietnam where his bravery in combat action put him in the same class of hero as Sergeant Alvin York in World War I and Audie Murphy in World War II; and

Whereas, Colonel Hackworth earned some one hundred ten medals, badges and citations during his twenty-six years in the Army, including two Distinguished Service Crosses, ten Silver Stars, eight Bronze Star Medals for Valor, and eight Purple Hearts for wounds suffered in combat, as well as two separate awards of the Combat Infantryman's Badge; and

Whereas, Colonel Hackworth transformed the hopeless 4/39th Infantry Battalion into the legendary Hardcore Battalion which became the most feared unit in the Mekong Delta, Vietnam; and

Whereas, Colonel Hackworth, during his 1969 tour with the 4/39th, received his third nomination for the Medal of Honor for his gallantry and bravery as he flew a helicopter directly on top of the enemy's position and saved the lives of the entire point element of an Infantry Company pinned down and facing certain death by personally crossing a bullet-swept open area and carrying the wounded soldiers back to the chopper for extraction; and

Whereas, while the men who witnessed Colonel Hackworth's heroic actions are still actively urging the Pentagon to award the nation's highest award for valor to the Colonel, the Army, thirty-six years later, still has not considered the recommendation made by the men rescued that day and has made no award of any type for the Colonel's daring bravery which was clearly above and beyond the call of duty; and

Whereas, Colonel Hackworth retired from the Army after his public criticism of the military higher command's policy for fighting the Vietnam War and his accurate predictions that the war would be lost within five years unless America's policies and tactics were changed; and

Whereas, all three of Colonel Hackworth's nominations for the Medal of Honor were properly filed by witnesses to his extraordinary bravery, with two of the nominations resulting in the award of the Distinguished Service Cross, second in rank only to the Medal of Honor; and

Whereas, Colonel Hackworth was buried with full military honors in Arlington National Cemetery May 31, 2005, and enjoys a hero's well-deserved rest there now that none can deny him; and

Whereas, Colonel Hackworth surely deserves a posthumous award of the Medal of Honor for his truly unheard of and amazing third nomination for this country's highest acknowledgment of combat heroism, or, at the very least, some explanation of the military's failure to make any award for the nominated actions of thirty-six years ago; and

Whereas, several awards of the Medal of Honor were made during the administration of President Bill Clinton to minority veterans nominated for the medal but denied because of race and Pentagon politics: Therefore, be it

Resolved, That the Legislature of Louisiana memorializes the Congress of the United States to make serious inquiry into the status of and pursue the expeditious resolution of United States Army Colonel David H. Hackworth's third nomination for the Medal of Honor for his heroism in battle while in the service of his country. Be it further

Resolved, That a copy of this Resolution shall be transmitted to the secretary of the United States Senate and the clerk of the United States House of Representatives and to each member of the Louisiana delegation to the United States Congress. Be it further

Resolved, That a copy of this Resolution be transmitted to Colonel Hackworth's widow, Eilhys England Hackworth.

POM–146. A joint resolution adopted by the General Assembly of the State of Tennessee relative to proposed cuts in agriculture-related programs and initiatives; to the Committee on the Budget.

SENATE JOINT RESOLUTION 277

Whereas, agriculture has been the backbone of the American way of life since the founding of our great nation and even today the United States of America remains the breadbasket of the world; and

Whereas, recognizing that farm planning is a multi-year process, the 2002 Farm Bill enacted by Congress provided a long-term commitment to the American farming and ranching communities to ensure stability in the agriculture industry and the overall agriculture economy; and

Whereas, the structure and funding levels of the current farm bill are currently being threatened with budget cuts that will jeopardize the futures of America's farmers and ranchers, placing them at a serious competitive disadvantage during World Trade Organization's agriculture trade talks; and

Whereas, agricultural products are America's top export with more than $62 billion in sales during 2004. Farm exports enable jobs and businesses for millions of Americans; more than 17 percent of the total American workforce is involved in the production, processing, and sale of the nation's food and fiber; and

Whereas, Tennessee ranks fourth in the nation in the number of farms within our borders; and agriculture contributes $38.5 billion to the Tennessee economy and accounts for more than 214,000 jobs; and

Whereas, the economic well-being of Tennessee's agricultural producers directly contributes to the economic well-being of the state as a whole and, in turn, the economic health of our producers is dependent on the preservation of agricultural funding on a national level. Any budget cuts to agriculture-related programs and initiatives will be disastrous for the agricultural industry throughout the entire nation: Now, therefore, be it

Resolved by the Senate of the One Hundred Fourth General Assembly of the State of Tennessee, the House of Representatives concurring, That, in order to prevent extensive economic damage to the American agriculture industry and the economic stability of the citizens of Tennessee, the United States Congress is hereby urged to stop any cuts to the agriculture budget as proposed in the 2006 Federal Budget documents and are also. urged to provide full funding to the 2002 Farm Bill, and be it further

Resolved, That the Chief Clerk of the Senate is directed to transmit enrolled copies of this resolution to the President and Secretary of the U.S. Senate; the Speaker and the Clerk of the U.S. House of Representatives; and each member of Tennessee's congressional delegation.

POM–147. A resolution adopted by the Senate of the Legislature of the State of Iowa relative to declaring support for Amtrak; to the Committee on Commerce, Science, and Transportation.

SENATE RESOLUTION 58

Whereas, Amtrak, the national railroad passenger corporation providing national railroad passenger service, is energy efficient and environmentally beneficial; and

Whereas, Amtrak provides mobility to citizens of many smaller communities not well served by air and bus services and to those persons with medical conditions which prevent them from traveling by air; and

Whereas, according to Amtrak, Amtrak ridership in Iowa has increased from 47,442 in 2003 to 54,365 in 2004; and

Whereas, according to Amtrak, during 2004, Amtrak carried over 25 million passengers nationwide, representing an increase of over 4.3 percent compared to 2003; and

Whereas, in service to those 25 million passengers, Amtrak serves over 500 stations in 46 states on 22,000 miles of track with approximately 20,000 employees, contributing strongly to local and regional economies; and

Whereas, the Amtrak 2004 budget represented only 2 percent of the United States Department of Transportation's $59 billion budget, compared to the balance for highway and airline subsidies: Now therefore, be it

Resolved by Senate, That the President of the United States and the Congress are urged to do the following:

1. Maintain a strong level of Amtrak funding; and

2. Include a strong Amtrak system in all plans for the national transportation system; and be it further

Resolved, That copies of this resolution be sent to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, and members of Iowa's congressional delegation.

POM–148. A concurrent resolution adopted by the Senate of the Legislature of the State of Louisiana relative to protecting and ensuring the right of state and local governmental entities to comment on applications for new offshore liquefied natural gas facilities; to the Committee on Commerce, Science, and Transportation.

SENATE CONCURRENT RESOLUTION 117

Whereas, Louisiana has had a major role in America's energy production and will continue to have a viable role in the future; and

Whereas, demand for natural gas in the United States is expected to grow by twenty-five percent during the next ten years and LNG will play an important role in the world's growing need for energy; and

Whereas, one of the greatest benefits of LNG is the new supplies of natural gas which will enter the market to offer relief to the American consumers; and

Whereas, today, more than one hundred fifty LNG ocean tankers transport more than one hundred ten million metric tons of LNG annually to more than forty ports around the world; and

Whereas, Louisiana and its citizens have long accepted the blessings and burdens of the oil and gas industry so that the rest of the nation may have an adequate supply of energy; and

Whereas, recent concerns have been growing across the coastal states regarding the use of open rack vaporization systems (''open-loop systems'') at LNG terminals in the Gulf of Mexico; and

Whereas, the proposed open loop terminals would be placed in the Gulf of Mexico adjacent to the most productive estuaries in the United States; and

Whereas, one open-loop terminal would take in up to two hundred million gallons of Gulf water a day through structures similar to a radiator, run it over panels with a temperature of minus two hundred sixty degrees Fahrenheit, and return the water back into the Gulf treated and approximately twenty degrees cooler; and

Whereas, the Louisiana Department of Wildlife and Fisheries issued concerns about ''the unknown effect of the open rack vaporizer regasification system's entrainment, impingement, and discharge characteristics on living marine resources, particularly considering the number of license applications for this type of facility being currently considered by the United States Coast Guard across the Gulf of Mexico''; and

Whereas, the governor of Louisiana stated ''as a state supportive of LNG development, we have tried to work within the current licensing system to allow offshore LNG development . . . we are unable to reach an acceptable comfort level with the potential risks presented by the cumulative impacts of multiple offshore LNG facilities that use the open rack vaporizer system''; and

Whereas, the Governor of Louisiana has stated ''Until studies demonstrate that the operation of the open rack vaporizer will not have an unacceptable impact on the surrounding ecosystem, I will only support offshore LNG terminals using a closed loop system having negligible impacts to marine life.'': Therefore, be it

Resolved, That the Legislature of Louisiana does hereby memorialize the United States Congress and the Louisiana Congressional delegation to protect and ensure the right of state and local governmental entities to comment on applications for new offshore liquefied natural gas facilities and the right of the governor to veto to the extent authorized by federal law the approval of such facilities. Be it further

Resolved, That the Louisiana Legislature does hereby memorialize the U.S. Congress to direct the U.S. Maritime Administration to require that the environmental impacts of offshore liquefied natural gas terminals be fully investigated and considered before these facilities are licensed, especially in regards to the individual and cumulative impacts of open rack vaporization systems on marine species and marine habitat. Be it further

Resolved, That a copy of this Resolution shall be transmitted to the secretary of the United States Senate and the clerk of the United States House of Representatives, and to each member of the Louisiana delegation to the United States Congress.

POM–149. A joint resolution adopted by the Assembly of the State of Nevada relative to taking certain actions concerning wilderness areas and wilderness study areas; to the Committee on Energy and Natural Resources.

SENATE JOINT RESOLUTION 1

Whereas, The provisions of 16 U.S.C. 1131 et seq., commonly referred to as the Wilderness Act, establish the National Wilderness Preservation System, which consists of areas of federal public lands that are designated by Congress as wilderness areas; and

Whereas, Congress has designated approximately 2.8 million acres of federal public lands in Nevada as wilderness areas; and

Whereas, If an area of federal public land is designated as a wilderness area, it must be managed in a manner that preserves the wilderness character of the area and ensures that the area remains unimpaired for future use and enjoyment as a wilderness area; and

Whereas, A reasonable amount of wilderness area in this State provides for a diverse spectrum of recreational opportunities in Nevada, promotes tourism and provides a place for Nevadans to escape the pressures of urban growth; and

Whereas, The provisions of the Wilderness Act and the Federal Land Policy and Management Act of 1976, 43 U.S.c. 1701 et seq., provide for the study of certain areas of land to determine whether those areas, commonly known as wilderness study areas, are suitable for designation as a wilderness area; and

Whereas, In conjunction with the provisions of the Wilderness Act and the Federal Land Policy and Management Act, the Bureau of Land Management of the Department of the Interior in the late 1970s conducted an initial inventory of approximately 49 million acres of federal public lands in Nevada to determine the suitability of such lands for designation as wilderness areas or identification as wilderness study areas and, in 1980, recommended that approximately 5.1 million acres of those lands be identified as wilderness study areas; and

Whereas, Although Congress recently enacted the Lincoln County Conservation, Recreation, and Development Act of 2004, Pub. L. No. 108–424, 118 Stat. 2403, pursuant to which approximately 768,000 acres have been given status as wilderness areas and approximately 251,000 acres have been released for multiple use under the Federal Land Policy and Management Act, the Bureau of Land Management continues to manage approximately 2.8 million acres of federal public lands in Nevada identified as wilderness study areas; and

Whereas, Decisions concerning whether to designate wilderness study areas as wilderness areas or release those areas for multiple use are important and must be made in a timely manner and without any unnecessary delays so that those lands which are suitable for designation as a wilderness an:a may be afforded full protection as such and those lands which are not suitable for designation as a wilderness area may be released for use and management for the public good as accorded by law; now, therefore, be it

Resolved by the Senate and Assembly of the State of Nevada, Jointly, That the members of the Nevada Legislature urge the Nevada Congressional Delegation to work with all interested Nevadans, land managers, affected parties, local governments, special interest organizations and members of the public in a spirit of cooperation and mutual respect to address issues concerning the designation of wilderness areas in Nevada; and be it further

Resolved, That the members of the Nevada Legislature urge Congress to take the following actions concerning wilderness areas and wilderness study areas:

1. As part of the legislative process for determining which federal lands should be designated as wilderness areas, and in accordance with stakeholder agreements, continue the policy of releasing federal lands that are a part of a wilderness study area for multiple use, and to continue the appropriate disposal of suitable federal lands for conversion to state or private lands, when the determination is made that those federal lands are unsuitable for designation as wilderness areas;

2. When determining whether to designate land as a wilderness area, carefully consider the requirements of existing and future military operations on the land and in the airspace over the land and make appropriate decisions based on those requirements; and

3. Support the adoption of a schedule for the timely consideration of a plan to release wilderness study areas that are found unsuitable for designation as wild,erness areas; and be it further

Resolved, That the Secretary of the Senate prepare and transmit a copy of this resolution to the Vice President of the United States as the presiding officer of the Senate, the Speaker of the House of Representatives and each member of the Nevada Congressional Delegation; and be it further

Resolved, That this resolution becomes effective upon passage.

POM–150. A joint resolution adopted by the Assembly of the State of Nevada relative to directing the Secretary of the Interior to provide full funding for the Clark County Sport Shooting Park; to the Committee on Energy and Natural Resources.

SENATE JOINT RESOLUTION 12

Whereas, The United States Congress passed the Southern Nevada Public Lands Management Act of 1998, which authorizes the United States Department of the Interior through the Bureau of Land Management to sell certain federal lands in Clark County to the private sector for development purposes; and

Whereas, The provisions of the Act allocate 5 percent of the profits from the sale of federal land to fund education in Nevada, 10 percent to the Southern Nevada Water Authority for water delivery projects, and 85 percent to a special account to be used for the federal acquisition of environmentally sensitive land to develop a Multi-Species Habitat Conservation Plan to protect threatened and endangered species, for capital projects on federal land managed by the Bureau of Land Management, the National Park Service and the United States Forest Service, and for developing parks, trails and natural areas in Clark County; and

Whereas, Additional legislation amended the Act to include the funding of conservation initiatives on federal land and federal environmental restoration projects at Lake Tahoe and to authorize that certain revenues be set aside for other specific purposes; and

Whereas, The Las Vegas Valley is the fastest growing metropolitan area in the United States and the Act was passed, in part, to offset growing recreational and environmental impacts on federal land surrounding the Las Vegas Valley and to provide recreational amenities within the Las Vegas Valley; and

Whereas, The residents of Clark County enjoy and utilize the right to own and use firearms, with persons in one of every three households estimated to own a firearm, and firearm owners have expressed a strong desire to develop a safe and affordable public shooting park in the Las Vegas Valley; and

Whereas, The Las Vegas Valley has limited public shooting opportunities and no public shooting parks, causing citizens to use federal lands for practice shooting, which results in illegal shooting, environmental damage and public safety issues; and

Whereas, Law enforcement, the security industry and local military units in the Las Vegas Valley have expressed a desire for a shooting park to meet training and Homeland Defense needs; and

Whereas, The need for a public shooting park was acknowledged by the Department of the Interior and Congress in January 2002 when President George W. Bush signed into law H.R. 2937, which transferred 2,880 acres of federal land to Clark County for the purpose of constructing a public shooting park; and

Whereas, The Clark County Board of Commissioners directed the Department of Parks and Community Services, with the advice of a citizen advisory committee, to design, construct and operate the shooting park; and

Whereas, The Sport Shooting Park Citizen Advisory Committee has recommended a conceptual plan for a safe, affordable and self-sustaining sport shooting park to meet the needs of the public, and this project enjoys strong support from the residents of the Las Vegas Valley; and

Whereas, The Department of the Interior, using money generated from the sale of land in Las Vegas Valley as required by the Southern Nevada Public Lands Management Act, funded the first phase of this project; and

Whereas, The Clark County staff proposed that the federal Parks, Trails and Natural Areas Subgroup recommend funding of $42,160,000 by the Department of the Interior to complete the remainder of the Sport Shooting Park development, as phases 2 and 3 of the project; and

Whereas, The Parks, Trails and Natural Areas Subgroup funding recommendation eliminated the proposed law enforcement area and the park center, thereby reducing the funding recommendation to $33,600,000; and

Whereas, The Clark County Board of Commissioners passed a resolution on March 1, 2005, requesting a reevaluation of the recommendation and the continuation of funding from the Southern Nevada Public Lands Management Act of 1998; and

Whereas, The Secretary of the Interior has the authority to authorize expenditure of money from the Act to provide full funding for the Clark County Sport Shooting Park: Now, therefore, be it

Resolved by the Senate and Assembly of the State of Nevada, Jointly, That the members of the 73rd Session of the Nevada Legislature hereby urge President Bush to direct the Secretary of the Interior to provide full funding for the Clark County Sport Shooting Park; and be it further

Resolved, That the members of the 73rd Session of the Nevada Legislature support the resolutions adopted by the Clark County Board of Commissioners on March 1, 2005, concerning the Southern Nevada Public Lands Management Act of 1998; and be it further

Resolved, That the Secretary of the Senate prepare and transmit a copy of this resolution to the President of the United States, the Vice President of the United States as the presiding officer of the United States Senate, the Speaker of the House of Representatives, the Secretary of the Interior, and each member of the Nevada Congressional Delegation; and be it further

Resolved, That this resolution becomes effective upon passage.

POM–151. A concurrent resolution adopted by the Senate of the Legislature of the State of Louisiana relative to establishing a domestic energy policy that will ensure an adequate supply of energy and the necessary infrastructure; to the Committee on Energy and Natural Resources.

SENATE CONCURRENT RESOLUTION 120

Whereas, the price of natural gas in the United States, the highest in the industrial world, has recently spiked and continues to show volatility; and

Whereas, the current price of natural gas has been equated to paying sixteen dollars for a gallon of milk, twelve dollars and seventy cents for a pound of ground beef, or nine dollars and twenty-one cents for a gallon of gasoline; and

Whereas, abnormally high natural gas prices have created an unanticipated burden of one hundred and eleven billion dollars on the economy of the United States over the past thirty months; and

Whereas, the United States relies too heavily on natural gas in our national energy supply, creating a tremendous imbalance between natural gas supply and demand; and

Whereas, Louisiana's manufacturers, farmers, small businesses, local governments, retailers, and residential consumers are struggling from skyrocketing natural gas prices; and

Whereas, thousands of jobs in these industries are threatened because many of these businesses use natural gas as a raw material and as an energy supply; and

Whereas, the natural gas imbalance is not a free market problem; and

Whereas, natural gas is domestically produced and very difficult to import, and the United States cannot correct the imbalance by the importation of natural gas; and

Whereas, the high price of natural gas is created by governmental policies that increase demand for natural gas while impeding the development of a greater supply by discouraging exploration and production; and

Whereas, the Legislature of Louisiana supports a sound and rational domestic energy policy; and

Whereas, such energy policy should develop a concerted national effort to promote greater energy efficiency and open promising new areas for environmentally responsible natural gas production: Therefore, be it

Resolved, That the Legislature of Louisiana memorializes the Congress of the United States to establish a domestic energy policy that will ensure an adequate supply of energy and the necessary infrastructure. Be it further

Resolved, That a copy of this Resolution shall be transmitted to the secretary of the United States Senate and the clerk of the United States House of Representatives and to each member of the Louisiana delegation to the United States Congress.

POM–152. A joint resolution adopted by the Legislature of the State of Nevada relative to recognizing the unsuitability of Yucca Mountain as the site for a repository to store and dispose of spent nuclear fuel and high-level radioactive waste; to the Committee on Energy and Natural Resources.

ASSEMBLY JOINT RESOLUTION 4

Whereas, Since 1954, when the Atomic Energy Act was passed by Congress, the Federal Government has been responsible for the disposal of radioactive waste, yet few environmental challenges have proven more daunting than the problems posed by the disposal of spent nuclear fuel and high-level radioactive waste; and

Whereas, In July 2002, despite seemingly inadequate standards set by the Environmental Protection Agency and the recommendation of the Secretary of Energy, President Bush signed legislation designating Yucca Mountain as suitable for the nation's only repository for high-level radioactive waste and spent nuclear fuel without regard to the constant and vigorous objections of the political leaders and residents of the State of Nevada, and ignored the underlying geologic isolation requirements set by Congress; and

Whereas, The recommendation of Yucca Mountain was not only premature but also flawed, especially given the Department of Energy's failure to conduct a comprehensive evaluation of the socioeconomic, environmental and public health and safety impact both within Nevada and within communities along national shipping routes; and

Whereas, Not only is the proposed repository in one of the most geologically active areas in the nation but, according to the Agency for Nuclear Projects, it is ''the only repository under consideration in the world that is located above the water table, not below it''; and

Whereas, Even if risks related to geologic disposal are ignored, the designation of Yucca Mountain is of particular concern because of its location within an area rife with seismic and hydrothermic activity and because of its proximity to numerous fractures and earthquake faults, which could lead to underground contamination; and

Whereas, As more, problems are revealed, the Department of Energy has gravitated from the concept of geologic isolation; and now is relying almost exclusively on ''engineered barriers'' to keep radiological materials from migrating out of the repository and into the environment, essentially ignoring the foundational recommendation of the National Academy of Sciences that manmade materials not be used to compensate for faulty geology or hydrology; and

Whereas, The Nuclear Energy Institute has declared that the repository can be licensed ''without the mountain,'' yet, if that is true, if the mountain is irrelevant and waste packages can be made to last for 10,000 years, why make tens of thousands of shipments of radioactive waste through the nation's cities to a site as seismically adverse as Yucca Mountain; and

Whereas, In July 2004, the U.S. Court of Appeals for the D.C. Circuit threw out a radiation safety standard set by the Environmental Protection Agency, finding that the Nuclear Regulatory Commission ''breached its duty'' to protect the health and safety of the public by limiting repository performance standards to 10,000 years, essentially ignoring the National Academy of Sciences when it recommended that the standard exceed 300,000 years; and

Whereas, The recent court decision has not only delayed the licensing process, but the Department of Energy has stated that they are unable to meet a standard longer than 10,000 years; and

Whereas, The Department of Energy contends it is better to have all nuclear waste at a single location rather than scattered around the country, yet this contention is flawed because Yucca Mountain will be at capacity by the time it is finally deemed to be ready for use, effectively putting to rest the ''one safe site'' idea; and

Whereas, Those within the nuclear industry itself have commented that storing high-level waste at a centralized location is no longer essential and, in fact, permits have been filed to build new nuclear power plants with on-site storage and to increase storage at existing plants, the sites of which are already protected by comprehensive security plans; and

Whereas, The Department of Energy's own analysis of Yucca Mountain suggests there would be fewer deaths and injuries if the Department allowed the waste to continue to be stored at existing power plants and storage sites until a safe and permanent site and transportation proposal can be confirmed; and

Whereas, Ninety percent of the waste to be shipped to Yucca Mountain is now located east of the Mississippi and, if transported, will impact at least 44 states, hundreds of cities, thousands of communities and nearly 50 million Americans who reside within 3 miles of potential shipping routes; and

Whereas, An area identified as the Caliente rail corridor has been designated as part of the transportation route, the designation of which is being contested, particularly since flooding occurred in that area in January 2005, eroding approach embankments and causing railroad tracks to be washed away, which led 5 to 10 trains to be rerouted through Reno; and

Whereas, Compounding the transportation issue is the fact that, even without an accident, Nevada's economy stands to lose upwards of $5.5 billion annually as a result of the stigmatizing effects of the repository and the transportation of nuclear waste through the State; and

Whereas, As early as 1986, the Department of Energy acknowledged the potential for impacts to a tourism-dependent economy, an issue of great concern in Nevada, stating ''the potential for adverse public perception of a repository and its associated waste transportation could adversely affect the tourism industry''; and

Whereas, Given the unique reliance of Nevada's economy on the State's ability to attract tourists, any impacts that reduce the number of visitors, especially to Las Vegas, would have major economic consequences for this State, leading to direct fiscal consequences for local governments as it is predicted that, even without an accident, visitor spending will decline by 7 percent, reducing local government tax revenues by $91 million annually; and

Whereas, Not only is Nevada itself ranked the fastest growing state in the nation but the Las Vegas Valley, in particular, is one of the fastest growing areas in the nation, with Henderson, North Las Vegas and Las Vegas being among the top six fastest growing cities in the country, which further raises concerns because Yucca Mountain is located just 90 miles northwest of the Valley; and

Whereas, Recent setbacks include decreased funding by Congress, delays in the licensing process and the backlog in review by the Department of Energy of the documents to be submitted with the application, of which there are more than 2 million documents still in need of study; and

Whereas, The inescapable conclusion is that the Federal Government is in no way prepared to deal with, or is even aware of, the effects of the Yucca Mountain project on society and this country: Now, therefore, be it

Resolved by the Assembly and Senate of the State of Nevada, Jointly, That numerous hurdles, including budget shortfalls, an unresolved radiation health safety standard, and transportation and corrosion issues, are cause for reconsidering Yucca Mountain as the proposed site for a nuclear waste repository; and be it further

Resolved, That President Bush is implored to remember a pledge he made in Las Vegas on August 12, 2004, to ''stand by the decision of the courts and the Nuclear Regulatory Commission,'' and to live up to this promise by ordering the Department of Energy to stop its work on a license for a nuclear waste repository in Nevada; and be it further

Resolved, That despite the fact that voters in Nevada chose to re-elect President Bush, a recent poll indicates that approximately 70 percent of Nevadans remain opposed to Yucca Mountain, an ill advised project based on bad science, bad law and bad public policy, a choice that ignores better, less expensive and safer alternatives, a choice which hinders, not helps, national security; and be it further

Resolved, That Nevada has already borne more than its fair share of this nation's radioactive waste burdens, including, hosting hundreds of nuclear weapons tests during the Cold War and hosting the world's largest low-level and mixed radioactive waste disposal facility at the Nevada Test Site, which is also controlled by the Department of Energy; and be it further

Resolved, That the issue of how to dispose of nuclear waste, the deadliest substance known to mankind, is of great importance, requiring decisions to be based on ''sound science,'' as was promised Nevada and the nation in 2000, before it is put on the roads, railways and waterways of this country; and be it further

Resolved, That with the abundance of safe, economical dry storage facilities at existing reactor sites, there is no current spent fuel emergency and nuclear power plants face no risk of shutdown, the residents and political leaders of the State of Nevada urge President Bush and Congress and all involved agencies to recognize the unsuitability of Yucca Mountain as the site for a repository to store and dispose of spent nuclear fuel and high-level radioactive waste; and be it further

Resolved, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to the President of the United States, the Vice President of the United States as the presiding officer of the Senate, the Speaker of the House of Representatives, the Secretary of Energy and each member of the Nevada Congressional Delegation; and be it further

Resolved, That this resolution becomes effective upon passage.

POM–153. A resolution adopted by the House of Representatives of the Legislature of the State of Hawaii relative to urging the Federal Government to provide medical care and compensation to nuclear victims in the Republic of the Marshall Islands; to the Committee on Energy and Natural Resources.

HOUSE RESOLUTION 141

Whereas, the International Declaration of Human Rights guarantees all world citizens the right to life and health and a clean environment, and one of the essential components in this fundamental right is the right to open information on environmental hazards and the short- and long-term effects of environmental contamination on human health; and

Whereas, given the continuing widespread reliance of many governments on nuclear energy and nuclear weapons, and given the imminent threat of acts of terror at nuclear facilities that could release large volumes of radiation into the global environment, it is essential that the federal government gather comprehensive data from a wide range of communities on sustained and extensive exposure to low-level radiation; and

Whereas, the United States government carried out sixty-seven above-ground tests of atomic and hydrogen bombs in the region of Enewetak and Bikini in the Marshall Islands from 1946 through 1958; and

Whereas, these bomb tests affected not only the atolls of Enewetak and Bikini, but also the downwind atolls of Rongelap, Utrik, Ujae, and others; and

Whereas, these atomic blasts were thousands of times more powerful than the bombs dropped on Hiroshima and Nagasaki, Japan; and

Whereas, three islands in the Bikini atoll and three islands in the Enewetak atoll completely ceased to exist as a result of these tests; and

Whereas, the federal government deliberately failed to protect the citizens of the Republic of the Marshall Islands from exposure to radioactive fallout; and

Whereas, significant numbers of residents of the four affected atolls experienced acute radiation sickness, thyroid cancer, skin cancer, other oncological illnesses, leukemia, birth defects, stillbirths, damage to reproductive organs, and endocrine disorders as a result of this exposure; and

Whereas, some of the radioactive materials released in massive quantities in these atomic tests remain dangerously radioactive for thousands of years; and

Whereas, the federal government has failed to conduct comprehensive, independent, open, and transparent health studies to determine the overall impact of the atomic bomb tests on the health of the citizens of the Marshall Islands; and

Whereas, newly declassified documents have verified that the federal government carried out radiation experiments deliberately injecting radioactive isotopes into Marshallese citizens without their informed consent; and

Whereas, officials from the United States Department of Energy, the National Cancer Institute, and other agencies charged with the protection of public health have admitted that they deliberately concealed or distorted the higher thyroid cancer rates and other health effects among nuclear survivors in the Marshall Islands; and

Whereas, the federal government has now threatened to cut off funds for medical care and compensation of nuclear victims in the Marshall Islands on the grounds that there is no legal basis for such payments and that no further nuclear health effects can be expected; and

Whereas, the Republic of the Marshall Islands currently lacks the financial and technical resources needed to remedy or combat the effects of radioactive fallout, to protect the public from further radiation exposure, to complete the further decontamination of all nuclear and military waste, or the devolution and restoration of the affected lands; now, therefore, be it

Resolved, by the House of Representatives of the Twenty-third Legislature of the State of Hawaii, Regular Session of 2005, that the President of the United States and the Congress of the United States are respectfully urged to seek proper funding for medical care and compensation of nuclear victims who are residents of the Republic of the Marshall Islands, and for the development and decontamination of the affected Marshall Islands communities; and be it further

Resolved, That the federal government is further requested to immediately step up

their efforts to screen the health of exposed Marshall Islands populations and in particular, all newborn infants, now and in the future, that may suffer the long-term effects of exposure to radioactive fallout caused by atomic and hydrogen bomb testing conducted by the United States; and be it further

Resolved, That the federal government is urged to finance and commission a comprehensive independent health study to conclusively determine the impact of sustained exposure to high-level and low-level radiation; provided that the scope or duration of such health studies is requested to include the likelihood of chromosome damage and the likely emergence of genetic deformities in future generations; and be it further

Resolved, That the federal government is encouraged to establish health centers in the Republic of the Marshall Islands, and to finance and provide resources necessary to sustain health care adequate to the needs of nuclear victims that are Marshall Island residents; and be it further

Resolved, That the Congress of the United States is requested to hold public hearings on the Change of Circumstances Petition both in Majuro, Republic of the Marshall Islands, and in Washington D.C., and to allow representatives of the non-governmental organizations from Enewetak, Rongelap, Utrik, and Bikini to testify; and be it further

Resolved, That certified copies of this Resolution be transmitted to the President of the United States, through the Secretary of State, the President of the United States Senate, the Speaker of the United States House of Representatives, the members of Hawaii's congressional delegation, the Executive Director of the Aloha Medical Mission, the President of Micronesians United, the Director of Pacific Island and Asian American Ministry of the United Church of Christ, the Director of ERUB (Enewetak, Rongelap, Utrick, Bikini) Honolulu Marshallese Ministry, and the Director of the Friends Retreat Center.

POM–154. A concurrent resolution adopted by the House of Representatives of the Legislature of the State of Louisiana relative to approving funding for deepening the Houma Navigation Canal, including funding efforts to make beneficial use of the dredge material for embankment stabilization; to the Committee on Environment and Public Works.

HOUSE CONCURRENT RESOLUTION 84

Whereas, growth and development of businesses and industries are beginning to be restrained by the shallowness of the Houma Navigation Canal due to the fact that the existing depth of the canal does not allow passage of the larger barges and vessels which are necessary for newer equipment and products; and

Whereas, the Houma economy is heavily dependent on the oil and gas industry, and oil and gas exploration is venturing farther out into the Gulf of Mexico and into deeper and deeper water, ventures which require larger vessels and heavier equipment for support; and

Whereas, Houma has always been a major location of the industries necessary to support Gulf of Mexico oil and gas exploration and production, but the city may soon no longer be accessible to those support vessels and barges because of the restrictive depth of the Houma Navigation Canal; and

Whereas, economic growth in the area is dependent on the canal being dredged to a navigable depth of twenty feet, with the additional benefit that dredging the canal will provide dredge material that can be put to beneficial use in efforts for bank stabilization and coastal preservation and restoration; and

Whereas, the United States Army Corps of Engineers has already begun design work on a set of locks in the canal, which will be designed for a navigable depth of twenty feet, and it is only logical that the canal on which the locks are located would be the same depth as the locks: Therefore, be it

Resolved, That the Legislature of Louisiana does hereby memorialize the United States Congress and the Louisiana congressional delegation to approve funding for deepening the Houma Navigation Canal to a navigable depth of twenty feet, including funding efforts to make beneficial use of the dredge material for bank stabilization and coastal preservation and restoration. Be it further

Resolved, That a copy of this Resolution be forwarded to the United States Congress, the Louisiana congressional delegation, the United States Army Corps of Engineers, New Orleans District, and the secretary of the Department of Natural Resources.

POM–155. A concurrent resolution adopted by the Senate of the Legislature of the State of Louisiana relative to permitting public access to the West Pearl Navigational Canal; to the Committee on Environment and Public Works.

SENATE CONCURRENT RESOLUTION 66

Whereas, due to a shortage in federal funding for the operation of the West Pearl River Navigation Project, including no funding for staffing the fifty-eight mile waterway, the twenty-mile canal, or the three locks, the United States Army Corps of Engineers-Vicksburg District is preparing to close access by placing gates on the roads leading into the federal property on June 30, 2005; and

Whereas, the gates will block access roads leading to Locks 1, 2, and 3, and Poole's Bluff Sill; and

Whereas, citizens of Louisiana, especially the resident sportsmen and recreational boaters of St. Tammany and Washington parishes, have enjoyed the benefits of the boat launches for recreational purposes for many years and with the planned closure citizens will no longer have access nor be permitted to use such facilities; and

Whereas, residents of St. Tammany and Washington parishes who frequently use the boat launches and access roads are working with state and local officials on developing an alternative solution in order that such facilities and roads remain accessible: Therefore, be it

Resolved, That the Legislature of Louisiana memorializes the Congress of the United States to permit continued public access to the West Pearl River Navigational Canal located in the parishes of St. Tammany and Washington and to extend the date of June 30, 2005 scheduled for closure until such time that an alternate long-term solution can be determined by state and local officials to maintain public access for the citizens of Louisiana. Be it further

Resolved, That a copy of this Resolution shall be transmitted to the secretary of the United States Senate and the clerk of the United States House of Representatives and to each member of the Louisiana delegation to the United States Congress.

POM–156. A concurrent resolution adopted by the Senate of the Legislature of the State of Louisiana relative to directing the United States Army Corps of Engineers, New Orleans District, to cease using Section 10 of the Rivers and Harbors Act to stop sustainable forestry practices in areas that have no impact on actual navigation except in the parishes of Terrebonne, Lafourche and St. Charles; to the Committee on Environment and Public Works.

SENATE CONCURRENT RESOLUTION 71

Whereas, Louisiana's wetlands support a variety of resources that are vital to the economic and environmental health of the state; and

Whereas, Louisiana's forests are ninety percent privately owned and play a vital role in the environmental quality of the state, covering over one-half the land area of the state and supporting an industry that contributes over $5 billion to the economy each year; and

Whereas, the management of coastal wetland forests must be accomplished in a manner that respects the rights of property owners and recognizes the use of property in wetland areas in a manner consistent with sustainable wetland management; and

Whereas, forest landowners, loggers, and industry operate under the principles of sustainable forestry and conduct operations consistent with Louisiana's recommended Best Management Practices; and

Whereas, the United States Congress, in Section 404(F) of the Federal Water Pollution Control Act, otherwise known as the Clean Water Act, recognized that normal silviculture is a land use that is consistent with sustainable wetland management; and

Whereas, the United States Army Corps of Engineers, New Orleans District, is using an 1899 law, Section 10 of the Rivers and Harbors Act, addressing impediments to navigation to stop sustainable forestry practices and cause financial loss to landowners and the forest products industry in sustainable forested wetlands; and

Whereas, no other United States Army Corps district uses the 1899 law to stop logging in areas that have no impact on navigable waters; and

Whereas, certain acreage between the Atchafalaya and Mississippi Rivers, encompassing all or portions of the parishes of Terrebonne, Lafourche, and St. Charles, has been designated as an area of special significance to the United States and to the state of Louisiana and has been further designated as one of only twenty-eight National Estuaries in the United States; and

Whereas, the parishes of Terrebonne, Lafourche, and St. Charles fully support the efforts of the United States Army Corps of Engineers, New Orleans District, to protect and regulate coastal forestry activities: Therefore, be it

Resolved, That the Legislature of Louisiana memorializes the Congress of the United States to direct the New Orleans District of the United States Army Corps of Engineers to cease using Section 10 of the Rivers and Harbors Act to stop sustainable forestry practices in areas that have no impact on actual navigation except in the parishes of Terrebonne, Lafourche, and St. Charles. Be it further

Resolved, That the Legislature of Louisiana finds that it is imperative that the critically-imperiled and valued regions of the parishes of Terrebonne, Lafourche and St. Charles should have the full protection afforded by Section 10 of the Rivers and Harbors Act. Be it further

Resolved, That a copy of this Resolution shall be transmitted to the secretary of the United States Senate; the clerk of the United States House of Representatives; each member of the Louisiana delegation to the United States Congress; the District Engineer for the United States Army Corps of Engineers, New Orleans District; the commissioner of the Department of Agriculture and Forestry; the secretary of the Department of Natural Resources; the state conservationist with the Natural Resources Conservation Service of the United States Department of Agriculture; and the executive

directors of the Louisiana Forestry Association and the Louisiana Pulp and Paper Association.

POM–157. A concurrent resolution adopted by the Senate of the Legislature of the State of Louisiana relative to enacting the Coastal Restoration Tax Credit Act of 2005; to the Committee on Finance.

SENATE CONCURRENT RESOLUTION 61

Whereas, Louisiana's coastal wetlands are the seventh largest delta on earth, and the ecosystem serves as a habitat for both marine life and wildlife; and

Whereas, Louisiana's coastal wetlands host production and distribution of eighty percent of America's offshore oil and gas supply; and

Whereas, Louisiana's coastal wetlands provide an important energy corridor vital to the entire United States, serving as a storage location for a significant portion of the nation's Strategic Petroleum Reserve and as the location of the Louisiana Offshore Oil Port which is the nation's major import terminal for foreign oil; and further providing for the onshore and offshore intersections of oil and natural gas intrastate and interstate pipeline networks which serve as reference for futures markets, such as the Henry Hub for natural gas, the St. James Louisiana Light Sweet Crude Oil, and the Mars Sour Crude Oil contracts; and

Whereas, energy facilities in coastal Louisiana, in connection with other facilities in the state, transport nearly thirty-four percent of the nation's natural gas supply, over twenty-nine percent of the nation's crude oil supply, and are connected to nearly fifty percent of U.S. refining capacity; and

Whereas, the wetlands serve as the wintering habitat for millions of waterfowl and migratory birds, and approximately ninety-five percent of all marine life in the Gulf of Mexico spend part of the life cycle in the wetlands; and

Whereas, the wetlands serve as hurricane and storm surge protection for more than two million people living in the coastal zone, and as a buffer for the number one port system in the nation; and

Whereas, Louisiana's coastal wetlands are being lost at the rate of twenty-four square miles per year, which is approximately one football field lost every thirty-eight minutes; and

Whereas, Louisiana's coastal wetlands loss represents more than eighty percent of all coastal saltwater marsh loss in the continental United States; and

Whereas, if the current rate of loss is not slowed, the loss will have devastating impacts on Louisiana and the rest of the nation, including not only the loss of marine life and wildlife habitat, but also the exposure of over two million citizens and the nation's oil and gas infrastructure to deadly hurricanes and storms; and

Whereas, considering the potential expected cost for a Louisiana restoration plan is fourteen billion dollars over thirty years, the Coastal Restoration Tax Credit Act of 2005, serves a useful and important purpose by providing tax credits for expenses incurred by a taxpayer for approved projects which restore and protect coastal lands: Therefore, be it

Resolved, That the Legislature of Louisiana memorializes the Congress of the United States to enact the Coastal Restoration Tax Credit Act of 2005. Be it further

Resolved, That a copy of this Resolution shall be transmitted to the secretary of the United States Senate and the clerk of the United States House of Representatives and to each member of the Louisiana delegation to the United States Congress.

POM–158. A joint resolution adopted by the Legislature of the State of Nevada relative to mandating the reporting of results of all clinical trials and the collection and analysis of the data by the appropriate Federal agencies; to the Committee on Health, Education, Labor, and Pensions.

ASSEMBLY JOINT RESOLUTION 14

Whereas, A clinical trial is a research study involving the participation and observation of human volunteers to determine the safety and effectiveness of drugs, biological products or medical devices; and

Whereas, There is no comprehensive system for tracking, organizing and disseminating information about ongoing clinical trials, and it is estimated that only half of the approximately 1 million trials conducted over the past 56 years have been reported; and

Whereas, One consequence of this lack of reporting is ''publication bias'' wherein positive results of trials are reported in order to get a drug approved, while trials which show harmful effects are not reported, resulting in a distortion of evidence on which to base medical determinations, allowing physicians to unwittingly prescribe drugs that may have hazardous side effects; and

Whereas, There are many reasons that volunteers participate in trials, such as gaining access to new treatments before they are widely available, obtaining expert medical care at leading health care facilities, playing an active role in their own health care and helping others by contributing to medical research; and

Whereas, There are many risks to participation in these trials, including possible unpleasant and even life-threatening side effects, and with a voluntary registry such as suggested by the pharmaceutical industry, companies may not report results that are unfavorable to their products, betraying the volunteers' trust, and without this information, there cannot be a true scientific evaluation of the study of that drug; and

Whereas, Many trials that are performed by academic researchers are sponsored by pharmaceutical companies, presenting a conflict of interest when reporting the results of the trials, and nearly one-fifth of government scientists say they have been pressured to support approval of a drug despite having concerns about its safety; and

Whereas, Each clinical trial in the United States must be approved and monitored by an institutional review board, which is an independent committee of physicians, statisticians, community advocates and others, to ensure that the trial is ethical and that the rights of the volunteers are protected; and

Whereas, Prescription drugs are regulated by the Food and Drug Administration, but with the discovery that some of the drugs developed for arthritis have been found to increase the risk of heart attacks and that some patients, especially children and teenagers who were prescribed antidepressants had increased rates of suicide and violence, with substantial evidence of the suppression of negative data concerning these drugs in clinical trials, there is a growing movement supporting a national registry of all clinical trials; and

Whereas, The pharmaceutical industry opposes full disclosure because of concerns that competitors would learn their research and development secrets and it would affect their profits, but the pharmaceutical industry is consistently one of the most profitable industries in the Fortune 500 list, and the welfare of the public must take precedence over all else; and

Whereas, For these reasons, the American Medical Association has called for all clinical trials to be registered with the Federal Government; and

Whereas, The International Committee of Medical Journal Editors has issued a statement that, as of July 1, 2005, they will require registration in a public trials registry for all clinical studies that involve human patients as a condition of consideration for publication in member journals; and

Whereas, In the 108th Session of Congress, H.R. 5252 and S. 2933 were introduced which required researchers to enter their clinical trials into a federal registry before starting them and to report the results of the trials at the conclusion, but these bills died in committee; and

Whereas, Under current law, pharmaceutical companies are required to post information only about trials of drugs for serious or life-threatening diseases or conditions which are then posted on an existing government website, www.ClinicalTrials.gov. that currently has a database of such studies conducted in all 50 states and in over 100 countries; and

Whereas, This website could be expanded to include information about the purpose, duration and outcomes of all clinical trials; and

Whereas, It is imperative that federal legislation be introduced to create a centralized and comprehensive national registry for mandatory reporting of all publicly and privately funded clinical trials involving drugs, biological products or medical devices; and

Whereas, Since it has been shown that unfavorable trial results which placed financial interests at risk are particularly likely to remain unpublished and hidden from public view, any legislation must require that the results of all clinical trials be reported, whether those results are positive or negative, because selective reporting of results distorts the body of evidence available for decision making; and

Whereas, By creating a single, comprehensive database of clinical studies and their results. scientific information is easily available, in a timely fashion, for use by researchers, journalists, public interest organizations, health care providers, patients seeking to enroll as subjects in clinical trials and the general public so that they may make informed decisions, resulting in safer and more responsible clinical trials; and

Whereas, Since many adverse effects do not surface until a drug is taken over a long period of time, periodic updates must be included in the registry to improve knowledge of the risks of longterm use; and

Whereas, To be effective, legislation would need to require that institutional review boards deny a stamp of approval to a clinical trial unless it is registered in the database; and

Whereas, To regain the public's trust in the clinical trials procedure, there must be full disclosure of the results of all clinical trials, allowing physicians and patients to make safe, appropriate and effective health care decisions by having all relevant information available; Now, therefore, be it

Resolved by the Assembly and Senate of the State of Nevada, Jointly, That, because carefully conducted clinical trials are recognized as a necessary and valuable tool in determining the efficacy and safety of products, the members of the Nevada Legislature hereby express their strong support for a national registry of clinical trials for the health and well-being of the public; and be it further

Resolved, That, since there is no pending legislation requiring a national registry of clinical trials before the I09th Session of Congress, the Legislature of the State of Nevada urges the Nevada Congressional Delegation to introduce and to support federal legislation which mandates registration of all

clinical trials before they are begun and full disclosure of the results; and be it further

Resolved, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to the Vice President of the United States as the presiding officer of the Senate, to the Speaker of the House of Representatives and to each member of the Nevada Congressional Delegation: and be it further

Resolved, That this resolution becomes effective upon passage.

POM–159. A joint resolution adopted by the Legislature of the State of Maine relative to funding the costs of special education and to end unfunded mandates; to the Committee on Health, Education, Labor, and Pensions.

JOINT RESOLUTION

Whereas, the Congress of the United States has found that all children deserve a high-quality education, including children with disabilities; and

Whereas, the Individuals with Disabilities Education Act, 20 United States Code, Section 1400, et seq., provides that the Federal Government and state and local governments are to share in the expense of education for children with disabilities and commits the Federal Government to provide funds to assist with the excess of expenses of education for children with disabilities; and

Whereas, the Congress of the United States has committed to contribute up to 40% of the average per-pupil expenditure of educating children with disabilities and the Federal Government has failed to meet this commitment to assist the states; and

Whereas, the Federal Government has never contributed more than a fraction of the national average per-pupil expenditure to assist with the excess expenses of educating children with disabilities under the Individuals with Disabilities Education Act; and

Whereas, this failure of the Federal Government to meet its commitment to assist with the excess expenses of educating a child with a disability contradicts the goal of ensuring that children with disabilities receive a high-quality education; and

Whereas, the imposition of unfunded mandates by the Federal Government on state governments interferes with the separation of powers between the 2 levels of government and the ability of each state to determine the issues and concerns of that state and what resources should be directed to address these issues and concerns; and

Whereas, the Federal Government recognized the inequalities of unfunded mandates on state governments when it passed the Unfunded Mandates Reform Act of 1995; and

Whereas, since the passage of the Unfunded Mandates Reform Act of 1995, however, the Federal Government continues to impose unfunded mandates on state governments, including in areas such as special education requirements: Now, therefore, be it

Resolved, That We, your Memorialists, respectfully urge and request that the President of the United States and the Congress of the United States either provide 40% of the national average per-pupil expenditure to assist states and local education agencies with the excess costs of educating children with disabilities or amend the Individuals with Disabilities Education Act to allow the states more flexibility in implementing its mandates; and be it further

Resolved, That We, your Memorialists, respectfully urge and request that the Congress of the United States revisit and reconfirm the Unfunded Mandate Reform Act of 1995 and put the intent and purpose of the Act into practice by ending the imposition of unfunded federal mandates on state governments; and be it further

Resolved, That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Honorable George W. Bush, President of the United States, to the President of the Senate of the United States, to the Speaker of the House of Representatives of the United States and to each Member of the Maine Congressional Delegation.

POM–160. A concurrent resolution adopted by the Legislature of the State of Hawaii relative to amending the No Child Left Behind Act of 2001; to the Committee on Health, Education, Labor, and Pensions.

HOUSE CONCURRENT RESOLUTION 245

Whereas, in 2002, the No Child Left Behind Act of 2001 was enacted on a bipartisan basis and signed into law by President George W. Bush; and

Whereas, all states that accept federal Title I education funds, including Hawaii, are subject to the requirements of the Act; and

Whereas, the purpose of the Act is to compel all public schools to make adequate yearly progress toward the goal of 100 percent student proficiency in math and reading by 2013–2014; and

Whereas, these expectations are unreasonable for students with limited English proficiency and students with disabilities, making it impossible for many of Hawaii's schools, that have a high population of these students, to comply with the law; and

Whereas, the Act does not allow states that may already have successful accountability systems in place to use their system to comply with the spirit of the Act; and

Whereas, states should be allowed to use a value-added or student growth approach in their state accountability plan; and

Whereas, the Act is an under-funded mandate that causes states and school districts to spend more money than the amounts appropriated by Congress to implement the Act; and

Whereas, the Act coerces participation by placing punitive financial consequences on states that refuse to participate; and

Whereas, in 2004, the National Conference of State Legislatures created a bipartisan task force to study the Act, resulting in suggestions for specific changes to make the Act more workable, more responsive to variations among the states, and more effective in improving elementary education; and

Whereas, the recommendations of the task force's February 2005 Final Report include the following:

(1) Substantially increasing federal funding for the Act;

(2) Reexamining the financial consequences for states that choose not to participate;

(3) Reevaluating the 100 percent proficiency goal established by the Act;

(4) Conducting a Government Accountability Office study of the compliance and proficiency costs associated with the Act;

(5) Giving the Individuals with Disabilities Education Act primacy over the Act in cases where these laws may conflict; and

(6) Providing states with much greater flexibility to meet the objectives of the adequate yearly progress provisions of the Act; and

Whereas, although the Act aims to provide flexibility for states to improve academic achievement and to close the achievement gap, the task force found that little flexibility has been granted to states to implement the Act: Now, therefore, be it

Resolved, By the House of Representatives of the Twenty-third Legislature of the State of Hawaii, Regular Session of 2005, the Senate concurring, that the United States Congress is respectfully requested to amend the No Child Left Behind Act of 2001 according to the recommendations of the February 2005 Final Report of the National Conference of State Legislatures' Task Force on No Child Left Behind; and be it further

Resolved, That the current law and any revisions thereof recognize that under our federal system of government, education is primarily a state and local responsibility; and be it further

Resolved, That Congress is requested to allow states more flexibility to continue to work toward the goal of closing the achievement gap without the threat of losing federal funds; and be it further

Resolved, That Congress is requested to appropriate federal funding in amounts consistent with the levels authorized in the Act for education programs and expanded information systems needed to accurately reflect student, school, and school district performance and to pay the costs of ensuring student proficiency; and be it further

Resolved, That Congress is requested to authorize appropriate assessment methods and an alternative methodology for determining adequate yearly progress targets and progress for students who are not yet proficient in English and who have certain disabilities; and be it further

Resolved, That Congress is requested to amend the No Child Left Behind Act's current provisions relating to adequate yearly progress to apply sanctions only when the same groups or subgroups within a grade level fail to meet adequate yearly progress targets in the same subject area for two consecutive years; and be it further

Resolved, That Congress is requested to amend the Act to allow flexibility in:

(1) Determining adequate yearly progress using models that measure individual student growth or growth in the same cohort of students from year to year;

(2) Calculating adequate yearly progress for students belonging to multiple groups and subgroups; and

(3) Determining whether certain categories of teachers, such as special education teachers, are highly qualified; and be it further

Resolved, That Congress is requested to modify the No Child Left Behind Act's provisions relating to school choice by limiting the option only to those students whose performance is consistently below the proficiency level; and be it further

Resolved, That certified copies of this Concurrent Resolution be transmitted to the President of the United States, the President and Secretary of the United States Senate, the Speaker and Clerk of the United States House of Representatives, and members of Hawaii's congressional delegation.

POM–161. A concurrent resolution adopted by the Legislature of the State of Hawaii relative to supporting federal policies designed to eliminate homelessness in the United States; to the Committee on Health, Education, Labor, and Pensions.

POM–162. A resolution adopted by the House of Representatives of the Legislature of the State of Michigan relative to the creation of a national cord blood stem cell bank; to the Committee on Health, Education, Labor, and Pensions.

HOUSE RESOLUTION 75

Whereas, In discussion on stem cells in this country, one available resource has too often been overlooked—stem cells from umbilical cords. For example, a special type of stem cells known as hematopoietic progenitor cells have been successfully used for decades to reconstitute bone marrow and circulating blood cells in patients whose bone marrow

has been damaged by chemotherapy or other underlying disease. Blood collected from the umbilical cords of recently delivered infants have proven advantages over other sources of these cells, such as adult donors. Stem cells found in the umbilical cord are less immunologically mature than other sources, which lessens the risk of rejection when transplanted. In addition, the collection of these cells poses minimal risk to the mother and infant. In some cases there are sufficient stem cells in one umbilical cord for a transplant to reconstitute bone marrow in a recipient; and

Whereas, Nearly 12,000 Americans a year search for a bone marrow donor. Of these, only a small fraction identifies a relative who is an acceptable match for a successful donation. All the others must rely on a transplant from a stranger. More than 9 million adults have voluntarily entered bone marrow donor registries worldwide. This number is not sufficient to find a match for everyone in need; and

Whereas, The current system for collecting and registering umbilical cord blood in the United States is fragmented, with at least 20 public banks operating across the country, one of which is located in Grand Rapids, Michigan. In 2004, the United States Congress appropriated $10 million to the Department of Health and Human Services' Health Resources and Services Administration to establish a National Cord Blood Stem Cell Bank Program. Congress directed the Institute of Medicine to make recommendations to set up and operate the bank. In April 2005 the Institute of Medicine met its responsibility by issuing an extensive report with recommendations on how to make the current system work and expand it for the benefit of physicians and patients searching for matching donors: Now, therefore, be it

Resolved, By the House of Representatives, That we memorialize the Congress of the United States and the Department of Health and Human Services to take the steps necessary to create the national cord blood stem cell bank based on the recommendations of the Institute of Medicine; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives members of the Michigan congressional delegation, the Secretary of the Department of Health and Human Services and the Administrator of the Health Resources and Services Administration. Adopted by the House of Representatives, June 1, 2005.

POM–163. A concurrent resolution adopted by the Legislature of the State of New Hampshire relative to supporting Federal funding for Lyme disease research; to the Committee on Health, Education, Labor, and Pensions.

CONCURRENT RESOLUTION 4

Whereas, according to the Centers for Disease Control and Prevention (CDC), Lyme disease is probably the most common tickborne bacterial disease in the world, and in the United States, it accounts for more than 90 percent of all reported cases of vectorborne illness; and

Whereas, New Hampshire ranked 12th nationwide in total reported cases to the CDC in 2003; and

Whereas, the number of reported cases in 2004 in New Hampshire has grown substantially from the 2003 reported numbers; and

Whereas, the tick populations are spreading northward with the primary carrier being the deer tick; and

Whereas, the lack of early detection of Lyme disease may result in unrecognized illness and persistent symptoms of Lyme disease infection; and

Whereas, further research and health care provider education about Lyme disease laboratory testing is needed; and

Whereas, the issue of co-infections is clouding the diagnostic picture with babesiosis, ehrlichiosis, anaplasmosis, Bartonella, RMSF, tularemia, tick paralysis. and other infections possibly being transmitted by the bite of the same ticks that transmit Lyme disease and Lyme-like diseases; and

Whereas, the educational awareness of this disease, insurance coverage, and research funding need more attention in New Hampshire; and

Whereas, government officials need to understand the complexities of this disease, develop good sound policy to draw attention to Lyme disease, and stop the spread of Lyme disease in the state of New Hampshire: Now, therefore, be it

Resolved by the Senate, the House of Representatives concurring, That the general court of New Hampshire strongly supports more federal funding for Lyme disease research; and

That the general court will continue to educate the public and physicians about this disease through the New Hampshire department of health and human services and other appropriate state agencies; and

That copies of this resolution signed by the president of the senate and the speaker of the house of representatives shall be sent by the senate clerk to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives. and to each member of the New Hampshire congressional delegation.

POM–164. A concurrent resolution adopted by the Senate of the Legislature of the State of Louisiana relative to enacting Federal legislation to ensure that deserving victims of asbestos exposure receive compensation; to the Committee on the Judiciary.

SENATE RESOLUTION 177

Whereas, asbestos, a mineral processed and used in thousands of construction and consumer products, is a dangerous substance and has caused thousands of people to develop serious and often fatal diseases and cancers; and

Whereas, millions of workers have been exposed to asbestos, and the economic toll resulting from litigation related to exposure to asbestos could run into the hundreds of billions of dollars; and

Whereas, many companies, in order to avoid bankruptcy and to compensate victims with manifest injuries from exposure to asbestos, have attempted to set aside sufficient resources to compensate such victims; and

Whereas, the new claims are resulting in a depletion of the funds available to compensate victims who have sustained serious injuries and who are in desperate need of compensation; and

Whereas, the United States Supreme Court has noted that federal and state courts have been inundated by an enormous number of asbestos cases that defies customary judicial administration and calls for national legislation; and

Whereas, the United States Senate Judiciary Committee, under the bipartisan leadership of Republican Senator Arlen Specter and Democratic Senator Patrick Leahy, have crafted a bipartisan piece of legislation that creates a fair and equitable system to deal with the asbestos litigation crisis; and

Whereas, this bipartisan legislation creates an asbestos trust fund that will ensure that victims of asbestos exposure will receive just and fair compensation: Therefore, be it

Resolved, That the Louisiana Senate does hereby memorialize the members of the United States Senate from Louisiana, Senator Mary Landrieu and Senator David Vitter, to continue to work toward enacting federal legislation to ensure that deserving victims of asbestos exposure receive compensation and continue to work with Senators Specter and Leahy to pass meaningful and fair asbestos litigation reform legislation. Be it further

Resolved, That a copy of this Resolution shall be transmitted to the secretary of the United States Senate and the clerk of the United States House of Representatives and to each member of the Louisiana delegation to the United States Congress.

POM–165. A resolution adopted by the City Commission of Belle Glade of the State of Florida relative to the protection and enhancement of the Community Development Block Grant (CDBG) Program; to the Committee on Health, Education, Labor, and Pensions.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. INHOFE for the Committee on Environment and Public Works.

Marcus C. Peacock, of Minnesota, to be Deputy Administrator of the Environmental Protection Agency.

Granta Y. Nakayama, of Virginia, to be an Assistant Administrator of the Environmental Protection Agency.

Susan P. Bodine, of Maryland, to be Assistant Administrator, Office of Solid Waste, Environmental Protection Agency.

By Mr. GRASSLEY for the Committee on Finance.

Suzanne C. DeFrancis, of Maryland, to be an Assistant Secretary of Health and Human Services.

Alex Azar II, of Maryland, to be Deputy Secretary of Health and Human Services.

Charles E. Johnson, of Utah, to be an Assistant Secretary of Health and Human Services.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

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

By Ms. LANDRIEU:

S. 1427. A bill for the relief of Marcela Silva do Nascimento to the Committee on the Judiciary.

By Mr. LAUTENBERG (for himself, Mr. CORZINE, Mrs. CLINTON, and Mr. FEINGOLD):

S. 1428. A bill to stop corporations from financing terrorism to the Committee on Banking, Housing, and Urban Affairs.

By Mrs. MURRAY (for herself and Mr. DEWINE):

S. 1429. A bill to amend the Higher Education Act of 1965 to assist homeless students in obtaining postsecondary education, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DEWINE (for himself and Mr. ROCKEFELLER):

S. 1430. A bill to provide loan forgiveness to social workers who work for child protective agencies; to the Committee on Health Education, Labor, and Pensions.

By Mr. DEWINE (for himself and Mr. ROCKEFELLER):

S. 1431. A bill to amend the Higher Education Act of 1965 to provide loan forgiveness for attorneys who represent low-income families or individuals involved in the family or domestic relations court system; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DEWINE (for himself and Mr. DODD):

S. 1432. A bill to amend the Higher Education Act of 1965 to improve the loan forgiveness program for child care providers, including preschool teachers, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DEWINE:

S. 1433. A bill to establish a grant program to enable institutions of higher education to improve schools of education to better prepare teachers to educate all children; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DEWINE:

S. 1434. A bill to provide grants to teacher preparation programs at institutions of higher education to award scholarships for teachers to receive a graduate level degree; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DEWINE:

S. 1435. A bill to establish a grant program for institutions of higher education to collaborate with low-income schools to recruit students to pursue and complete postsecondary degrees in education; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DEWINE:

S. 1436. A bill to award grants to eligible entities to enable the entities to reduce the rate of underage alcohol use and binge drinking among students at institutions of higher education; to the Committee on Health, Education, Labor, and Pensions.

By Mr. GREGG:

S. 1437. A bill to amend the Public Health Service Act to provide protections for first responders; to the Committee on Health, Education, Labor, and Pensions.

By Mr. CORNYN (for himself and Mr. KYL):

S. 1438. A bill to provide for immigration reform; to the Committee on the Judiciary.

By Mr. MCCAIN (for himself and Mr. DORGAN):

S. 1439. A bill to provide for Indian trust asset management reform and resolution of historical accounting claims, and for other purposes; to the Committee on Indian Affairs.

ADDITIONAL COSPONSORS

S. 37

At the request of Mrs. FEINSTEIN, the name of the Senator from New Hampshire (Mr. SUNUNU) was added as a cosponsor of S. 37, a bill to extend the special postage stamp for breast cancer research for 2 years.

S. 285

At the request of Mr. BOND, the name of the Senator from Ohio (Mr. VOINOVICH) was added as a cosponsor of S. 285, a bill to reauthorize the Children's Hospitals Graduate Medical Education Program.

S. 392

At the request of Mr. LEVIN, the names of the Senator from Alaska (Mr. STEVENS) and the Senator from Connecticut (Mr. LIEBERMAN) were added as cosponsors of S. 392, a bill to authorize the President to award a gold medal on behalf of Congress, collectively, to the Tuskegee Airmen in recognition of their unique military record, which inspired revolutionary reform in the Armed Forces.

S. 603

At the request of Ms. LANDRIEU, the name of the Senator from Missouri (Mr. BOND) was added as a cosponsor of S. 603, a bill to amend the Consumer Credit Protection Act to assure meaningful disclosures of the terms of rental-purchase agreements, including disclosures of all costs to consumers under such agreements, to provide certain substantive rights to consumers under such agreements, and for other purposes.

S. 828

At the request of Mr. HARKIN, the names of the Senator from New Jersey (Mr. CORZINE) and the Senator from Louisiana (Ms. LANDRIEU) were added as cosponsors of S. 828, a bill to enhance and further research into paralysis and to improve rehabilitation and the quality of life for persons living with paralysis and other physical disabilities, and for other purposes.

S. 962

At the request of Mr. GRASSLEY, the name of the Senator from South Dakota (Mr. THUNE) was added as a cosponsor of S. 962, a bill to amend the Internal Revenue Code of 1986 to allow a credit to holders of qualified bonds issued to finance certain energy projects, and for other purposes.

S. 1022

At the request of Mr. SMITH, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 1022, a bill to amend the Internal Revenue Code of 1986 to allow for an energy efficient appliance credit.

S. 1104

At the request of Mrs. CLINTON, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1104, a bill to amend titles XIX and XXI of the Social Security Act to provide States with the option to cover certain legal immigrants under the medicaid and State children's health insurance programs.

S. 1110

At the request of Mr. ALLEN, the name of the Senator from Nevada (Mr. ENSIGN) was added as a cosponsor of S. 1110, a bill to amend the Federal Hazardous Substances Act to require engine coolant and antifreeze to contain a bittering agent in order to render the coolant or antifreeze unpalatable.

S. 1265

At the request of Mr. VOINOVICH, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of S. 1265, a bill to make grants and loans available to States and other organizations to strengthen the economy, public health, and environment of the United States by reducing emissions from diesel engines.

S. 1272

At the request of Mr. NELSON of Nebraska, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 1272, a bill to amend title 46, United States Code, and title II of the Social Security Act to provide benefits to certain individuals who served in the United States merchant marine (including the Army Transport Service and the Naval Transport Service) during World War II.

S. 1317

At the request of Mr. DODD, the name of the Senator from Vermont (Mr. JEFFORDS) was added as a cosponsor of S. 1317, a bill to provide for the collection and maintenance of cord blood units for the treatment of patients and research, and to amend the Public Health Service Act to authorize the Bone Marrow and Cord Blood Cell Transplantation Program to increase the number of transplants for recipients suitably matched to donors of bone marrow and cord blood.

S. 1321

At the request of Mr. SANTORUM, the name of the Senator from Oklahoma (Mr. COBURN) was added as a cosponsor of S. 1321, a bill to amend the Internal Revenue Code of 1986 to repeal the excise tax on telephone and other communications.

S. 1360

At the request of Mr. SMITH, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 1360, a bill to amend the Internal Revenue Code of 1986 to extend the exclusion from gross income for employer-provided health coverage to designated plan beneficiaries of employees, and for other purposes.

S. 1383

At the request of Mr. COLEMAN, the names of the Senator from Nebraska (Mr. HAGEL), the Senator from Ohio (Mr. VOINOVICH) and the Senator from Idaho (Mr. CRAPO) were added as cosponsors of S. 1383, a bill to seek urgent and essential institutional reform at the United Nations.

S. 1400

At the request of Mr. CHAFEE, the name of the Senator from Ohio (Mr. VOINOVICH) was added as a cosponsor of S. 1400, a bill to amend the Federal Water Pollution Control Act and the Safe Drinking Water Act to improve water and wastewater infrastructure in the United States.

S. 1419

At the request of Mr. LUGAR, the names of the Senator from New Mexico (Mr. DOMENICI), the Senator from Nebraska (Mr. HAGEL) and the Senator from Delaware (Mr. BIDEN) were added as cosponsors of S. 1419, a bill to maintain the free flow of information to the public by providing conditions for the federally compelled disclosure of information by certain persons connected with the news media.

At the request of Mr. DODD, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 1419, supra.

S. 1423

At the request of Mr. SCHUMER, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 1423, a bill to provide for a medal of appropriate design to be awarded by the President to the next of kin or other representatives of those individuals killed as a result of the terrorist attacks of September 11, 2001.

S. RES. 184

At the request of Mr. SANTORUM, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. Res. 184, a resolution expressing the sense of the Senate regarding manifestations of anti-Semitism by United Nations member states and urging action against anti-Semitism by United Nations officials, United Nations member states, and the Government of the United States, and for other purposes.

S. RES. 198

At the request of Ms. MIKULSKI, the name of the Senator from Ohio (Mr. DEWINE) was added as a cosponsor of S. Res. 198, a resolution commemorating the 25th anniversary of the 1980 worker's strike in Poland and the birth of the Solidarity Trade Union, the first free and independent trade union established in the Soviet-dominated countries of Europe.

AMENDMENT NO. 825

At the request of Mr. KERRY, the names of the Senator from Maine (Ms. SNOWE), the Senator from Rhode Island (Mr. REED), the Senator from Wisconsin (Mr. KOHL), the Senator from Michigan (Mr. LEVIN), the Senator from Montana (Mr. BAUCUS) and the Senator from Vermont (Mr. JEFFORDS) were added as cosponsors of amendment No. 825 proposed to H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy.

AMENDMENT NO. 1245

At the request of Ms. LANDRIEU, the names of the Senator from Oklahoma (Mr. INHOFE), the Senator from Idaho (Mr. CRAIG), the Senator from Ohio (Mr. DEWINE) and the Senator from Oklahoma (Mr. COBURN) were added as cosponsors of amendment No. 1245 proposed to H.R. 3057, an act making appropriations for the Department of State, foreign operations, and related programs for the fiscal year ending September 30, 2006, and for other purposes.

At the request of Mr. REED, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of amendment No. 1245 proposed to H.R. 3057, supra.

AMENDMENT NO. 1273

At the request of Mr. GRASSLEY, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of amendment No. 1273 proposed to H.R. 3057, an act making appropriations for the Department of State, foreign operations, and related programs for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 1299

At the request of Mr. MCCONNELL, the name of the Senator from Indiana (Mr. LUGAR) was added as a cosponsor of amendment No. 1299 proposed to H.R. 3057, an act making appropriations for the Department of State, foreign operations, and related programs for the fiscal year ending September 30, 2006, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. MURRAY (for herself and Mr. DEWINE):

S. 1429. A bill to amend the Higher Education Act of 1965 to assist homeless students in obtaining postsecondary education, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Ms. MURRAY. Mr. President, today I join Senator DEWINE to introduce a bill that would make the dream of a college diploma more accessible to homeless youth and kids in foster care.

We all know the obstacles students' in America need to overcome in order to succeed in post-secondary education. Couple these traditional obstacles with extreme poverty, residential instability, insufficient documentation and lack of awareness of supportive educational programs and it is no wonder homeless children and children in foster care are only half as likely to go on to college as their peers.

Youth in foster care are less likely to be enrolled in college preparatory classes and are more than twice as likely as non-foster care youth to drop out of high school altogether. Because The Higher Education Act supports several programs that motivate and support disadvantaged students to help increase their postsecondary educational attainment, it already has many of the tools necessary to intervene in these student lives. My bill would help programs, such as TRIO and GEAR UP, target their resources to better serve homeless and foster care populations. Early intervention is key in retaining these students and preparing them for post-secondary education.

More than 70 percent of teens in foster care desire to go to college, only 27 percent of those who graduate from high school realize that dream. Although children and youth who experience the instability of homelessness or foster care represent the full range of academic talents and abilities, their situations create serious barriers to school enrollment, attendance, and success.

Homeless and foster care youth do not have the traditional family network to encourage or assist them in planning for a college education. These youth need help to select a college, apply for admission and obtaining financial aid. In addition, their student aid must be used for so much more than just tuition and books. They face the daunting challenges of housing, transportation and other basic needs. By assisting these youth to become independent students we will increase their access to student aid for financial aid purposes; improve their changes for a smooth transition into, and completion of, higher learning.

Our nation's economic well-being depends on our ability to provide greater access to higher education for students, regardless of their family background. By passing this bill we guarantee more students than ever will be given the tools they need to attend college and succeed. Through college we provide these vulnerable students with the best hope for escaping the cycle of poverty and homelessness.

I look forward to working with HELP Committee Chairman ENZI to incorporate these provisions into the Higher Education Act reauthorization bill. And again, I thank Senator DEWINE for his commitment to these often overlooked children.

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

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

S. 1429

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Improving Access to Education for Students Who Are Homeless or in Foster Care Act''.

SEC. 2. FINDINGS.

Congress finds the following:

(1) According to a study of foster care children in the State of Washington, a child who enters foster care is likely to have poorer academic outcomes than a child not in foster care, even after controlling for a variety of factors such as poverty.

(2) Youth in foster care—

(A) are less likely to be enrolled in college preparatory classes than non-foster care youth; and

(B) are more than twice as likely as non-foster care youth (37 percent as compared to 16 percent) to have dropped out of secondary school.

(3) 50 percent of foster youth in the United States graduate from secondary school, compared with 85 percent of youth overall.

(4) 70 percent of teens in foster care desire to go to college.

(5) A report from Casey Family Programs indicated that, nationwide, less than 27 percent of foster youth who graduated from secondary school went on to college, as compared to 52 percent of the general population. Moreover, the college dropout rate among foster youth is far higher than the rate among other students.

(6) A May 2002 report issued by the University of California at Berkeley found that, of more than 3,200 foster care youth who attended a community college from 1992 through 2000—

(A) 39 percent earned between 1 and 17 credits;

(B) 40 percent of the foster care youth earned no credits; and

(C) many of the foster care youth did not attempt to take classes for credit, but rather were enrolled in remedial or other non-credit classes.

(7) Unaccompanied youth experiencing homelessness often have left home for their own survival.

(8) Although children and youth who experience homelessness represent the full range of academic talents and abilities, homelessness creates serious barriers to school enrollment, attendance, and success.

(9) The McKinney-Vento Homeless Assistance Act (42 U.S.C. 11301 et seq.) requires State educational agencies and local educational agencies to ensure that homeless children and youth receive a free and appropriate public education, but these provisions do not reach beyond secondary education.

(10) The barriers created by homelessness to kindergarten through grade 12 education (extreme poverty, residential instability, lack of documentation, and lack of awareness of programs and resources) often are also barriers to postsecondary education.

(11) Higher education offers students experiencing homelessness the best hope for escaping poverty and homelessness as adults.

TITLE I—FINANCIAL ASSISTANCE FOR STUDENTS WHO ARE HOMELESS OR IN FOSTER CARE

SEC. 101. NEED ANALYSIS.

(a) SPECIAL CIRCUMSTANCES.—Section 479A(a) of the Higher Education Act of 1965 (20 U.S.C. 1087tt(a)) is amended, in the third sentence, by inserting ''a change in housing status that results in homelessness,'' before ''or other changes''.

(b) INDEPENDENT STUDENT.—Section 480(d) of the Higher Education Act of 1965 (20 U.S.C. 1087vv(d)) is amended to read as follows:

''(d) INDEPENDENT STUDENT.—

''(1) DEFINITION.—The term 'independent', when used with respect to a student, means any individual who—

''(A) is 24 years of age or older by December 31 of the award year;

''(B) is an orphan, in foster care, or a ward of the court, or was in foster care or a ward of the court until the individual reached the age of 18;

''(C) is an emancipated youth, as defined by the student's State of legal residence;

''(D) is in legal guardianship, as defined in section 475 of the Social Security Act (42 U.S.C. 675);

''(E) is a veteran of the Armed Forces of the United States (as defined in subsection (c)(1));

''(F) is a graduate or professional student;

''(G) is a married individual;

''(H) has legal dependents other than a spouse;

''(I) has been verified as both a homeless child or youth and an unaccompanied youth, as such terms are defined in section 725 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a), during the school year in which the application for financial assistance is submitted, by—

''(i) a local educational agency liaison for homeless children and youths, as designated under section 722(g)(1)(J)(ii) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11432(g)(1)(J)(ii));

''(ii) a director of a homeless shelter, transitional shelter, or independent living program; or

''(iii) a financial aid administrator; or

''(J) is a student for whom a financial aid administrator makes a documented determination of independence by reason of other unusual circumstances.

''(2) SIMPLIFYING THE DEPENDENCY OVERRIDE PROCESS.—Nothing in this subsection shall be construed to prohibit a financial aid administrator from making a determination of independence under paragraph (1)(J) based upon a documented determination of independence under such paragraph that was previously made by another financial aid administrator in the same application year.''.

(c) TAILORING ELECTRONIC APPLICATIONS FOR STUDENTS WITH SPECIAL CIRCUMSTANCES.—Section 483(a) of the Higher Education Act of 1965 (20 U.S.C. 1090(a)) is amended by adding at the end the following:

''(8) APPLICATIONS FOR STUDENTS SEEKING A DOCUMENTED DETERMINATION OF INDEPENDENCE.—In the case of a student seeking a documented determination of independence by a financial aid administrator, as described in section 480(d)(1)(J), nothing in this section shall prohibit the Secretary from—

''(A) allowing such student to indicate the student's special circumstance on the electronic version of a form developed under paragraph (5);

''(B) collecting and processing, on a preliminary basis, data provided by such student using the electronic version of the form; or

''(C) distributing such data to States, institutions of higher education, and guaranty agencies for the purposes of processing loan applications and determining need and eligibility for institutional and State financial aid awards for such student on a preliminary basis, pending a documented determination of independence by a financial aid administrator.''.

TITLE II—FEDERAL EARLY OUTREACH AND STUDENT SERVICES PROGRAMS FOR STUDENTS WHO ARE HOMELESS OR IN FOSTER CARE

Subtitle A—Federal TRIO Programs

SEC. 211. DEFINITION OF HOMELESS CHILDREN AND YOUTHS.

Section 402A(g) of the Higher Education Act of 1965 (20 U.S.C. 1070a–11(g)) is amended—

(1) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4); and

(2) by inserting after paragraph (1) the following:

''(2) HOMELESS CHILDREN AND YOUTHS.—The term 'homeless children and youths' has the meaning given the term in section 725 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a).''.

SEC. 212. TALENT SEARCH.

Section 402B(b) of the Higher Education Act of 1965 (20 U.S.C. 1070a–12(b)) is amended by striking paragraph (10) and inserting the following:

''(10) programs and activities as described in paragraphs (1) through (9) which are specially designed for—

''(A) students of limited English proficiency;

''(B) students who are homeless children and youths; and

''(C) students who are in foster care or are aging out of the foster care system.''.

SEC. 213. UPWARD BOUND.

Section 402C(b) of the Higher Education Act of 1965 (20 U.S.C. 1070a–13(b)) is amended by striking paragraph (12) and inserting the following:

''(12) programs and activities as described in paragraphs (1) through (11) which are specially designed for—

''(A) students of limited English proficiency;

''(B) students who are homeless children and youths; and

''(C) students who are in foster care or are aging out of the foster care system.''.

SEC. 214. STUDENT SUPPORT SERVICES.

Section 402D of the Higher Education Act of 1965 (20 U.S.C. 1070a–14) is amended—

(1) in subsection (a)(3)—

(A) by striking ''students and'' and inserting ''students,''; and

(B) by inserting '', students who are homeless children and youths, and students who are in foster care or are aging out of the foster care system'' before the period; and

(2) in subsection (b)—

(A) in paragraph (9), by striking ''and'' after the semicolon;

(B) by striking paragraph (10) and inserting the following:

''(10) programs and activities as described in paragraphs (1) through (9) which are specially designed for—

''(A) students of limited English proficiency;

''(B) students who are or who were homeless children and youths; and

''(C) students who are in foster care or are aging out of the foster care system; and''; and

(C) by adding at the end the following:

''(11) assistance in securing temporary housing for—

''(A) students who are, or who were, homeless children and youths; or

''(B) students who are in foster care or are aging out of the foster care system.''.

SEC. 215. EDUCATIONAL OPPORTUNITY CENTERS.

Section 402F(b) of the Higher Education Act of 1965 (20 U.S.C. 1070a–16(b)) is amended by striking paragraph (10) and inserting the following:

''(10) programs and activities as described in paragraphs (1) through (9) which are specially designed for—

''(A) students of limited English proficiency;

''(B) students who are homeless children and youths; and

''(C) students who are in foster care or are aging out of the foster care system.''.

SEC. 216. STAFF DEVELOPMENT ACTIVITIES.

Section 402G(b)(3) of the Higher Education Act of 1965 (20 U.S.C. 1070a–17(b)(3)) is amended by striking ''chapter.'' and inserting ''chapter, including strategies for recruiting and serving students who are homeless children and youths, and students who are in foster care or are aging out of the foster care system.''.

Subtitle B—GEAR-UP Programs

SEC. 221. REQUIREMENTS FOR GAINING EARLY AWARENESS AND READINESS FOR UNDERGRADUATE PROGRAMS.

Section 404B(c)(2) of the Higher Education Act of 1965 (20 U.S.C. 1070a–22(c)(2)) is amended by striking ''programs.'' and inserting ''programs, including programs under subtitle B of title VII of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11431 et seq.).''.

SEC. 222. EARLY INTERVENTION USE OF FUNDS.

Section 404D(b)(2)(C) of the Higher Education Act of 1965 (20 U.S.C. 1070a–24(b)(2)(C)) is amended by inserting '', for students who are homeless children and youths, as defined in section 725 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a), or for students who are in foster care or are aging out of the foster care system'' before the period.

TITLE III—DEMONSTRATION PROJECTS TO INCREASE ENROLLMENT AND SUCCESS OF HIGHLY MOBILE STUDENTS IN POSTSECONDARY EDUCATION

SEC. 301. PURPOSE.

It is the purpose of this title to support demonstration projects in order to—

(1) increase the secondary school graduation rates of highly mobile students;

(2) increase the academic success of highly mobile students in secondary school; and

(3) increase the enrollment and success of highly mobile students in higher education.

SEC. 302. DEFINITIONS.

In this title:

(1) HIGHLY MOBILE STUDENTS.—The term ''highly mobile students'' means students who are—

(A) homeless children and youths, as such term is defined in section 725 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a); or

(B) wards of the State.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of Education.

(3) WARD OF THE STATE.—The term ''ward of the State'' means a child who—

(A) is a ward of the State, as determined by the State where the child resides; or

(B) is in the custody of a public child welfare agency, including situations where the child is residing—

(i) in a foster family home, group home, or other alternative residential setting; or

(ii) at home under protective supervision.

SEC. 303. GRANTS AUTHORIZED.

(a) COMPETITIVE GRANTS AUTHORIZED.—The Secretary may award grants, contracts, and cooperative agreements, on a competitive basis, to—

(1) partnerships consisting of—

(A) a State educational agency;

(B) a State department serving abused and neglected children;

(C) a State department serving runaway, homeless, or at-risk youth;

(D) a State department serving homeless families or youth; and

(E) 1 or more degree-granting institutions of higher education; and

(2) partnerships consisting of—

(A) 1 or more local educational agencies;

(B) 1 or more degree-granting institutions of higher education;

(C) a recipient of a grant under subtitle B of title IV of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11371 et seq.); and

(D) 2 or more community organizations or entities, such as businesses, community-based organizations, faith-based organizations, State agencies, or other public or private agencies or organizations.

(b) DURATION.—Grants contracts, and cooperative agreements under this title shall be awarded for a period of not more than 3 years.

SEC. 304. APPLICATIONS.

Each partnership desiring to receive a grant, contract, or cooperative agreement under this title shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require. Each application shall include—

(1) a description of how the partnership plans to carry out the activities required under this title;

(2) a description of how the partnership will coordinate and collaborate with transportation, education, housing, social services, and child welfare agencies to prevent and reduce school mobility;

(3) an assurance that all State and local educational agency members of the partnership will comply with the applicable grant recipient requirements of subtitle B of title VII of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11431 et seq.) and section 1113(c)(3)(A) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6313(c)(3)(A)); and

(4) an assurance that the partnership will demonstrate that, to the maximum extent practicable, the partnership is—

(A) utilizing other resources (including Federal, State, and local funds, public transportation, and other community resources) to transport highly mobile students; and

(B) collaborating with local housing, social services, and child welfare agencies to minimize the need for such transportation.

SEC. 305. AWARD CONSIDERATIONS.

In awarding grants, contracts, or cooperative agreements under this title, the Secretary shall consider the following:

(1) The number of highly mobile students identified in the area proposed to be served by the partnership.

(2) The extent to which each local educational agency member of the partnership has reserved appropriate funds under section 1113(c)(3)(A) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6313(c)(3)(A)) to serve homeless children.

(3) The extent to which the partnership has demonstrated interagency collaboration among transportation, education, housing, social services, and child welfare agencies.

(4) Evidence of past successful operation of programs for highly mobile students.

SEC. 306. AUTHORIZED ACTIVITIES.

Grants, contracts, and cooperative agreements under this title shall be used to carry out 1 or more of the following activities:

(1) Services designed to assist highly mobile students in the completion of secondary school and in increasing academic success, such as—

(A) after-school and summer tutoring;

(B) academic counseling;

(C) skills assessment;

(D) mentoring programs; and

(E) exposure to cultural events, academic programs, and other activities not usually available to highly mobile students.

(2) Services designed to assist highly mobile students with matriculation in an institution of higher education, such as—

(A) academic advice and assistance in course selection;

(B) assistance in completing college admission and financial aid applications;

(C) assistance in preparing for college entrance examinations;

(D) personal counseling; and

(E) career workshops and counseling.

(3) Services and strategies to prevent and reduce the mobility of highly mobile students, such as—

(A) defraying the excess cost of transporting highly mobile students to their schools of origin, as required under paragraphs (1)(J)(iii) and (3)(A) of section 722(g) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11432(g)(1)(J)(iii) and (3)(A)), except that a grant recipient may not use more than 25 percent of the total grant award received under this title for this use;

(B) interagency coordination of services and policies, including transportation, education, housing, social services, and child welfare agencies;

(C) family counseling, home visits, staff development, outreach, and supportive services; and

(D) evaluation and dissemination of data, information, and promising practices.

SEC. 307. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this title $20,000,000 for fiscal year 2006 and such sums as may be necessary for each of the 5 succeeding fiscal years.

Mr. DEWINE. Mr. President, today I join Senator MURRAY in introducing the ''Improving Access to Education for Students Who Are Homeless or in Foster Care Act.'' I thank Senator MURRAY for her deep commitment to the education of children who are homeless or in foster care. I have worked with her on provisions to promote their access to and completion of education in both the Individuals with Disabilities Education Act (IDEA) reauthorization and the Head Start Act reauthorization and am pleased to have worked with her again on this bill.

In the United States, on any given day, more than half a million children are in foster care—20,000 of whom are in the State of Ohio, alone. In 2003, also know that more than 900,000 children were found to be victims of child abuse or neglect. More than half of the children in foster care experience developmental delays. Children in foster care have three to seven times more chronic medical conditions, birth defects, emotional disorders, and academic failures than children of similar socioeconomic backgrounds who do not enter foster care.

We also know that homeless children face great barriers to higher education. Often, these students have run away from an abusive home, or have been lost to the system. These students also may be living on the street with a parent—too often with a parent suffering from an addiction to alcohol or drugs. These children will move from school to school and shelter to shelter, piecing together their education as they can. This is not good enough. Although we have tried to reach out to these students through the McKinney Vento Homelessness Assistance Act, we need to do more. These children deserve a better chance at an education.

Education offers foster care and homeless children their best hope for escaping the poverty and instability they experience. This bill includes additional outreach to these hard to reach populations through current Federal education programs, such as TRIO and GEAR UP. It also would expand and clarify the definition of ''Independent Student'' in order to accommodate the special circumstances of foster care and homeless children and would allow student financial aid administrators additional flexibility to help this cohort of students attain access to higher education. This bill would create a $20 million demonstration grant program targeting foster and homeless children to help decrease the barriers to higher education by involving stakeholders and their communities in the outreach process.

I look forward to working with HELP Committee Chairman ENZI to incorporate these provisions into the Higher Education Act reauthorization bill. I appreciate his willingness to incorporate provisions related to homeless and foster children in the Head Start Act reauthorization bill, as well. He is equally concerned with the welfare of these children. And again, I thank Senator MURRAY for her commitment to these children. We cannot afford to overlook their needs.

By Mr. DEWINE (for himself and Mr. ROCKEFELLER):

S. 1430. A bill to provide loan forgiveness to social workers who work for child protective agencies; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DEWINE (for himself and Mr. ROCKEFELLER):

S. 1431. A bill to amend the Higher Education Act of 1965 to provide loan forgiveness for attorneys who represent low-income families or individuals involved in the family domestic relations court system; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DEWINE (for himself and Mr. DODD):

S. 1432. A bill to amend the Higher Education Act of 1965 to improve the loan forgiveness program for child providers, including preschool teachers, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DEWINE:

S. 1433. A bill to establish a grant program to enable institutions of higher education to improve schools of education to better prepare teachers to educate all children; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DEWINE:

S. 1434. A bill to provide grants to teacher preparation programs at institutions of higher education to award scholarships for teachers to receive a graduate level degree; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DEWINE:

S. 1435. A bill to establish a grant program for institutions of higher education to collaborate with low-income schools to recruit students to pursue and complete postsecondary degrees in education; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DEWINE:

S. 1436. A bill to award grants to eligible entities to enable the entities to reduce the rate of underage alcohol use and binge drinking among students at institutions of higher education; to the Committee on Health, Education, Labor, and Pensions.

Mr. DEWINE. Mr. President, I join several of my colleagues today to introduce a series of bills related to the reauthorization of the Higher Education Act (HEA). These bills emphasize a number of issues that are vital to higher education, including teacher quality, recruitment, and retention; loan forgiveness for social workers, family lawyers, and early childhood teachers; and the reduction of drug use and underage drinking at our colleges and universities.

The quality of a student's education is the direct result of the quality of that student's teachers. If we don't have well trained teachers, then future generations of our children will not be well educated. That is why I am introducing a bill ''Ready to Educate All Children Act'' that would provide $200 million in grants to our schools of education to partner with high-need local schools to ensure that our teachers are receiving the best, most extensive training available before they enter the classroom.

Studies find that a majority of graduates of schools of education believe that the traditional teacher preparation program left them ill prepared for the challenges and rigors of the classroom. Part of the responsibility for this lies in the hands of our schools of education. However, Congress also has a responsibility to give our schools of education the tools they need to make necessary improvements. This new bill would create a competitive grant program for schools of education, which partner with low-income schools to create clinical programs to train teachers. Additionally, it would require schools of education to make internal changes by working with other departments at the university to ensure that teachers are receiving the highest quality education in core academic subjects. Finally, it would require the college or university to demonstrate a commitment to improving their schools of education by providing matching funds.

Another bill I am introducing today, is the ''Collaborative Agreements to Recruit Educators Act,'' which also would encourage improvement in the education of our Nation's low-income students. Children raised in poverty have a much more difficult time in finishing high school and going on to college. While about seventy percent of children in America will graduate from high school, that rate drops to fifty percent for low-income students. We know that every day, about 3,000 children drop out of school. Our Nation's inner city schools have some of the lowest rates of graduation. I strongly believe that education is one of the most important ways to break the cycle of poverty. To break that cycle, we must keep our children in school, help them graduate from high school, and increase their access to higher education.

My bill would provide grants for collaborative agreements to between local education agencies in low-income communities and to colleges of education. These partnerships would work to provide services, such as mentoring, tutoring, and scholarships through the college of education to the students at the partnering school in order to 1. encourage those students to graduate from high school, 2. let them know of opportunities within higher education, and (3) encourage them to become teachers, which are so badly needed.

Another complex issue affecting the teaching force is the high percentage of disillusioned beginning teachers who leave the field. This bill would help combat this issue, as well. Schools of education receiving these grants would be responsible for following their graduates and continuing to provide assistance after they enter the classroom. The more we invest in the education of teachers—especially once they have entered the profession—the more likely they will remain in the classroom.

To further help teacher quality and retention, I am introducing a bill ''The Master Teacher Scholarship Act''—to establish a Master's in Education Scholarship Program. The lack of promotions and salary increases are some of the most pervasive reasons for the disillusionment of teachers. This disillusionment is becoming a crisis as half of teachers leave the profession altogether within their first five years of teaching. To both improve the quality of teachers and increase their retention, this bill would provide $30 million in grants to schools of education to administer scholarships to eligible teachers. In return for the scholarships, teachers would agree to teach for another five years and mentor a novice teacher for two years.

Today, along with Senator DODD, I am introducing the ''Paul Wellstone Early Educator Loan Forgiveness Act.'' Our dear friend and colleague, Senator Wellstone, and I had been working on this legislation together before his tragic death. I know he cared deeply about this issue and about making sure that all children receive a quality education. He was passionate about that. Though our bill was originally called the ''Early Care and Education Loan Forgiveness Act,'' we have renamed our bill in Paul's memory.

Our bill would expand the loan forgiveness program so that it benefits not just childcare workers, but also early childhood educators. This loan forgiveness program would serve as an incentive to keep those educators in the field for longer periods of time. Research shows that children who attend quality early childcare programs when they were three or four years old scored better on math, language arts, and social skills in early elementary school than children who attended poor quality childcare programs. In short, children in early learning programs with high quality teachers—teachers with a Bachelor's degree or an Associate's degree or higher—do substantially better.

When we examine the number and recent growth of pre-primary education programs, it becomes difficult to differentiate between early education and childcare settings because they are so often intertwined—especially considering that about 12 million children younger than age five spend part of their time with a care provider other than a parent and that demand for quality childcare and education is growing as more mothers enter the workforce.

Because this bill targets loan forgiveness to those educators working in low-income schools or childcare settings, we can make significant strides toward providing high quality education for all of our young children, regardless of socioeconomic status. The bill would serve a twofold function. First, it would reward professionals for their training. Second, it would encourage professionals to remain in the profession over longer periods of time, since more time in the profession leads to higher percentages of loans forgiveness. The bill would result in more educated individuals with more teaching experience and lower turnover rates, each of which enhance student performance.

I encourage my colleagues to join me in this effort to help ensure that truly

no children—especially our youngest children—are left behind.

I also am working on two bills with my friend and colleague from West Virginia, Senator ROCKEFELLER. These bills would provide loan forgiveness to students who dedicate their careers to working in the realm of child welfare, including social workers, who work for child protective services, and family law experts.

Currently, there aren't enough social workers to fill available jobs in the area of child welfare. Furthermore, the number of social work job openings is expected to increase faster than the average for all occupations through 2010. The need for highly qualified social workers in the child protective services is reaching crisis level.

We also need more qualified individuals focusing on family law. The wonderful thing about family law is its focus on rehabilitation—that is the rehabilitation of families by helping them through life's transitions, whether it is a family going through a divorce, a family dealing with their troubled teenager in the juvenile system, or a child getting adopted and becoming a member of a new family.

Across the United States, family, juvenile, and domestic relations courts are experiencing a shortage of qualified attorneys. As many of my colleagues and I know, law school is an expensive investment. In the last 20 years, tuition has increased more than 200 percent. Currently, the average rate of law school debt is about $80,000 per graduate. To be sure, few law school graduates can afford to work in the public sector because debts prevent even the most dedicated public service lawyer from being able to take these low-paying jobs. This results in a shortage of family lawyers.

The shortage of family law attorneys also disproportionately impacts juveniles. The lack of available representation causes children to spend more time in foster care because cases are adjourned or postponed when they simply cannot find an attorney to represent their rights or those of the parent or guardian. Furthermore, the number of children involved in the court system is sharply increasing. We need to ensure that the interests of these children are taken care of by making certain they have an advocate—someone working solely on their behalf. By offering loan forgiveness to those willing to pursue careers in the child welfare field, we can increase the number of highly qualified and dedicated individuals who work in the realm of child welfare and family law.

Finally, I am introducing a bill today that would help address an epidemic—the epidemic of underage drinking on college and university campuses across the United States. This bill would provide grants to states to establish statewide partnerships among colleges and universities and the surrounding communities to work together to reduce underage and binge drinking and illicit drug use by students.

Many States, including my home State of Ohio, have coalitions that deal specifically with the culture of alcohol and drug abuse on America's college campuses. They work with the surrounding communities, including local residents; bar, restaurant, and shop owners; and law enforcement officials toward a goal of changing the pervasive culture of drug and alcohol abuse. They provide alternative alcohol-free events, as well as support groups for those who choose not to drink. They also educate students about the dangers of alcohol and drug use.

Furthermore, the coalitions recognize that while it is important to promote an alcohol aware and drug-free campus community, if the community surrounding the campus does not promote these initiatives, there will be no long-term solutions. Therefore, these coalitions also have worked to establish regulations both on and off campus, which will help our Nation's youth to stay healthy, alive, and get the most out of their time at college. Some of these regulations include the registration of kegs. This provides accountability for both the store and the student. This is just an example of one step that colleges, local communities, and organizations can take.

To help start the expansion of these coalitions, this bill would provide $5 million in grants. This is an important demonstration project that would help lead to positive effects for our young people. It is up to us to change the culture, which has been perpetuated by years of complacency and a dismissal tone of ''that's just the way it is in college.'' We must protect the health and education of our young people by changing this culture of abuse—and that is exactly what this bill would help do.

I thank all of my colleagues who have worked with me on these bills. I look forward to the reauthorization of the Higher Education Act and working with Chairman ENZI and Ranking Member KENNEDY to incorporate these important measures.

By Mr. MCCAIN (for himself and Mr. DORGAN):

S. 1439. A bill to provide for Indian trust asset management reform and resolution of historical accounting claims, and for other purposes; to the Committee on Indian Affairs.

Mr. MCCAIN. Mr. President, I am pleased to introduce the, Indian Trust Reform Act of 2005.

The following is an overview of the bill, title by title, which is followed by a discussion of the reasons for the measure.

TITLE I: RESOLUTION OF HISTORICAL ACCOUNTING CLAIMS IN COBELL V. NORTON

Title I of the bill would provide for a lump sum settlement of the claims for an historical accounting that have been asserted in the case of Cobell v. Norton. The section would establish a Settlement Fund which would be administered by the Secretary of the Treasury and a Special Master. The total amount of the fund is left blank in this introduced version of the bill. The Committee on Indian Affairs will hold a hearing on this soon and have further discussions with the parties, hopefully to reach a consensus number for the settlement. The settlement fund would be distributed to individual Indians using two formulas: part of the fund would be distributed among all claimants equally, and part would be distributed under a formula that allocates funds in accordance with a through-put analysis—account holders with high volume accounts would receive more than those with low volume accounts. A portion of the fund would be held in reserve for payment of attorneys fees at an hourly rate, for administration of the fund and for claimants who successfully challenge their distribution in court. If any of the reserved funds remain unused, they are to be distributed to the claimants under the formula.

TITLE II: INDIAN TRUST ASSET MANAGEMENT POLICY REVIEW COMMISSION

Title II of the bill establishes and sets forth the duties, responsibilities, and authority of a 12-member Indian Trust Asset Management Review Commission. The Commission would have two principal areas of responsibility: 1. Reviewing all current trust resource management laws, (including regulations), and the Secretary of Interior's trust resource management practices, and 2. Following that review, preparing a report to the Senate Committee on Indian Affairs, the House Committee on Resources and the Secretary of Interior containing the Commission's recommendations for improving the management of those assets.

TITLE III: INDIAN TRUST RESOURCE MANAGEMENT DEMONSTRATION PROJECT

Title III of the bill establishes an eight-year Indian Trust Resource Management Demonstration Project. The demonstration project would initially be open to all Indian tribes participating in section 131 of the Fiscal Year 2005 Interior Appropriations Act and an additional 30 Indian tribes that submit applications to the Secretary. Participating tribes would negotiate a ''trust resource management plan'' with the Secretary, which would remain in effect for the full duration of the demonstration project but would be subject to modification or termination annually. A participating tribe would be allowed to negotiate with the Department of Interior as to how the trust asset management budget for the reservation would be prioritized. Self-governance tribes participating in the demonstration project would also be permitted to develop their own ''customized'' trust asset management systems and practices. Trust assets subject to the plan would have to be managed in accordance with 1. The Federal trust responsibility and 2. Certain basic standards set forth in the section. The trust asset management plan itself would not create, diminish or increase

the liability of either the United States or the Indian tribe. The Indian tribe would have the right to terminate the plan by giving the Secretary notice, but termination would not be effective until the beginning of the next fiscal year.

TITLE IV: FRACTIONAL INTEREST PURCHASE AND CONSOLIDATION PROGRAM

Title IV of the bill would be an amendment to Section 213 of the Indian Land Consolidation Act (25 USC 2212). As currently written, Section 213 of ILCA authorizes the Secretary to purchase fractional interests in land in accordance with certain requirements. One problem with this program is that the fractional interests are so small that an offer of fair market value is such a small amount of money that there is little incentive to sell. Accordingly, the amendment would be a new subsection to ILCA Section 213 that would authorize the Secretary to offer more than fair market value for fractional interests in tracts of land that have 20 or more trust or restricted fractional interests—the offer would be fair market value PLUS an additional amount of at least $100 but not more than $350.

Also, this title would add another new subsection to ILCA section 213 that would authorize the Secretary to offer, along with an offer to purchase any interest or interests under section 213, an additional amount of money to settle any and all mismanagement claims against the United States that the interest owner may have in connection with the tract of land of which the fractional interest is a part. The interest owner would have the option of selling his or her interest to the Secretary with or without a settlement of mismanagement claims, i.e., the settlement of mismanagement claims could not be made a mandatory condition of the sale of the interest.

Also included as part of this title is a provision dealing with tracts of extremely fractionated land—specifically, tracts of land that consist of 200 or more fractional trust interests. If the Secretary determines that a tract is owned by 200 or more individuals, she is authorized to make the offer (not less than four times fair market value) via certified mail to each and every trust interest owner in the tract. The offer would include a notice that says they have 90 days to reject the offer or it will be deemed to have been accepted. It would include a pre-addressed (back to the Secretary) postage-paid ''notice of rejection'' form that the offeree may use to reject the offer. If they fail to mail the form back in time, they will be given another notice stating that they may withdraw the offer by mailing a postage pre-paid ''notice of withdrawal'' form back to the Secretary within 30 days. If They fail to do that in time, the offer is deemed to be accepted.

TITLE V: RESTRUCTURING THE BUREAU OF INDIAN AFFAIRS AND OFFICE OF THE SPECIAL TRUSTEE

This title of the bill would reorganize the Bureau of Indian Affairs and Office of the Special Trustee for American Indians under a new office within the Department of Interior, an Under Secretary for Indian Affairs. The title provides that the Under Secretary has responsibility for the administration of all Indian trust and non-trust matters, including, after a transition period ending on December 31, 2008, matters currently within the scope of authority of the Special Trustee for American Indians under the American Indian Trust Fund Management Reform Act of 1994 (25 USC 4041 et seq.). The Under Secretary would oversee a new Office of Trust Reform Implementation and Oversight, but the Special Trustee would continue performing his duties under the 1994 Act until December 31, 2008, at which time the OST would be abolished.

TITLE VI: ANNUAL AUDIT OF INDIAN TRUST FUNDS BY THE GOVERNMENT ACCOUNTABILITY OFFICE

Title VI of the bill requires the Government Accountability Office to contract for an annual audit of all funds held in trust by the United States for the benefit of an Indian Tribe or an individual Indian. The audit would be conducted in accordance with generally accepted auditing principles and the Single Audit Act. Copies of each audit report must be submitted to the Secretary of Interior, the Senate Committee on Indian Affairs, and the House Committee on Resources.

Reasons for the bill: the performance of the United States over the past 125 years in its capacity as trustee and manager of Indian trust and restricted lands is not something to be proud of. The policy of allotting Indian tribal lands, which was made the general Federal Indian policy in the 1880s, was one of several federal ''experiments'' in Indian matters that have had regrettable results both for Native Americans and for the Government. This policy of the 19th Century has come back to haunt us now in the form of fractionated ownership of allotted lands—where some parcels of land are owned by hundreds and in some cases over a thousand different Indian owners. This fractionation of ownership has led to a proliferation of individual Indian money accounts ''IIM accounts,'' now numbering in the hundreds of thousands, all of which the Federal Government has a trust obligation to track and manage.

The staggering number of IIM accounts—along with decades of mismanagement on the part of Government officials—contributed to the conditions that led to the filing of the Federal class action here in the District of Columbia known as Cobell v. Norton. A lot has happened in that litigation since it was filed 9 years ago, much of it reported in newspapers across the country, but I think it is fair to say that one thing the case has shown is that the United States has not lived up to its duty as a fiduciary to the thousands of Indian beneficiaries of IIM accounts.

The principal objectives of the Cobell case are to obtain a complete historical accounting of IIM accounts and to reform the trust itself. The Government has been ordered to perform a complete, detailed accounting of transactions relating to IIM accounts and to submit and implement a plan to reform the trust. In hearings before the Committee on Indian Affairs, officials from the Department of Interior have stated that the cost of doing the accounting may run in to multiple billions of dollars, and representatives of the plaintiffs in the case as well as the GAO, have stated that much of this accounting cannot be done due to missing or destroyed records, information, or data relating to the IIM accounts.

The bill I introduce today would provide a resolution of the class action relating to an historical accounting and would also bring a number of important changes to the Indian trust asset management system. In lieu of an accounting, the bill would create a settlement fund and direct the Secretary of the Treasury to develop a formula for distributing the fund to the beneficial owners of IIM accounts in full settlement for losses, errors, and unpaid interest in their IIM accounts. Several other aspects of the bill are included for the purpose of reforming the Indian trust management system. For example, the bill would create a special commission charged with the responsibility of examining current Indian trust management laws, regulations and practices and reporting back to the authorizing committees of jurisdiction in the Senate and House with recommended revisions of these laws, regulations and practices. It would also restructure the Bureau of Indian Affairs under an Under Secretary For Indian Affairs, phasing out the Office of the Special Trustee whose responsibilities would be transferred to the Under Secretary after December 31, 2008.

I would like to thank the National Congress of American Indians, the Inter-Tribal Monitoring Association, the Affiliated Tribes of Northwest Indians, representatives of the plaintiffs as well as many other stakeholders for their considerable and helpful input in developing this legislation. The bill does not include everything that they requested, and they may have issues with certain aspects of the bill as it is now written. That said, the bill is offered as a starting point for discussion. I do not think that there is any provision in the bill that is immutable, closed to debate or negotiation. Hopefully the stakeholders will remain engaged and continue to provide me with information and suggestions to make it a better bill, a bill that brings substantial improvements to the administration and management of Indian trust assets.

I look forward to working with my colleagues on both sides of the aisle to enact this timely legislation. I ask unanimous consent that the full text of the bill be printed in the RECORD.

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

S. 1439

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Indian Trust Reform Act of 2005''.

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

TITLE I—SETTLEMENT OF LITIGATION CLAIMS

SEC. 101. FINDINGS.

Congress finds that—

(1) Congress has appropriated tens of millions of dollars for purposes of providing an historical accounting of funds held in Individual Indian Money accounts;

(2) as of the date of enactment of this Act, the efforts of the Federal Government in conducting historical accounting activities have provided information regarding the feasibility and cost of providing a complete historical accounting of IIM account funds;

(3) in the case of many IIM accounts, a complete historical accounting—

(A) may be impossible because necessary records and accounting data are missing or destroyed;

(B) may take several years to perform even if necessary records are available;

(C) may cost the United States hundreds of millions and possibly several billion dollars; and

(D) may be impossible to complete before the deaths of many elderly IIM account beneficiaries;

(4) without a complete historical accounting, it may be difficult or impossible to ascertain the extent of losses in an IIM account as a result of accounting errors or mismanagement of funds, or the correct amount of interest accrued or owned on the IIM account;

(5) the total cost to the United States of providing a complete historical accounting of an IIM account may exceed—

(A) the current balance of the IIM account;

(B) the total sums of money that have passed through the IIM account; and

(C) the enforceable liability of the United States for losses from, and interest in, the IIM account;

(6)(A) the delays in obtaining an accounting and in pursuing accounting claims in the case styled Cobell v. Norton, Civil Action No. 96–1285 (RCL) in the United States District Court for the District of Columbia, have created a great hardship on IIM account beneficiaries; and

(B) many beneficiaries and their representatives have indicated that they would rather receive monetary compensation than experience the continued frustration and delay associated with an accounting of transactions and funds in their IIM accounts;

(7) it is appropriate for Congress, taking into consideration the findings under paragraphs (1) through (6), to provide benefits that are reasonably calculated to be fair and appropriate in lieu of performing an accounting of an IIM account, or assuming liability for errors in such an accounting, mismanagement of IIM account funds (including undetermined amounts of interest in IIM accounts, losses in which may never be discovered or quantified if a complete historical accounting cannot be performed), or breach of fiduciary duties with respect to the administration of IIM accounts, in order to transmute claims by the beneficiaries of IIM accounts for undetermined or unquantified accounting losses and interest to a fixed amount to be distributed to the beneficiaries of IIM accounts;

(8) in determining the amount of the payments to be distributed as described in paragraph (7), Congress should take into consideration, in addition to the factors described in paragraphs (1) through (6)—

(A) the risks and costs to IIM account beneficiaries, as well as any delay, associated with the litigation of claims that will be resolved by this title; and

(B) the benefits to IIM account beneficiaries available under this title;

(9) the situation of the Osage Nation is unique because, among other things, income from the mineral estate of the Osage Nation is distributed to individuals through headright interests that belong not only to members of the Osage Nation, but also to members of other Indian tribes, and to non-Indians; and

(10) due to the unique situation of the Osage Nation, the Osage Nation, on its own behalf, has filed various actions in Federal district court and the United States Court of Federal Claims seeking accountings, money damages, and other legal and equitable relief

SEC. 102. DEFINITIONS.

In this title:

(1) ACCOUNTING CLAIM.—The term ''accounting claim'' means any claim for an historical accounting of a claimant against the United States under the Litigation.

(2) CLAIMANT.—The term ''claimant'' means any beneficiary of an IIM account (including an heir of such a beneficiary) that was living on the date of enactment of the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4001 et seq.).

(3) IIM ACCOUNT.—The term ''IIM account'' means an Individual Indian Money account administered by the Bureau of Indian Affairs.

(4) LITIGATION.—The term ''Litigation'' means the case styled Cobell v. Norton, Civil Action No. 96–1285 (RCL) in the United States District Court for the District of Columbia.

(5) SECRETARY.—The term ''Secretary'' means the Secretary of the Treasury.

(6) SETTLEMENT FUND.—The term ''Settlement Fund'' means the fund established by section 103(a).

(7) SPECIAL MASTER.—The term ''Special Master'' means the special master appointed by the Secretary under section 103(b) to administer the Settlement Fund.

SEC. 103. INDIVIDUAL INDIAN ACCOUNTING CLAIM SETTLEMENT FUND.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—There is established in the general fund of the Treasury a fund, to be known as the ''Individual Indian Accounting Claim Settlement Fund''.

(2) INITIAL DEPOSIT.—The Secretary shall deposit into the Settlement Fund to carry out this title not less than **$[____]**,000,000,000 from funds appropriated under section 1304 of title 31, United States Code.

(b) SPECIAL MASTER.—As soon as practicable after the date of enactment of this Act, the Secretary shall appoint a Special Master to administer the Settlement Fund in accordance with this title.

(c) DISTRIBUTION.—

(1) IN GENERAL.—The Special Master shall use not less than 80 percent of amounts in the Settlement Fund to make payments to claimants in accordance with section 104.

(2) METHOD OF VALUATION AND CONSTITUTIONAL CLAIMS.—The Special Master may use not to exceed 12 percent of amounts in the Settlement Fund to make payments to claimants described in—

(A) section 106; or

(B) section 107.

(3) ATTORNEYS' FEES.—The Special Master may use not to exceed **[____]** percent of amounts in the Settlement Fund to make payments to claimants for attorneys' fees in accordance with section 108.

(d) COSTS OF ADMINISTRATION.—The Secretary may use not more than **[____]** percent of amounts in the Settlement Fund to pay the costs of—

(1) administering the Settlement Fund; and

(2) otherwise carrying out this title.

SEC. 104. GENERAL DISTRIBUTION.

(a) PAYMENTS TO CLAIMANTS.—

(1) IN GENERAL.—Not later than 1 year after the date on which the Secretary publishes in the Federal Register the regulations described in subsection (d), the Special Master shall distribute to each claimant from the Settlement Fund an amount equal to the sum of—

(A) the per capita share of the claimant of $[__ __],000,000,000 of the amounts described in section 103(c)(1); and

(B) of [__ __],000,000,000 of the amounts described in section 103(c)(1), the additional share of the claimant, to be determined in accordance with a formula established by the Secretary under subsection (d)(1).

(2) HEIRS OF CLAIMANTS.—

(A) IN GENERAL.—An heir of a claimant shall receive the entire amount distributed to the claimant under paragraphs (1) and (3).

(B) MULTIPLE HEIRS.—If a claimant has more than 1 heir, the amount distributed to the claimant under paragraphs (1) and (3) shall be divided equally among the heirs of the claimant.

(3) RESIDUAL AMOUNTS.—After making each distribution required under sections 106, 107, and 108, the Special Master shall distribute to claimants the remainder of the amounts described in paragraphs (2) and (3) of section 103(c), in accordance with paragraph (1)(B).

(b) REQUIREMENT FOR DISTRIBUTION.—The Special Master shall not make a distribution to a claimant under subsection (a) until the claimant executes a waiver and release of accounting claims against the United States in accordance with section 109.

(c) LOCATION OF CLAIMANTS.—

(1) RESPONSIBILITY OF SECRETARY OF THE INTERIOR.—The Secretary of the Interior shall provide to the Special Master any information, including IIM account information, that the Special Master determines to be necessary to—

(A) identify any claimant under this title; or

(B) apply a formula established by the Secretary under subsection (d).

(2) CLAIMANTS OF UNKNOWN LOCATION.—

(A) IN GENERAL.—The Special Master shall deposit in an account, for future distribution, amounts under this title for each claimant who—

(i) is entitled to receive a distribution under this title, as determined by the Special Master; and

(ii) has not been located by the Special Master as of the date on which a distribution is required under subsection (a)(1).

(B) LOCATION OF CLAIMANTS.—

(i) RESPONSIBILITY OF SECRETARY OF THE INTERIOR.—The Secretary of the Interior shall provide to the Special Master any information and assistance necessary to locate a claimant described in subparagraph (A)(ii).

(ii) CONTRACTS.—The Special Master may enter into contracts with an Indian tribe or an organization representing individual Indians in order to locate a claimant described in subparagraph (A)(ii).

(d) REGULATIONS.—

(1) IN GENERAL.—The Secretary shall promulgate any regulations that the Secretary determines to be necessary to carry out this title, including regulations establishing a formula to determine the share of each claimant of payments under subsection (a)(1).

(2) FACTORS FOR CONSIDERATION.—In developing the formula described in paragraph (1), the Secretary shall take into consideration the amount of funds that have passed through the IIM account of each claimant during the period beginning on January 1, 1980, and ending on December 31, 2005, or another period, as the Secretary determines to be appropriate.

SEC. 105. CLAIMS RELATING TO SHARE DETERMINATION.

(a) IN GENERAL.—Subject to subsection (b), any claimant may seek judicial review of the determination of the Special Master with respect to the amount of a share payment of a claimant under section 104(a)(1).

(b) REQUIREMENTS.—A claimant shall file a claim under subsection (a)—

(1) not later than 180 days after the date of receipt of a notice by the claimant under subsection (c); and

(2) in the United States district court for the district in which the claimant resides.

(c) NOTICE.—The Secretary shall provide to each claimant a notice of the right of any claimant to seek judicial review of a determination of the Special Master with respect to the amount of the share payment of the claimant under section 105.

(d) SUBSEQUENT APPEALS.—A claim relating to a determination of a United States district court relating to an appeal under subsection (a) shall be filed only in the United States Court of Appeals for the District of Columbia.

SEC. 106. CLAIMS RELATING TO METHOD OF VALUATION.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, a claimant may seek judicial review of the method of distribution of a payment to the claimant under section 104(a).

(b) REQUIREMENTS.—A claim under subsection (a)—

(1) shall not be filed as part of a class action claim against any party; and

(2) shall be filed only in the United States Court of Federal Claims.

(c) AVAILABLE AMOUNTS.—

(1) IN GENERAL.—The Special Master shall use only amounts described in section 103(c)(2)(A) to satisfy an award under a claim under this section.

(2) PAYMENTS TO CLAIMANTS.—A claimant that files a claim under this subsection shall not be eligible to receive a distribution under section 104(a).

(d) EFFECT OF CLAIM.—The filing of a claim under this section shall be considered to be a waiver by the claimant of any right to an award under section 104.

SEC. 107. CLAIMS RELATING TO CONSTITUTIONALITY.

(a) IN GENERAL.—Any claimant may seek judicial review in the United States District Court for the District of Columbia of the constitutionality of the application of this title to an individual claimant.

(b) PROCEDURE.—

(1) JUDICIAL PANEL.—A claim under this section shall be determined by a panel of 3 judges, to be appointed by the chief judge of the United States District Court for the District of Columbia.

(2) CONSOLIDATION OF CLAIMS.—

(A) IN GENERAL.—The judicial panel may consolidate claims under this section, as the judicial panel determines to be appropriate.

(B) PROHIBITION OF CLASS ACTION CASES.—A claim under this section shall not be filed as part of a class action claim against any party.

(3) DETERMINATION.—The judicial panel may award a claimant such relief as the judicial panel determines to be appropriate, including monetary compensation.

(c) AVAILABLE AMOUNTS.—

(1) IN GENERAL.—The Special Master shall use only amounts described in section 103(c)(2)(B) to satisfy an award under a claim under this section.

(2) PAYMENTS TO CLAIMANTS.—A claimant that files a claim under this subsection shall not be eligible to receive a distribution under section 104(a).

(d) EFFECT OF CLAIM.—The filing of a claim under this section shall be considered to be a waiver by the claimant of any right to an award under section 104.

SEC. 108. ATTORNEYS' FEES.

(a) IN GENERAL.—The Special Master may use amounts described in section 103(c)(3) to make payments to claimants for costs and attorneys' fees incurred under the Litigation before the date of enactment of this Act, or in connection with a claim under section 104, at a rate not to exceed $[____] per hour.

(b) REQUIREMENTS.—

(1) IN GENERAL.—The Special Master may make a payment under subsection (a) only if, as of the date on which the Special Master makes the payment, the applicable costs and attorneys' fees have not been paid by the United States pursuant to a court order.

(2) ACTION BY ATTORNEYS.—To receive a payment under subsection (a), an attorney of the claimant shall submit to the Special Master a written claim for costs or fees under the Litigation.

SEC. 109. WAIVER AND RELEASE OF CLAIMS.

(a) IN GENERAL.—In order to receive an award under this title, a claimant shall execute and submit to the Special Master a waiver and release of claims under this section.

(b) CONTENTS.—A waiver and release under subsection (a) shall contain a statement that the claimant waives and releases the United States (including any officer, official, employee, or contractor of the United States) from any legal or equitable claim under Federal, State, or other law (including common law) relating to any accounting of funds in the IIM account of the claimant on or before the date of enactment of this Act.

SEC. 110. EFFECT OF TITLE.

(a) SUBSTITUTION OF BENEFITS.—

(1) IN GENERAL.—The benefits provided under this title shall be considered to be provided in lieu of any claims under Federal, State, or other law originating before the date of enactment of this Act for—

(A) losses as a result of accounting errors relating to funds in an IIM account;

(B) mismanagement of funds in an IIM account; or

(C) interest accrued or owed in connection with funds in an IIM account.

(2) LIMITATION OF CLAIMS.—Except as provided in this title, and notwithstanding any other provision of law, a claimant shall not maintain an action in any Federal, State, or other court for an accounting claim originating before the date of enactment of this Act.

(3) JURISDICTION OF COURTS.—

(A) IN GENERAL.—Except as otherwise provided in this title, no court shall have jurisdiction over a claim filed by an individual or group for the historical accounting of funds in an IIM account on or before the date of enactment of this Act, including any such claim that is pending on the date of enactment of this Act.

(B) LIMITATION.—This paragraph does not prevent a court from ordering an accounting in connection with an action relating to the mismanagement of trust resources that are not funds in an IIM account on or before the date of enactment of this Act.

(b) ACCEPTANCE AS WAIVER.—The acceptance by a claimant of a benefit under this title shall be considered to be a waiver by the claimant of any accounting claim that the claimant has or may have relating to the IIM account of the claimant.

(c) RECEIPT OF PAYMENTS HAVE NO IMPACT ON BENEFITS UNDER OTHER FEDERAL PROGRAMS.—The receipt of a payment by a claimant under this title shall not be—

(1) subject to Federal or State income tax; or

(2) treated as benefits or otherwise taken into account in determining the eligibility of the claimant for, or the amount of benefits under, any other Federal program, including the social security program, the medicare program, the medicaid program, the State children's health insurance program, the food stamp program, or the Temporary Assistance for Needy Families program.

(d) CERTAIN CLAIMS.—Nothing in this title precludes any court from granting any legal

or equitable relief in an action by an Indian tribe or Indian nation against the United States, or an officer of the United States, filed or pending on or before the date of enactment of this Act, seeking an accounting, money damages, or any other relief relating to a tribal trust account or trust asset or resource.

TITLE II—INDIAN TRUST ASSET MANAGEMENT POLICY REVIEW COMMISSION

SEC. 201. ESTABLISHMENT.

There is established a commission, to be known as the ''Indian Trust Asset Management Policy Review Commission,'' (referred to in this title as the ''Commission''), for the purposes of—

(1) reviewing trust asset management laws (including regulations) in existence on the date of enactment of this Act governing the management and administration of individual Indian and Indian tribal trust assets;

(2) reviewing the management and administration practices of the Department of the Interior with respect to individual Indian and Indian tribal trust assets; and

(3) making recommendations to the Secretary of the Interior and Congress for improving those laws and practices.

SEC. 202. MEMBERSHIP.

(a) IN GENERAL.—The Commission shall be composed of 12 members, of whom—

(1) 4 shall be appointed by the President;

(2) 2 shall be appointed by the Majority Leader of the Senate;

(3) 2 shall be appointed by the Minority Leader of the Senate;

(4) 2 shall be appointed by the Speaker of the House of Representatives; and

(5) 2 shall be appointed by the Minority Leader of the House of Representatives.

(b) QUALIFICATIONS.—The membership of the Commission shall include—

(1) at least 6 members who are representatives of federally recognized Indian tribes with reservation land or other trust land that is managed for—

(A) grazing;

(B) fishing; or

(C) crop, timber, mineral, or other resource production purposes;

(2) at least 1 member (including any member described in paragraph (1)) who is or has been the beneficial owner of an individual Indian monies account; and

(3) at least 4 members who have experience in—

(A) Indian trust resource (excluding a financial resource) management;

(B) fiduciary investment management;

(C) financial asset management; and

(D) Federal law and policy relating to Indians.

(c) DATE OF APPOINTMENTS.—

(1) IN GENERAL.—The appointment of a member of the Commission shall be made not later than 90 days after the date of enactment of this Act.

(2) FAILURES TO APPOINT.—A failure to make an appointment in accordance with paragraph (1) shall not affect the powers or duties of the Commission if sufficient members are appointed to establish a quorum.

(d) TERM; VACANCIES.—

(1) TERM.—A member shall be appointed for the life of the Commission.

(2) VACANCIES.—A vacancy on the Commission—

(A) shall not affect the powers or duties of the Commission; and

(B) shall be filled in the same manner as the original appointment was made.

SEC. 203. MEETINGS AND PROCEDURES.

(a) INITIAL MEETING.—Not later than 150 days after the date of enactment of this Act, the Commission shall hold the initial meeting of the Commission to—

(1) elect a Chairperson; and

(2) establish procedures for the conduct of business of the Commission, including public hearings.

(b) SUBSEQUENT MEETINGS.—The Commission shall meet at the call of the Chairperson.

(c) QUORUM.—7 members of the Commission shall constitute a quorum, but a lesser number of members may hold hearings.

(d) CHAIRPERSON.—The Commission shall elect a Chairperson from among the members of the Commission.

SEC. 204. DUTIES.

(a) REVIEWS AND ASSESSMENTS.—The Commission shall review and assess—

(1) Federal laws (including regulations) applicable or relating to the management and administration of Indian trust assets; and

(2) the practices of the Department of the Interior relating to the management and administration of Indian trust assets.

(b) CONSULTATION.—In conducting the reviews and assessments under subsection (a), the Commission shall consult with—

(1) the Secretary of the Interior;

(2) federally recognized Indian tribes; and

(3) organizations that represent the interests of individual owners of Indian trust assets.

(c) RECOMMENDATIONS.—After conducting the reviews and assessments under subsection (a), the Commission shall develop recommendations with respect to—

(1) changes to Federal law that would improve the management and administration of Indian trust assets by the Secretary of the Interior;

(2) changes to Indian trust asset management and administration practices that would—

(A) better protect and conserve Indian trust assets;

(B) improve the return on those assets to individual Indian and Indian tribal beneficiaries; or

(C) improve the level of security of individual Indian and Indian tribal money account data and assets; and

(3) proposed Indian trust asset management standards that are consistent with any Federal law that is otherwise applicable to the management and administration of the assets.

(d) REPORT.—Not later than 2 years after the date on which the Commission holds the initial meeting, the Commission shall submit to the Committee on Indian Affairs of the Senate, the Committee on Resources of the House of Representatives, and the Secretary of the Interior a report that includes—

(1) an overview and the results of the reviews and assessments under subsection (a); and

(2) any recommendations of the Commission under subsection (c).

SEC. 205. POWERS.

(a) HEARINGS.—The Commission may hold such hearings, meet and act at such times and places, take such testimony, and receive such evidence as the Chairperson determines to be appropriate to carry out this title.

(b) INFORMATION FROM FEDERAL AGENCIES.—

(1) IN GENERAL.—The Commission may secure directly from a Federal agency such information as the Chairperson determines to be necessary to carry out this title.

(2) PROVISION OF INFORMATION.—On request of the Chairperson, the head of a Federal agency shall provide information to the Commission.

(c) ACCESS TO PERSONNEL.—For purposes of carrying out this title, the Commission shall have reasonable access to staff responsible for Indian trust asset management and administration of—

(1) the Department of the Interior;

(2) the Department of the Treasury; and

(3) the Department of Justice.

(d) POSTAL SERVICES.—The Commission may use the United States mail in the same manner and under the same conditions as other Federal agencies.

(e) GIFTS.—The Commission may accept, use, and dispose of gifts or donations of services or property to the same extent and under the same conditions as other Federal agencies.

SEC. 206. COMMISSION PERSONNEL MATTERS.

(a) COMPENSATION OF MEMBERS.—

(1) NON-FEDERAL EMPLOYEES.—A member of the Commission who is not an officer or employee of the Federal Government shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which the member is engaged in the performance of the duties of the Commission.

(2) FEDERAL EMPLOYEES.—A member of the Commission who is an officer or employee of the Federal Government shall serve without compensation in addition to the compensation received for the services of the member as an officer or employee of the Federal Government.

(b) TRAVEL EXPENSES.—A member of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from home or regular place of business of the member in the performance of the duties of the Commission.

(c) STAFF.—

(1) IN GENERAL.—The Chairperson may, without regard to the civil services laws (including regulations), appoint and terminate an executive director and such other additional personnel as are necessary to enable the Commission to perform the duties of the Commission.

(2) CONFIRMATION OF EXECUTIVE DIRECTOR.—The employment of an executive director shall be subject to confirmation by the Commission.

(3) COMPENSATION.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the Chairperson may fix the compensation of the executive director and other personnel without regard to the provisions of chapter 51 and subchapter III of title 5, United States Code, relating to classification of positions and General Schedule pay rates.

(B) MAXIMUM RATE OF PAY.—The rate of pay for the executive director and other personnel shall not exceed the rate payable for level V of the Executive Schedule under section 5316 of title 5, United States Code.

SEC. 207. EXEMPTION FROM FACA.

The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Commission if all hearings of the Commission are held open to the public.

SEC. 208. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this title.

SEC. 209. TERMINATION OF COMMISSION.

The Commission and the authority of the Commission under this title shall terminate on the date that is 3 years after the date on which the Commission holds the initial meeting of the Commission.

TITLE III—INDIAN TRUST ASSET MANAGEMENT DEMONSTRATION PROJECT ACT

SEC. 301. SHORT TITLE.

This title may be cited as the ''Indian Trust Asset Management Demonstration Project Act of 2005''.

SEC. 302. DEFINITIONS.

In this title:

(1) PROJECT.—The term ''Project'' means the Indian trust asset management demonstration project established under section 303(a).

(2) OTHER INDIAN TRIBE.—The term ''other Indian tribe'' means an Indian tribe that—

(A) is federally recognized;

(B) is not a section 131 Indian tribe; and

(C) submits an application under section 303(c).

(3) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(4) SECTION 131 INDIAN TRIBE.—The term ''section 131 Indian tribe'' means any Indian tribe that is participating in the demonstration project under section 131 of title III, division E of the Consolidated Appropriations Act, 2005 (Public Law 108–447; 118 Stat. 2809).

SEC. 303. ESTABLISHMENT OF DEMONSTRATION PROJECT; SELECTION OF PARTICIPATING INDIAN TRIBES.

(a) IN GENERAL.—The Secretary shall establish and carry out an Indian trust asset management demonstration project, in accordance with this title.

(b) SELECTION OF PARTICIPATING INDIAN TRIBES.—

(1) SECTION 131 INDIAN TRIBES.—A section 131 Indian tribe shall be eligible to participate in the Project if the section 131 Indian tribe submits to the Secretary an application under subsection (c).

(2) OTHER TRIBES.—

(A) IN GENERAL.—Any other Indian tribe shall be eligible to participate in the Project if—

(i) the other Indian tribe submits to the Secretary an application under subsection (c); and

(ii) the Secretary approves the application of the other Indian tribe.

(B) LIMITATION.—

(i) 30 OR FEWER APPLICANTS.—If 30 or fewer other Indian tribes submit applications under subsection (c), each of the other Indian tribes shall be eligible to participate in the Project.

(ii) MORE THAN 30 APPLICANTS.—

(I) IN GENERAL.—If more than 30 other Indian tribes submit applications under subsection (c), the Secretary shall select 30 other Indian tribes to participate in the Project.

(II) PREFERENCE.—In selecting other Indian tribes under subclause (I), the Secretary shall give preference to other Indian tribes the applications of which were first received by the Secretary.

(3) NOTICE.—

(A) IN GENERAL.—The Secretary shall provide a written notice to each Indian tribe selected to participate in the Project.

(B) CONTENTS.—A notice under subparagraph (A) shall include—

(i) a statement that the application of the Indian tribe has been approved by the Secretary; and

(ii) a requirement that the Indian tribe shall submit to the Secretary a proposed Indian trust asset management plan in accordance with section 304.

(c) APPLICATION.—

(1) IN GENERAL.—To be eligible to participate in the Project, an Indian tribe shall submit to the Secretary a written application in accordance with paragraph (2).

(2) REQUIREMENTS.—The Secretary shall take into consideration an application under this subsection only if the application—

(A) includes a copy of a resolution or other appropriate action by the governing body of the Indian tribe, as determined by the Secretary, in support of or authorizing the application;

(B) is received by the Secretary by the date that is 180 days after the date of enactment of this Act; and

(C) states that the Indian tribe is requesting to participate in the Project.

(d) DURATION.—The Project shall remain in effect for a period of 8 years after the date of enactment of this Act.

SEC. 304. INDIAN TRUST ASSET MANAGEMENT PLAN.

(a) PROPOSED PLAN.—

(1) SUBMISSION.—

(A) IN GENERAL.—Not later than 120 days after the date on which an Indian tribe receives a notice from the Secretary under section 303(b)(3), the Indian tribe shall submit to the Secretary a proposed Indian trust asset management plan in accordance with paragraph (2).

(B) TIME LIMITATIONS.—

(i) IN GENERAL.—Except as provided in clause (ii), any Indian tribe that fails to submit the Indian trust asset management plan of the Indian tribe by the date specified in subparagraph (A) shall no longer be eligible to participate in the Project.

(ii) EXTENSION.—The Secretary shall grant an extension of not more than 60 days to an Indian tribe if the Indian tribe submits a written request for such an extension before the date described in subparagraph (A).

(2) CONTENTS.—A proposed Indian trust asset management plan shall include provisions that—

(A) identify the trust assets that will be subject to the plan, including financial and nonfinancial trust assets;

(B) establish trust asset management objectives and priorities for Indian trust assets that are located within the reservation, or otherwise subject to the jurisdiction, of the Indian tribe;

(C) allocate trust asset management funding that is available for the Indian trust assets subject to the plan in order to meet the trust asset management objectives and priorities;

(D) if the Indian tribe has contracted or compacted functions or activities under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) relating to the management of trust assets—

(i) identify the functions or activities that are being performed by the Indian tribe under the contracts or compacts; and

(ii) describe the proposed management systems, practices, and procedures that the Indian tribe will follow; and

(E) establish procedures for nonbinding mediation or resolution of any dispute between the Indian tribe and the United States relating to the trust asset management plan.

(3) AUTHORITY OF INDIAN TRIBES TO DEVELOP SYSTEMS, PRACTICES, AND PROCEDURES.—For purposes of preparing and carrying out a management plan under this section, an Indian tribe that has compacted or contracted activities or functions under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.), for purposes of carrying out the activities or functions, may develop and carry out trust asset management systems, practices, and procedures that differ from any such systems, practices, and procedures used by the Secretary in managing the trust assets if the systems, practices, and procedures of the Indian tribe meet the requirements of the laws, standards, and responsibilities described in subsection (c).

(4) TECHNICAL ASSISTANCE AND INFORMATION.—The Secretary shall provide to an Indian tribe any technical assistance and information, including budgetary information, that the Indian tribe determines to be necessary for preparation of a proposed plan on receipt of a written request from the Indian tribe.

(b) APPROVAL AND DISAPPROVAL OF PROPOSED PLANS.—

(1) APPROVAL.—

(A) IN GENERAL.—Not later than 120 days after the date on which an Indian tribe submits a proposed Indian trust asset management plan under subsection (a), Secretary shall approve or disapprove the proposed plan.

(B) REQUIREMENTS FOR DISAPPROVAL.—The Secretary shall approve a proposed plan unless the Secretary determines that—

(i) the proposed plan fails to address a requirement under subsection (a)(2);

(ii) the proposed plan includes 1 or more provisions that are inconsistent with subsection (c); or

(iii) the cost of implementing the proposed plan exceeds the amount of funding available for the management of trust assets that would be subject to the proposed plan.

(2) ACTION ON DISAPPROVAL.—

(A) NOTICE.—If the Secretary disapproves a proposed plan under paragraph (1)(B), the Secretary shall provide to the Indian tribe a written notice of the disapproval, including any reason why the proposed plan was disapproved.

(B) ACTION BY TRIBES.—An Indian tribe the proposed plan of which is disapproved under paragraph (1)(B) may resubmit an amended proposed plan not later than 90 days after the date on which the Indian tribe receives the notice under subparagraph (A).

(3) FAILURE TO APPROVE OR DISAPPROVE.—If the Secretary fails to approve or disapprove a proposed plan in accordance with paragraph (1), the plan shall be considered to be disapproved under clauses (i) and (ii) of paragraph (1)(B).

(4) JUDICIAL REVIEW.—An Indian tribe may seek judicial review of the determination of the Secretary in accordance with subchapter II of chapter 5, and chapter 7, of title 5, United States Code (commonly known as the ''Administrative Procedure Act'') if—

(A) the Secretary disapproves the proposed plan of the Indian tribe under paragraph (1) or (3); and

(B) the Indian tribe has exhausted any other administrative remedy available to the Indian tribe.

(c) APPLICABLE LAWS; STANDARDS; TRUST RESPONSIBILITY.—

(1) APPLICABLE LAWS.—An Indian trust asset management plan, and any activity carried out under the plan, shall not be approved unless the proposed plan is consistent with—

(A) all Federal treaties, statutes, regulations, Executive orders, and court decisions that are applicable to the trust assets, or the management of the trust assets, identified in the plan; and

(B) all tribal laws that are applicable to the trust assets, or the management of trust assets, identified in the plan, except to the extent that the laws are inconsistent with the treaties, statutes, regulations, Executive orders, and court decisions referred to in subparagraph (A).

(2) STANDARDS.—Subject to the laws referred to in paragraph (1)(A), an Indian trust asset management plan shall not be approved unless the Secretary determines that the plan will—

(A) protect trust assets from loss, waste, and unlawful alienation;

(B) promote the interests of the beneficial owner of the trust asset;

(C) conform, to the maximum extent practicable, to the preferred use of the trust asset by the beneficial owner, unless the use is inconsistent with a treaty, statute, regulation, Executive order, or court decision referred to in paragraph (1)(A);

(D) protect any applicable treaty-based fishing, hunting and gathering, and similar

rights relating to the use, access, or enjoyment of a trust asset; and

(E) require that any activity carried out under the plan be carried out in good faith and with loyalty to the beneficial owner of the trust asset.

(3) TRUST RESPONSIBILITY.—An Indian trust asset management plan shall not be approved unless the Secretary determines that the plan is consistent with the trust responsibility of the United States to the Indian tribe and individual Indians.

(d) TERMINATION OF PLAN.—

(1) IN GENERAL.—An Indian tribe may terminate an Indian trust asset management plan on any date after the date on which a proposed Indian trust asset management plan is approved by providing to the Secretary—

(A) a notice of the intent of the Indian tribe to terminate the plan; and

(B) a resolution of the governing body of the Indian tribe authorizing the termination of the plan.

(2) EFFECTIVE DATE.—A termination of an Indian trust asset management plan under paragraph (1) takes effect on October 1 of the first fiscal year following the date on which a notice is provided to the Secretary under paragraph (1)(A).

SEC. 305. EFFECT OF TITLE.

(a) LIABILITY.—Nothing in this title, or a trust asset management plan approved under section 304, shall independently diminish, increase, create, or otherwise affect the liability of the United States or an Indian tribe participating in the Project for any loss resulting from the management of an Indian trust asset under an Indian trust asset management plan.

(b) EFFECT ON OTHER LAWS.—Nothing in this title amends or otherwise affects the application of any treaty, statute, regulation, Executive order, or court decision that is applicable to Indian trust assets or the management or administration of Indian trust assets, including the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.).

(c) TRUST RESPONSIBILITY.—Nothing in this title diminishes or otherwise affects the trust responsibility of the United States to Indian tribes and individual Indians.

TITLE IV—FRACTIONAL INTEREST PURCHASE AND CONSOLIDATION PROGRAM

SEC. 401. FRACTIONAL INTEREST PROGRAM.

Section 213 of the Indian Land Consolidation Act (25 U.S.C. 2212) is amended—

(1) by redesignating subsection (d) as subsection (h); and

(2) by inserting after subsection (c) the following:

''(d) PURCHASE OF INTERESTS IN FRACTIONATED INDIAN LAND.—

''(1) INCENTIVES.—In acquiring an interest under this section in any parcel of land that includes undivided trust or restricted interests owned by not less than 20 separate individuals, as determined by the Secretary, the Secretary may include in the offered purchase price for the interest, in addition to fair market value, an amount not less than $100 and not to exceed $350, as an incentive for the owner to sell the interest to the Secretary.

''(2) SALE OF ALL TRUST OR RESTRICTED INTERESTS.—If an individual agrees to sell to the Secretary all trust or restricted interests owned by the individual, the Secretary may include in the offered purchase price, in addition to fair market value and the incentive described in paragraph (1), an amount not to exceed $2,000, as the Secretary determines to be appropriate, taking into consideration the avoided costs to the United States of probating the estate of the individual or an heir of the individual.

''(e) CERTAIN PARCELS OF HIGHLY FRACTIONATED INDIAN LAND.—

''(1) DEFINITION OF OFFEREE.—In this subsection, the term 'offeree' does not include the Indian tribe that has jurisdiction over a parcel of land for which an offer is made.

''(2) OFFER TO PURCHASE.—

''(A) IN GENERAL.—If the Secretary determines that a tract of land consists of not less than 200 separate undivided trust or restricted interests, the Secretary may offer to purchase the interests in the tract, in accordance with this subsection, for an amount equal to the sum of—

''(i) the fair market value of the interests; and

''(ii) an additional amount, to be determined by the Secretary, not less than triple the fair market value of the interest.

''(B) REQUIREMENT.—The Secretary shall make an offer under subparagraph (A) not later than 3 days before the date on which the Secretary mails a notice of the offer to the offeree under paragraph (3).

''(3) NOTICE OF OFFER.—

''(A) IN GENERAL.—The Secretary shall provide to an offeree, by certified mail to the last known address of the offeree, a notice of any offer to purchase land under this subsection.

''(B) INCLUSIONS.—A notice under subparagraph (A) shall include in plain language, as determined by the Secretary—

''(i) the date on which the offer was made;

''(ii) the name of the offeree;

''(iii) the location of the tract of land containing the interest that is the subject of the offer;

''(iv) the size of the interest of the offeree, expressed in terms of a fraction or a percentage of the tract of land described in clause (iii);

''(v) the fair market value of the tract of land described in clause (iii);

''(vi) the fair market value of the interest of the offeree;

''(vii) the amount offered for the interest in addition to fair market value under paragraph (2)(A)(ii);

''(viii) a statement that the offeree shall be considered to have accepted the offer for the amount stated in the notice unless a notice of rejection form is deposited in the United States mail not later than 90 days after the date on which the offer is received; and

''(ix) a self-addressed, postage pre-paid notice of rejection form.

''(4) TREATMENT OF OFFER.—

''(A) IN GENERAL.—An offer made under this subsection shall be considered to be accepted by the offeree if—

''(i) the certified mail receipt for the offer is signed by the offeree; and

''(ii) the notice of rejection form described in paragraph (3)(B)(ix) is not deposited in the United States mail by the date that is 90 days after the date on which the offer is received.

''(B) REJECTION.—An offer made under this subsection shall be considered to be rejected by the offeree if—

''(i) the notice of rejection form described in paragraph (3)(B)(ix) is deposited in the United States mail by the date that is 90 days after the date on which the offer is received; or

''(ii) the certified mail receipt for the offer is returned to the Secretary unsigned by the offeree.

''(5) WITHDRAWAL OF ACCEPTANCE; NOTICE.—

''(A) WITHDRAWAL OF ACCEPTANCE.—A person that is considered to have accepted an offer under paragraph (4)(A) may withdraw the acceptance by depositing in the United States mail a notice of withdrawal of acceptance form by the date that is 30 days after the date of receipt of the notice under subparagraph (B).

''(B) NOTICE.—The Secretary shall provide to any person that is considered to have accepted an offer under paragraph (4)(A), by certified mail, restricted delivery, to the last known address of the person, a preaddressed, postage prepaid withdrawal of acceptance form and a notice stating that—

''(i) the offer made to the person is considered to be accepted; and

''(ii) the person has the right to withdraw the acceptance by depositing in the United States mail the notice of withdrawal of acceptance form by the date that is 30 days after the date on which the notice was delivered to the person.

''(6) NOTICE OF ACCEPTANCE AND RIGHT TO APPEAL.—The Secretary shall provide to any person that has been served with a notice under paragraph (5)(B) and fails to withdraw the acceptance of the offer in accordance with paragraph (5)(A), by first class mail to the last known address of the person, a notice stating that—

''(A) the offer made to the person is considered to be accepted and not timely withdrawn; and

''(B) after exhausting all administrative remedies, the person may appeal any determination of the Secretary in accordance with paragraph (7).

''(7) JUDICIAL REVIEW.—A person described in paragraph (6) may appeal any determination of the Secretary with respect to—

''(A) the number of owners of undivided interests in a tract of land required under paragraph (2);

''(B) the fair market value of a tract of land or interest in land;

''(C) the date on which a notice of rejection form was deposited in the United States mail under paragraph (4)(B)(i); or

''(D) the date on which a notice of withdrawal of acceptance form was deposited in the United States mail under paragraph (5)(A).

''(f) OFFER TO SETTLE CLAIMS AGAINST THE UNITED STATES.—

''(1) IN GENERAL.—The Secretary may make an offer to any individual owner (not including an Indian tribe) of a trust or restricted interest in a tract of land to settle any claim that the owner may have against the United States relating to the specific tract of land of which the interest is a part (not including a claim for an accounting described in title I of the Indian Trust Reform Act of 2005).

''(2) REQUIREMENTS.—An offer to settle claims under this subsection shall—

''(A) be in writing;

''(B) be delivered to an individual owner by the Secretary in person or through first class mail; and

''(C) include—

''(i) the name of the individual owner;

''(ii) a description of the tract of land to which the offer relates;

''(iii) the amount offered to settle a claim of the individual owner;

''(iv) the manner and date by which the individual owner shall accept the offer;

''(v) a statement that the individual owner is under no obligation to accept the offer;

''(vi) a statement that the individual owner has the right to consult an attorney or other advisor before accepting the offer;

''(vii) a statement that acceptance of the offer by the individual owner will result in a full and final settlement of all claims, known and unknown, of the individual owner (including the heirs and assigns of the individual owner) against the United States relating to the tract of land identified in the offer; and

''(viii) a statement that the settlement proposed by the offer does not cover any claim for an accounting described in title I of the Indian Trust Reform Act of 2005.

''(3) ACCEPTANCE.—No acceptance of an offer under this subsection shall be valid or binding on the individual owner unless the acceptance—

''(A) is in writing;

''(B) is signed by the individual owner;

''(C) is notarized; and

''(D) is attached to a copy of, or contains all material terms of, the offer to which the acceptance corresponds.

''(4) LIMITATION.—No offer to purchase an interest under this section or any other provision of law shall be conditioned on the acceptance of an offer to settle a claim under this subsection.

''(5) OTHER LAWS.—The authority of the Secretary to settle claims under this subsection shall be in addition to, and not in lieu of, the authority of the Secretary to settle claims under any other provision of Federal law.

''(g) BORROWING FROM TREASURY.—

''(1) ISSUANCE OF OBLIGATIONS.—

''(A) IN GENERAL.—To the extent approved in annual appropriations Acts, the Secretary may issue to the Secretary of the Treasury obligations in such amounts as the Secretary determines to be necessary to acquire interests under this Act, subject to approval of the Secretary of the Treasury, and bearing interest at a rate to be determined by the Secretary of the Treasury, taking into consideration current market yields on outstanding marketable obligations of the United States of comparable maturities to the obligations.

''(B) LIMITATION.—The aggregate amount of obligations under subparagraph (A) outstanding at any time shall not exceed $[_____].

''(2) FORMS AND DENOMINATIONS.—The obligations issued under paragraph (1) shall be in such forms and denominations, and subject to such other terms and conditions, as the Secretary of the Treasury may prescribe.

''(3) REPAYMENT.—

''(A) IN GENERAL.—Revenues derived from land restored to the Tribe under this Act shall be used by the Secretary to pay the principal and interest on the obligations issued under paragraph (1).

''(B) ASSURANCE OF REPAYMENT.—The Secretary shall ensure, to the maximum extent possible, that the revenues described in subparagraph (A) provide reasonable assurance of repayment of the obligations issued under paragraph (1).

''(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary for each fiscal year beginning after the date of enactment of this subsection such sums as are necessary to cover any difference between—

''(A) the total amount of repayments of principal and interest on obligations issued to the Secretary of the Treasury under paragraph (1) during the previous fiscal year; and

''(B) the total amount of repayments described in subparagraph (A) that were contractually required to be made to the Secretary of the Treasury during that fiscal year.

''(h) RECEIPT OF PAYMENTS HAVE NO IMPACT ON BENEFITS UNDER OTHER FEDERAL PROGRAMS.—The receipt of a payment by an offeree under this title shall not be—

''(1) subject to Federal or State income tax; or

''(2) treated as benefits or otherwise taken into account in determining the eligibility of the offeree for, or the amount of benefits under, any other Federal program, including the social security program, the medicare program, the medicaid program, the State children's health insurance program, the food stamp program, or the Temporary Assistance for Needy Families program.''.

TITLE V—RESTRUCTURING BUREAU OF INDIAN AFFAIRS AND OFFICE OF SPECIAL TRUSTEE

SEC. 501. PURPOSE.

The purpose of this title is to ensure a more effective and accountable administration of duties of the Secretary of the Interior with respect to providing services and programs to Indians and Indian tribes, including the management of Indian trust resources.

SEC. 502. DEFINITIONS.

In this title:

(1) BUREAU.—The term ''Bureau'' means the Bureau of Indian Affairs.

(2) OFFICE.—The term ''Office'' means the Office of Trust Reform Implementation and Oversight referred to in section 503(c).

(3) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(4) UNDER SECRETARY.—The term ''Under Secretary'' means the individual appointed to the position of Under Secretary for Indian Affairs, established by section 503(a).

SEC. 503. UNDER SECRETARY FOR INDIAN AFFAIRS.

(a) ESTABLISHMENT OF POSITION.—There is established in the Department of the Interior the position of Under Secretary for Indian Affairs, who shall report directly to the Secretary.

(b) APPOINTMENT.—

(1) IN GENERAL.—Except as provided in paragraph (2), the Under Secretary shall be appointed by the President, by and with the advice and consent of the Senate.

(2) EXCEPTION.—The officer serving as the Assistant Secretary for Indian Affairs on the date of enactment of this Act may assume the position of Under Secretary without appointment under paragraph (1) if—

(A) the officer was appointed as Assistant Secretary for Indian Affairs by the President by and with the advice and consent of the Senate; and

(B) not later than 180 days after the date of enactment of this Act, the Secretary approves the assumption.

(c) DUTIES.—In addition to the duties transferred to the Under Secretary under sections 504 and 505, the Under Secretary, acting through an Office of Trust Reform Implementation and Oversight, shall—

(1) carry out any activity relating to trust fund accounts and trust resource management of the Bureau (except any activity carried out under the Office of the Special Trustee for American Indians before the date on which the Office of the Special Trustee is abolished), in accordance with the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4001 et seq.);

(2) develop and maintain an inventory of Indian trust assets and resources;

(3) coordinate with the Special Trustee for American Indians to ensure an orderly transition of the functions of the Special Trustee under section 505;

(4) supervise any activity carried out by the Department of the Interior, including—

(A) to the extent that the activities relate to Indian affairs, activities carried out by—

(i) the Commissioner of Reclamation;

(ii) the Director of the Bureau of Land Management; and

(iii) the Director of the Minerals Management Service; and

(B) intergovernmental relations between the Bureau and Indian tribal governments;

(5) to the maximum extent practicable, coordinate activities and policies of the Bureau with activities and policies of—

(A) the Bureau of Reclamation;

(B) the Bureau of Land Management; and

(C) the Minerals Management Service;

(6) provide for regular consultation with Indians and Indian tribes that own interests in trust resources and trust fund accounts;

(7) manage and administer Indian trust resources in accordance with any applicable Federal law;

(8) take steps to protect the security of data relating to individual Indian and Indian tribal trust accounts; and

(9) take any other measure the Under Secretary determines to be necessary with respect to Indian affairs.

SEC. 504. TRANSFER OF FUNCTIONS OF ASSISTANT SECRETARY FOR INDIAN AFFAIRS.

(a) TRANSFER OF FUNCTIONS.—There is transferred to the Under Secretary any function of the Assistant Secretary for Indian Affairs that has not been carried out by the Assistant Secretary as of the date of enactment of this Act.

(b) DETERMINATIONS OF CERTAIN FUNCTIONS BY THE OFFICE OF MANAGEMENT AND BUDGET.—If necessary, the Office of Management and Budget shall make any determination relating to the functions transferred under subsection (a).

(c) PERSONNEL PROVISIONS.—

(1) APPOINTMENTS.—The Under Secretary may appoint and fix the compensation of such officers and employees as the Under Secretary determines to be necessary to carry out any function transferred under this section.

(2) REQUIREMENTS.—Except as otherwise provided by law—

(A) an officer or employee described in paragraph (1) shall be appointed in accordance with the civil service laws; and

(B) the compensation of the officer or employee shall be fixed in accordance with title 5, United States Code.

(d) DELEGATION AND ASSIGNMENT.—

(1) IN GENERAL.—Except as otherwise expressly prohibited by law or otherwise provided by this section, the Under Secretary may—

(A) delegate any of the functions transferred to the Under Secretary by this section and any function transferred or granted to the Under Secretary after the date of enactment of this Act to such officers and employees of the Office as the Under Secretary may designate; and

(B) authorize successive redelegations of such functions as the Under Secretary determines to be necessary or appropriate.

(2) DELEGATION.—No delegation of functions by the Under Secretary under this section shall relieve the Under Secretary of responsibility for the administration of the functions.

(e) REORGANIZATION.—The Under Secretary may allocate or reallocate any function transferred under this section among the officers of the Office, and establish, consolidate, alter, or discontinue such organizational entities in the Office, as the Under Secretary determines to be necessary or appropriate.

(f) RULES.—The Under Secretary may prescribe, in accordance with the provisions of chapters 5 and 6 of title 5, United States Code, such rules and regulations as the Under Secretary determines to be necessary or appropriate to administer and manage the functions of the Office.

(g) TRANSFER AND ALLOCATIONS OF APPROPRIATIONS AND PERSONNEL.—

(1) IN GENERAL.—Except as otherwise provided in this section, the personnel employed in connection with, and the assets, liabilities, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds employed, used, held, arising from, available to, or to be made available in connection with, the functions transferred by this section, subject to section 1531 of title 31, United States Code, shall be transferred to the Office.

(2) UNEXPENDED FUNDS.—Unexpended funds transferred pursuant to this subsection shall be used only for the purposes for which the funds were originally authorized and appropriated.

(h) INCIDENTAL TRANSFERS.—

(1) IN GENERAL.—The Director of the Office of Management and Budget, at any time the Director may provide, may make such determinations as are necessary with regard to the functions transferred by this section, and make such additional incidental dispositions of personnel, assets, liabilities, grants, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds held, used, arising from, available to, or to be made available in connection with such functions, as are necessary, to carry out this section.

(2) TERMINATION OF AFFAIRS.—The Director of the Office of Management and Budget shall provide for the termination of the affairs of all entities terminated by this section and for any further measures and dispositions as are necessary to effectuate the purposes of this section.

(i) EFFECT ON PERSONNEL.—

(1) IN GENERAL.—Except as otherwise provided by this section, the transfer pursuant to this section of full-time personnel (except special Government employees) and part-time personnel holding permanent positions shall not cause any such employee to be separated or reduced in grade or compensation for a period of at least 1 year after the date of transfer of the employee under this section.

(2) EXECUTIVE SCHEDULE POSITIONS.—Except as otherwise provided in this section, any person who, on the day preceding the date of enactment of this Act, held a position compensated in accordance with the Executive Schedule prescribed in chapter 53 of title 5, United States Code, and who, without a break in service, is appointed to a position in the Office having duties comparable to the duties performed immediately preceding such appointment shall continue to be compensated in the new position at not less than the rate provided for the previous position, for the duration of the service of the person in the new position.

(3) TERMINATION OF CERTAIN POSITIONS.—Positions whose incumbents are appointed by the President, by and with the advice and consent of the Senate, the functions of which are transferred by this title, shall terminate on the date of enactment of this Act.

(j) SEPARABILITY.—If a provision of this section or the application of this section to any person or circumstance is held invalid, neither the remainder of this section nor the application of the provision to other persons or circumstances shall be affected.

(k) TRANSITION.—The Under Secretary may use—

(1) the services of the officers, employees, and other personnel of the Assistant Secretary for Indian Affairs relating to functions transferred to the Office by this section; and

(2) funds appropriated to the functions for such period of time as may reasonably be needed to facilitate the orderly implementation of this section.

(l) REFERENCES.—Any reference in a Federal law, Executive order, rule, regulation, delegation of authority, or document relating to the Assistant Secretary for Indian Affairs, with respect to functions transferred under this section, shall be deemed to be a reference to the Under Secretary.

(m) RECOMMENDED LEGISLATION.—Not later than 180 days after the effective date of this title, the Under Secretary, in consultation with the appropriate committees of Congress and the Director of the Office of Management and Budget, shall submit to Congress any recommendations relating to additional technical and conforming amendments to Federal law to reflect the changes made by this section.

(n) EFFECT OF SECTION.—

(1) CONTINUING EFFECT OF LEGAL DOCUMENTS.—Any legal document relating to a function transferred by this section that is in effect on the date of enactment of this Act shall continue in effect in accordance with the terms of the document until the document is modified or terminated by—

(A) the President;

(B) the Under Secretary;

(C) a court of competent jurisdiction; or

(D) operation of Federal or State law.

(2) PROCEEDINGS NOT AFFECTED.—This section shall not affect any proceeding (including a notice of proposed rulemaking, an administrative proceeding, and an application for a license, permit, certificate, or financial assistance) relating to a function transferred under this section that is pending before the Assistant Secretary on the date of enactment of this Act.

SEC. 505. OFFICE OF SPECIAL TRUSTEE FOR AMERICAN INDIANS.

(a) TERMINATION.—Notwithstanding sections 302 and 303 of the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4042; 4043), the Office of Special Trustee for American Indians shall terminate on the effective date of this section.

(b) TRANSFER OF FUNCTIONS.—There is transferred to the Under Secretary any function of the Special Trustee for American Indians that has not been carried out by the Special Trustee as of the effective date of this section.

(c) DETERMINATIONS OF CERTAIN FUNCTIONS BY THE OFFICE OF MANAGEMENT AND BUDGET.—If necessary, the Office of Management and Budget shall make any determination relating to the functions transferred under subsection (b).

(d) PERSONNEL PROVISIONS.—

(1) APPOINTMENTS.—The Under Secretary may appoint and fix the compensation of such officers and employees as the Under Secretary determines to be necessary to carry out any function transferred under this section.

(2) REQUIREMENTS.—Except as otherwise provided by law—

(A) any officer or employee described in paragraph (1) shall be appointed in accordance with the civil service laws; and

(B) the compensation of such an officer or employee shall be fixed in accordance with title 5, United States Code.

(e) DELEGATION AND ASSIGNMENT.—

(1) IN GENERAL.—Except as otherwise expressly prohibited by law or otherwise provided by this section, the Under Secretary may—

(A) delegate any of the functions transferred to the Under Secretary under this section and any function transferred or granted to the Under Secretary after the effective date of this section to such officers and employees of the Office as the Under Secretary may designate; and

(B) authorize successive redelegations of the functions as are necessary or appropriate.

(2) DELEGATION.—No delegation of functions by the Under Secretary under this section shall relieve the Under Secretary of responsibility for the administration of the functions.

(f) REORGANIZATION.—The Under Secretary may allocate or reallocate any function transferred under subsection (b) among the officers of the Office, and establish, consolidate, alter, or discontinue such organizational entities in the Office as the Under Secretary determines to be necessary or appropriate.

(g) RULES.—The Under Secretary may prescribe, in accordance with the provisions of chapters 5 and 6 of title 5, United States Code, such rules and regulations as the Under Secretary determines to be necessary or appropriate to administer and manage the functions of the Office.

(h) TRANSFER AND ALLOCATIONS OF APPROPRIATIONS AND PERSONNEL.—

(1) IN GENERAL.—Except as otherwise provided in this section, the personnel employed in connection with, and the assets, liabilities, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds employed, used, held, arising from, available to, or to be made available in connection with the functions transferred by this section, subject to section 1531 of title 31, United States Code, shall be transferred to the Office.

(2) UNEXPENDED FUNDS.—Unexpended funds transferred pursuant to this subsection shall be used only for the purposes for which the funds were originally authorized and appropriated.

(i) INCIDENTAL TRANSFERS.—

(1) IN GENERAL.—The Director of the Office of Management and Budget, at any time the Director may provide, may make such determinations as are necessary with regard to the functions transferred by this section, and make such additional incidental dispositions of personnel, assets, liabilities, grants, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds held, used, arising from, available to, or to be made available in connection with such functions, as are necessary, to carry out this section.

(2) TERMINATION OF AFFAIRS.—The Director of the Office of Management and Budget shall provide for the termination of the affairs of all entities terminated by this section and for any further measures and dispositions as are necessary to effectuate the purposes of this section.

(j) EFFECT ON PERSONNEL.—

(1) IN GENERAL.—Except as otherwise provided by this section, the transfer pursuant to this section of full-time personnel (except special Government employees) and part-time personnel holding permanent positions shall not cause any such employee to be separated or reduced in grade or compensation for a period of at least 1 year after the date of transfer of the employee under this section.

(2) EXECUTIVE SCHEDULE POSITIONS.—Except as otherwise provided in this section, any person who, on the day preceding the effective date of this section, held a position compensated in accordance with the Executive Schedule prescribed in chapter 53 of title 5, United States Code, and who, without a break in service, is appointed to a position in the Office having duties comparable to the duties performed immediately preceding such appointment, shall continue to be compensated in the new position at not less than the rate provided for the previous position, for the duration of the service of the person in the new position.

(3) TERMINATION OF CERTAIN POSITIONS.—Positions the incumbents of which are appointed by the President, by and with the advice and consent of the Senate, and the functions of which are transferred by this title, shall terminate on the effective date of this section.

(k) SEPARABILITY.—If a provision of this section or the application of this section to any person or circumstance is held invalid, neither the remainder of this section nor the application of the provision to other persons or circumstances shall be affected.

(l) TRANSITION.—The Under Secretary may use—

(1) the services of the officers, employees, and other personnel of the Special Trustee relating to functions transferred to the Office by this section; and

(2) funds appropriated to those functions for such period of time as may reasonably be needed to facilitate the orderly implementation of this section.

(m) REFERENCES.—Any reference in a Federal law, Executive order, rule, regulation, delegation of authority, or document relating to the Special Trustee, with respect to functions transferred under this section, shall be deemed to be a reference to the Under Secretary.

(n) RECOMMENDED LEGISLATION.—Not later than 180 days after the effective date of this title, the Under Secretary, in consultation with the appropriate committees of Congress and the Director of the Office of Management and Budget, shall submit to Congress any recommendations relating to additional technical and conforming amendments to Federal law to reflect the changes made by this section.

(o) EFFECT OF SECTION.—

(1) CONTINUING EFFECT OF LEGAL DOCUMENTS.—Any legal document relating to a function transferred by this section that is in effect on the effective date of this section shall continue in effect in accordance with the terms of the document until the document is modified or terminated by—

(A) the President;

(B) the Under Secretary;

(C) a court of competent jurisdiction; or

(D) operation of Federal or State law.

(2) PROCEEDINGS NOT AFFECTED.—This section shall not affect any proceeding (including a notice of proposed rulemaking, an administrative proceeding, and an application for a license, permit, certificate, or financial assistance) relating to a function transferred under this section that is pending before the Special Trustee on the effective date of this section.

(p) EFFECTIVE DATE.—This section shall take effect on December 31, 2008.

SEC. 506. HIRING PREFERENCE.

In appointing or otherwise hiring any employee to the Office, the Under Secretary shall give preference to Indians in accordance with section 12 of the Act of June 8, 1934 (25 U.S.C. 472).

SEC. 507. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this title.

TITLE VI—AUDIT OF INDIAN TRUST FUNDS

SEC. 601. AUDITS AND REPORTS.

(a) FINANCIAL STATEMENTS AND INTERNAL CONTROL REPORT.—

(1) FINANCIAL STATEMENTS.—For each fiscal year beginning after the enactment of this Act, the Secretary of Interior shall prepare financial statements for individual Indian, Indian tribal, and other Indian trust accounts in accordance with generally accepted accounting principles of the Federal Government.

(2) INTERNAL CONTROL REPORT.—Concurrently with the financial statements under by paragraph (1), the Secretary shall prepare an internal control report that—

(A) establishes the responsibility of the Secretary for establishing and maintaining an adequate internal control structure and procedures for financial reporting under this Act; and

(B) assesses the effectiveness of the internal control structure and procedures for financial reporting under subparagraph (A) during the preceding fiscal year.

(b) INDEPENDENT EXTERNAL AUDITOR.—

(1) IN GENERAL.—The Comptroller General of the United States shall enter into a contract with an independent external auditor to conduct an audit and prepare a report in accordance with this subparagraph.

(2) AUDIT REPORT.—An independent external auditor shall submit to the Committee on Indian Affairs of the Senate, and make available to the public, an audit of the financial statements under subsection (a)(1) in accordance with—

(A) generally accepted auditing standards of the Federal Government; and

(B) the financial audit manual jointly issued by the Government Accountability Office and the Council on Integrity and Efficiency of the President.

(3) ATTESTATION AND REPORT.—In conducting the audit under paragraph (2), the independent external auditor shall attest to, and report on, the assessment of internal controls made by the Secretary under subsection (a)(2)(B).

(4) PAYMENT FOR AUDIT AND REPORT.—

(A) TRANSFER OF FUNDS.—On request of the Comptroller General, the Secretary shall transfer to the Government Accountability Office from funds made available for administrative expenses of the Department of Interior the amount requested by the Comptroller General to pay for an annual audit and report.

(B) CREDIT TO ACCOUNT.—

(i) IN GENERAL.—The Controller General shall credit the amount of any funds transferred under subparagraph (A) to the account established for salaries and expenses of the Government Accountability Office.

(ii) AVAILABILITY.—Any amount credited under clause (i) shall be made available on receipt, without fiscal year limitation, to cover the full costs of the audit and report.

SEC. 602. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this title.

Mr. DORGAN. Mr. President, I am pleased to join Senator MCCAIN in introducing this historic legislation. This bill is a necessary starting point to begin resolution of the longstanding claims in the Cobell v. Norton litigation, which involves the Federal Government's mismanagement of hundreds of thousands of individual Indian money accounts. The bill was drafted in a bipartisan manner and attempts to address the principles recently developed and set forth by Indian Country.

I want to thank the National Congress of American Indians and the InterTribal Monitoring Association for leading the consultative process utilized in developing these principles. Those principles helped guide the drafting of this bill. The current language of the bill, however, is not perfect. Rather, it is intended to be a starting point for substantive and productive dialogue between the parties. Recently, the parties engaged in a 9-month mediation process that failed to result in any type of potential resolution. This litigation is nearly a decade old and has no end in sight. It is my hope that this bill will assist the parties in reaching some type of resolution of this litigation.

The individual Indian trust account system was not a voluntary system elected by the individual Indians, but rather one imposed upon them by the federal government more than one hundred years ago. The Federal Government serves as trustee of these accounts and the individual Indians are beneficiaries. Unfortunately, the Cobell litigation has brought to light a very disturbing problem: the Federal Government, as trustee, may not be able to provide an accurate and proper historical accounting of these accounts. Moreover, the Federal Government may not know the proper balances of these accounts nor have sufficient documentation to determine the value of these accounts. Further, government officials have stated that a full transaction-by-transaction accounting, presuming one can be performed, would cost more than $10 billion. This cost would not include any monies determined to be unaccounted for or the interest on those monies.

The claims in the Cobell litigation on examples of broken promises and trust responsibilities to the Native Americans of this country, but it is my hope and desire that this bill will help us keep those promises, fulfill our responsibilities to Native Americans, and restore trust and faith in our government. If Congress continues to allow the Cobell litigation to proceed, the individual beneficiaries of these accounts will not be alive to reap the benefits these accounts and the trust resource management system were intended to bestow.

It is an honor to serve as Vice Chairman of the Committee on Indian Affairs alongside chairman MCCAIN. We have publicly pledged that we will make our best effort to resolve this long overdue injustice to the first Americans. The introduction of this bill is the first step toward that goal.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1303. Mr. VOINOVICH submitted an amendment intended to be proposed by him to the bill H.R. 3057, An act making appropriations for the Department of State, foreign operations, and related programs for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table.

SA 1304. Mr. SCHUMER proposed an amendment to the bill H.R. 3057, supra.

SA 1305. Mr. DODD (for himself, Mr. NELSON, of Florida, Mr. REED, Mr. LEAHY, and Mr. BIDEN) proposed an amendment to the bill H.R. 3057, supra.

SA 1306. Mr. MCCONNELL (for Mr. BYRD) proposed an amendment to the bill H.R. 3057, supra.

SA 1307. Mr. MCCONNELL (for Mr. LEAHY (for himself, Mrs. CLINTON, Mr. CHAFEE, Ms. MIKULSKI, Mr. CORZINE, and Mrs. MURRAY)) proposed an amendment to the bill H.R. 3057, supra.

SA 1308. Mr. MCCONNELL (for Mr. FRIST) proposed an amendment to the bill H.R. 3057, supra.

SA 1309. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table.

SA 1310. Mr. GRASSLEY submitted an amendment intended to be proposed by him

to the bill S. 1042, supra; which was ordered to lie on the table.

SA 1311. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1042, supra; which was ordered to lie on the table.

SA 1312. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1042, supra; which was ordered to lie on the table.

SA 1313. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1042, supra; which was ordered to lie on the table.

SA 1314. Mr. WARNER (for himself and Mr. KYL) proposed an amendment to the bill S. 1042, supra.

SA 1315. Mr. WARNER (for himself and Mr. LEVIN) proposed an amendment to the bill S. 1042, supra.

SA 1316. Mr. REED submitted an amendment intended to be proposed by him to the bill S. 1042, supra; which was ordered to lie on the table.

SA 1317. Mr. REED submitted an amendment intended to be proposed by him to the bill S. 1042, supra; which was ordered to lie on the table.

SA 1318. Mr. WARNER (for himself and Mr. LEVIN) proposed an amendment to the bill S. 1042, supra.

SA 1319. Mr. WARNER (for himself and Mr. LEVIN) proposed an amendment to the bill S. 1042, supra.

SA 1320. Mr. WARNER proposed an amendment to the bill S. 1042, supra.

SA 1321. Mr. WARNER proposed an amendment to the bill S. 1042, supra.

SA 1322. Mr. WARNER (for himself and Mr. LEVIN) proposed an amendment to the bill S. 1042, supra.

SA 1323. Mr. WARNER (for Mr. GRAHAM) proposed an amendment to the bill S. 1042, supra.

SA 1324. Mr. WARNER (for Mr. MCCONNELL (for himself, Mr. ALLARD, Mr. SALAZAR, and Mr. BUNNING)) proposed an amendment to the bill S. 1042, supra.

SA 1325. Mr. LEVIN (for himself and Ms. COLLINS) proposed an amendment to the bill S. 1042, supra.

SA 1326. Mr. SANTORUM submitted an amendment intended to be proposed by him to the bill S. 1042, supra; which was ordered to lie on the table.

SA 1327. Mr. SANTORUM submitted an amendment intended to be proposed by him to the bill S. 1042, supra; which was ordered to lie on the table.

SA 1328. Mr. SANTORUM submitted an amendment intended to be proposed by him to the bill S. 1042, supra; which was ordered to lie on the table.

SA 1329. Mr. SANTORUM submitted an amendment intended to be proposed by him to the bill S. 1042, supra; which was ordered to lie on the table.

SA 1330. Mr. DEWINE submitted an amendment intended to be proposed by him to the bill S. 1042, supra; which was ordered to lie on the table.

SA 1331. Mr. DEWINE submitted an amendment intended to be proposed by him to the bill S. 1042, supra; which was ordered to lie on the table.

SA 1332. Mr. DEWINE submitted an amendment intended to be proposed by him to the bill S. 1042, supra; which was ordered to lie on the table.

SA 1333. Mr. LOTT (for himself and Mr. COCHRAN) submitted an amendment intended to be proposed by him to the bill S. 1042, supra; which was ordered to lie on the table.

SA 1334. Mr. BAYH submitted an amendment intended to be proposed by him to the bill S. 1042, supra; which was ordered to lie on the table.

SA 1335. Mr. BAYH submitted an amendment intended to be proposed by him to the bill S. 1042, supra; which was ordered to lie on the table.

SA 1336. Mr. BAYH submitted an amendment intended to be proposed by him to the bill S. 1042, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 1303. Mr. VOINOVICH submitted an amendment intended to be proposed by him to the bill H.R. 3057, an act making appropriations for the Department of State, foreign operations, and related programs for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 175, between lines 6 and 7, insert the following:

(e) It is the sense of Congress that, as the United States pursues a policy of moving forward on negotiations for Kosovo's future status, the funds made available during 2006 under this heading for assistance for Kosovo should be used primarily for programs that will promote progress on the long-term fulfillment in Kosovo of the standards on human rights, rule of law, democracy, and respect for minorities that were established by the United Nations and that are critical to promoting lasting stability and peace in Kosovo and the surrounding region.

SA 1304. Mr. SCHUMER proposed an amendment to the bill H.R. 3057, an act making appropriations for the Department of State, foreign operations, and related programs for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 326, between lines 10 and 11, insert the following:

REPORT ON RECIPROCITY

SEC. 6113. (a) Notwithstanding any other provision of law, no agency or department of the United States may approve a merger between a United States company and a foreign-owned company or an acquisition of a United State company by a foreign-owned company prior to 30 days after the date on which the Secretary of State submits to Congress the report required by subsection (c).

(b) In this section:

(1) The term ''appropriate congressional committees'' means the Committee on Appropriations, the Committee on Armed Services, the Committee on Banking, Housing, and Urban Affairs, and the Select Committee on Intelligence of the Senate and the Committee on Appropriations, the Committee on Armed Services, the Committee on Financial Services, and the Permanent Select Committee on Intelligence of the House of Representatives.

(2) The term ''foreign-owned company'' means an entity that is owned or controlled by the government of a foreign country.

(3) The term ''entity'' means a partnership, association, trust, joint venture, corporation, or other organization.

(4) The term ''owned or controlled'' means—

(A) in the case of a corporation, the holding of at least 50 percent (by vote or value) of the capital structure of the corporation; and

(B) in the case of any other kind of legal entity, the holding of interests representing at least 50 percent of the capital structure of the entity.

(5) The term ''United States company'' means an entity that has its primary place of business in the United States and that is publicly traded on a United States based stock exchange.

(c) The report referred to in subsection (a) is a report submitted to the appropriate congressional committees by the Secretary of State, in consultation with the Secretary of Commerce, on a proposed merger between a United States company and a foreign-owned company or an acquisition of a United State company by a foreign-owned company. Such report shall include an assessment of whether the law and regulations of the government that owns or controls the foreign-owned company would generally permit a United States company in the same industry as the foreign-owned company to purchase, acquire, merge, or otherwise establish a joint relationship with an entity whose primary place of business is located in such foreign country.

SA 1305. Mr. DODD (for himself, Mr. NELSON of Florida, Mr. REED, Mr. LEAHY, and Mr. BIDEN) proposed an amendment to the bill H.R. 3057, An act making appropriations for the Department of State, foreign operations, and related programs for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 259, at the end of the page add the following new paragraph:

''(c) Funds made available for assistance for Haiti shall be made available to support elections in Haiti after the Secretary of State submits a written report to the Committee on Appropriations, the House International Relations Committee and the Senate Foreign Relations Committee setting forth a detailed plan, in consultation with the Haitian Transitional Government and the United Nations Stabilization Mission (MINUSTAH), which includes an integrated public security strategy to strengthen the rule of law, ensure that acceptable security conditions exist to permit an electoral process with broad based participation by all the political parties, and provide a timetable for the demobilization, disarmament and reintegration of armed groups: Provided, That following the receipt of such report, up to $3,000,000 of the funds made available under subsection (a)(3) should be made available for the demobilization, disarmament, and reintegration of armed groups in Haiti.

SA 1306. Mr. MCCONNELL (for Mr. BYRD) proposed an amendment to the bill H.R. 3057, an act making appropriations for the Department of State, foreign operations, and related programs for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 326, between lines 10 and 11, insert the following:

RESPONSIBILITIES AND AUTHORITIES OF UNITED STATES-CHINA ECONOMIC AND SECURITY REVIEW COMMISSION

SEC. . (a) MODIFICATION OF RESPONSIBILITIES.—Notwithstanding any provision of section 1238 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (22 U.S.C. 7002), or any other provision of law, the United States–China Economic and Security Review Commission established by subsection (b) of that section should investigate and report exclusively on each of the following areas:

(1) PROLIFERATION PRACTICES.—The role of the People's Republic of China in the proliferation of weapons of mass destruction and other weapons (including dual use technologies), including actions the United States might take to encourage the People's Republic of China to cease such practices.

(2) ECONOMIC TRANSFERS.—The qualitative and quantitative nature of the transfer of United States production activities to the People's Republic of China, including the relocation of high technology, manufacturing, and research and development facilities, the impact of such transfers on United States national security, the adequacy of United States export control laws, and the effect of such transfers on United States economic security and employment.

(3) ENERGY.—The effect of the large and growing economy of the People's Republic of China on world energy supplies and the role the United States can play (including through joint research and development efforts and technological assistance) in influencing the energy policy of the People's Republic of China.

(4) ACCESS TO UNITED STATES CAPITAL MARKETS.—The extent of access to and use of United States capital markets by the People's Republic of China, including whether or not existing disclosure and transparency rules are adequate to identify People's Republic of China companies engaged in harmful activities.

(5) REGIONAL ECONOMIC AND SECURITY IMPACTS.—The triangular economic and security relationship among the United States, Taipei, and the People's Republic of China (including the military modernization and force deployments of the People's Republic of China aimed at Taipei), the national budget of the People's Republic of China, and the fiscal strength of the People's Republic of China in relation to internal instability in the People's Republic of China and the likelihood of the externalization of problems arising from such internal instability.

(6) UNITED STATES-CHINA BILATERAL PROGRAMS.—Science and technology programs, the degree of non-compliance by the People's Republic of China with agreements between the United States and the People's Republic of China on prison labor imports and intellectual property rights, and United States enforcement policies with respect to such agreements.

(7) WORLD TRADE ORGANIZATION COMPLIANCE.—The compliance of the People's Republic of China with its accession agreement to the World Trade Organization (WTO).

(b) APPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—Subsection (g) of section 1238 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 is amended to read as follows:

''(g) APPLICABILITY OF FACA.—The provisions of the Federal Advisory Committee Act (5 U.S.C. App.) shall apply to the activities of the Commission.''.

SA 1307. Mr. MCCONNELL (for Mr. LEAHY (for himself, Mrs. CLINTON, Mr. CHAFEE, Ms. MIKULSKI, Mr. CORZINE, and Mrs. MURRAY)) proposed an amendment to the bill H.R. 3057, an act making appropriations for the Department of State, foreign operations, and related programs for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 274, between lines 7 and 8, insert the following new subsection:

(e) USE OF FUNDS.—None of the funds made available for the UNFPA in this section may be used for any purpose except—

(1) to provide and distribute equipment, medicine, and supplies, including safe delivery kits and hygiene kits, to ensure safe childbirth and emergency obstetric care;

(2) to prevent and treat cases of obstetric fistula;

(3) to make available supplies of contraceptives for the prevention of pregnancy and sexually transmitted infections, including HIV/AIDS;

(4) to reestablish maternal health services in areas where medical infrastructure and such services have been destroyed by natural disasters;

(5) to eliminate the practice of female genital mutilation; or

(6) to promote the access of unaccompanied women and other vulnerable people to vital services, including access to water, sanitation facilities, food, and health care.

SA 1308. Mr. MCCONNELL (for Mr. FRIST) proposed an amendment to the bill H.R. 3057, an act making appropriations for the Department of State, foreign operations, and related programs for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 326, between lines 10 and 11, insert the following:

NONPROLIFERATION AND COUNTERPROLIFERATION EFFORTS

SEC. 6113. Funds appropriated under title III under the heading ''NONPROLIFERATION, ANTI-TERRORISM, DEMINING AND RELATED PROGRAMS'' may be made available to the Under Secretary of State for Arms Control and International Security for use in certain nonproliferation efforts and counterproliferation efforts such as increased voluntary dues to the International Atomic Energy Agency, activities under the Proliferation Security Initiative, and the Cooperative Threat Reduction program, and in support of the National Counter Proliferation Center and its activities.

SA. 1309. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title III, add the following:

SEC. 330. PERMANENT AND MODIFIED AUTHORITY OF ARMY WORKING-CAPITAL FUNDED FACILITIES TO ENGAGE IN COOPERATIVE ACTIVITIES WITH NON-ARMY ENTITIES.

(a) PERMANENT AUTHORITY.—Section 4544 of title 10, United States Code, is amended by striking subsection (j).

(b) UTILIZATION OF PROCEEDS OF SALE OF ARTICLES AND SERVICES.—Such section is further amended—

(1) in subsection (d), by striking ''subsection (e)'' and inserting ''subsection (f)'';

(2) by redesignating subsections (e), (f), (g), (h), and (i) as subsections (f), (g), (h), (i), and (j), respectively;

(3) by inserting after subsection (d) the following new subsection (e):

''(e) UTILIZATION OF PROCEEDS.—(1) The proceeds of sale of articles and services received in connection with the use of an Army industrial facility under this section shall be credited to the appropriation or working-capital fund that incurs the variable costs of manufacturing the articles or performing the services. Notwithstanding section 3302(b) of title 31, the amount so credited with respect to an Army industrial facility shall be available, without further appropriation, as follows:

''(A) Amounts equal to the amounts of the variable costs so incurred shall be available for the same purposes as the appropriation or working-capital fund to which credited.

''(B) Amounts in excess of the amounts of the variable costs so incurred shall be available for operation, maintenance, and environmental restoration at that Army industrial facility.

''(2) Amounts credited to a working-capital fund under paragraph (1) shall remain available until expended. Amounts credited to an appropriation under paragraph (1) shall remain available for the same period as the appropriation to which credited.''; and

(4) in subsection (g), as redesignated by paragraph (2) of this subsection, by striking ''subsection (e)'' and inserting ''subsection (f)''.

SA. 1310. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title III, add the following:

SEC. 330. PERMANENT AND MODIFIED AUTHORITY OF ARMY WORKING-CAPITAL FUNDED FACILITIES TO ENGAGE IN COOPERATIVE ACTIVITIES WITH NON-ARMY ENTITIES.

(a) PERMANENT AUTHORITY.—Section 4544 of title 10, United States Code, is amended by striking subsection (j).

(b) CREDITING OF PROCEEDS OF SALE OF ARTICLES AND SERVICES.—Such section is further amended—

(1) in subsection (d), by striking ''subsection (e)'' and inserting ''subsection (f)'';

(2) by redesignating subsections (e), (f), (g), (h), and (i) as subsections (f), (g), (h), (i), and (j), respectively;

(3) by inserting after subsection (d) the following new subsection (e):

''(e) PROCEEDS CREDITED TO WORKING CAPITAL FUND.—The proceeds of sale of an article or service pursuant to a contract or other cooperative arrangement under this section shall be credited to the working capital fund that incurs the cost of manufacturing the article or performing the service.''; and

(4) in subsection (g), as redesignated by paragraph (2) of this subsection, by striking ''subsection (e)'' and inserting ''subsection (f)''.

SA. 1311. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

ECONOMIC AND ENERGY SECURITY

SEC. __. Section 721 of the Defense Production Act of 1950 (50 U.S.C. App. 2170) is amended—

(1) in subsection (b)—

(A) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively;

(B) by striking ''The President'' and inserting ''(1) IN GENERAL.—The President'';

(C) by inserting '', including national economic and energy security,'' after ''national security'';

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

''(2) NOTICE AND WAIT REQUIREMENT.—

''(A) NOTIFICATION OF APPROVAL.—The President shall notify the appropriate congressional committees of each approval of any proposed merger, acquisition, or takeover that is investigated under paragraph (1).

''(B) JOINT RESOLUTION OBJECTING TO TRANSACTION.—

''(i) DELAY PENDING CONSIDERATION OF RESOLUTION.—A transaction described in subparagraph (A) may not be consummated until 10 legislative days after the President provides the notice required under such subparagraph. If a joint resolution objecting to the proposed transaction is introduced in either House of Congress by the chairman of one of the appropriate congressional committees during such period, the transaction may not be consummated until 30 legislative days after such resolution.

''(ii) DISAPPROVAL UPON PASSAGE OF RESOLUTION.—If a joint resolution introduced under clause (i) is agreed to by both Houses of Congress, the transaction may not be consummated.'';

(E) in paragraph (1)(B) (as so designated by this paragraph), by striking ''shall'';

(2) in subsection (d), by striking ''subsection (d)'' and inserting ''subsection (e)'';

(3) in subsection (e), by striking ''subsection (c)'' and inserting ''subsection (d)'';

(4) in subsection (f)(3), by inserting '', including national economic and energy security,'' after ''national security'';

(5) in subsection (g)—

(A) by striking ''REPORT TO THE CONGRESS'' in the heading and inserting ''REPORTS TO CONGRESS'';

(B) by striking ''The President'' and inserting the following: ''(1) REPORTS ON DETERMINATIONS.—The President'';

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

''(2) REPORTS ON CONSIDERED TRANSACTIONS.—

''(A) IN GENERAL.—The President or the President's designee shall transmit to the appropriate congressional committees on a monthly basis a report containing a detailed summary and analysis of each transaction the consideration of which was completed by the Committee on Foreign Acquisitions Affecting National Security since the most recent report.

''(B) CONTENT.—Each report submitted under subparagraph (A) shall include—

''(i) a description of all of the elements of each transaction; and

''(ii) a description of the standards and criteria used by the Committee to assess the impact of each transaction on national security.

''(C) FORM.—The reports submitted under subparagraph (A) shall be submitted in both classified and unclassified form, and company proprietary information shall be appropriately protected.''; and

(D) by striking ''of this Act'';

(6) in subsection (k)—

(A) by striking ''QUADRENNIAL'' in the heading and inserting ''ANNUAL''; and

(B) in paragraph (1)—

(i) by striking ''upon the expiration of every 4 years'' and inserting ''annually'';

(ii) in subparagraph (A), by striking ''; and'' and inserting a semicolon;

(iii) in subparagraph (B), by striking the period at the end and inserting ''; and''; and

(iv) by adding at the end the following new subparagraph:

''(C) evaluates the cumulative effect on national security of foreign investment in the United States.''; and

(7) by adding at the end the following new subsections:

''(l) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term 'appropriate congressional committees' means—

''(1) the Committee on Banking, Housing, and Urban Affairs, the Committee on Armed Services, the Select Committee on Intelligence, and the Committee on Appropriations of the Senate; and

''(2) the Committee on Financial Services, the Committee on Armed Services, the Permanent Select Committee on Intelligence, and the Committee on Appropriations of the House of Representatives.

''(m) DESIGNEE.—Notwithstanding any other provision of law, the designee of the President for purposes of this section shall be known as the 'Committee on Foreign Acquisitions Affecting National Security', and such committee shall be chaired by the Secretary of Defense.''.

SA 1312. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XII, insert the following:

SEC. 1205. THE UNITED STATES-CHINA ECONOMIC AND SECURITY REVIEW COMMISSION.

(a) FINDINGS.—Congress finds the following:

(1) The 2004 Report to Congress of the United States-China Economic and Security Review Commission states that—

(A) China's State-Owned Enterprises (SOEs) lack adequate disclosure standards, which creates the potential for United States investors to unwittingly contribute to enterprises that are involved in activities harmful to United States security interests;

(B) United States influence and vital long-term interests in Asia are being challenged by China's robust regional economic engagement and diplomacy;

(C) the assistance of China and North Korea to global ballistic missile proliferation is extensive and ongoing;

(D) China's transfers of technology and components for weapons of mass destruction (WMD) and their delivery systems to countries of concern, including countries that support acts of international terrorism, has helped create a new tier of countries with the capability to produce WMD and ballistic missiles;

(E) the removal of the European Union arms embargo against China that is currently under consideration in the European Union would accelerate weapons modernization and dramatically enhance Chinese military capabilities;

(F) China's recent actions toward Taiwan call into question China's commitments to a peaceful resolution;

(G) China is developing a leading-edge military with the objective of intimidating Taiwan and deterring United States involvement in the Strait, and China's qualitative and quantitative military advancements have already resulted in a dramatic shift in the cross-Strait military balance toward China; and

(H) China's growing energy needs are driving China into bilateral arrangements that undermine multilateral efforts to stabilize oil supplies and prices, and in some cases may involve dangerous weapons transfers.

(2) On March 14, 2005, the National People's Congress approved a law that would authorize the use of force if Taiwan formally declares independence.

(b) SENSE OF CONGRESS.—

(1) PLAN.—The President is strongly urged to take immediate steps to establish a plan to implement the recommendations contained in the 2004 Report to Congress of the United States-China Economic and Security Review Commission in order to correct the negative implications that a number of current trends in United States-China relations have for United States long-term economic and national security interests.

(2) CONTENTS.—Such a plan should contain the following:

(A) Actions to address China's policy of undervaluing its currency, including—

(i) encouraging China to provide for a substantial upward revaluation of the Chinese yuan against the United States dollar;

(ii) allowing the yuan to float against a trade-weighted basket of currencies; and

(iii) concurrently encouraging United States trading partners with similar interests to join in these efforts.

(B) Actions to make better use of the World Trade Organization (WTO) dispute settlement mechanism and applicable United States trade laws to redress China's unfair trade practices, including China's exchange rate manipulation, denial of trading and distribution rights, lack of intellectual property rights protection, objectionable labor standards, subsidization of exports, and forced technology transfers as a condition of doing business. The United States Trade Representative should consult with our trading partners regarding any trade dispute with China.

(C) Actions to encourage United States diplomatic efforts to identify and pursue initiatives to revitalize United States engagement with China's Asian neighbors. The initiatives should have a regional focus and complement bilateral efforts. The Asia-Pacific Economic Cooperation forum (APEC) offers a ready mechanism for pursuit of such initiatives.

(D) Actions by the administration to hold China accountable for proliferation of prohibited technologies and to secure China's agreement to renew efforts to curtail North Korea's commercial export of ballistic missiles.

(E) Actions to encourage the creation of a new United Nations framework for monitoring the proliferation of WMD and their delivery systems in conformance with member nations' obligations under the Nuclear Non-Proliferation Treaty, the Biological Weapons Convention, and the Chemical Weapons Convention. The new monitoring body should be delegated authority to apply sanctions to countries violating these treaties in a timely manner, or, alternatively, should be required to report all violations in a timely manner to the Security Council for discussion and sanctions.

(F) Actions by the administration to conduct a fresh assessment of the ''One China'' policy, given the changing realities in China and Taiwan. This should include a review of—

(i) the policy's successes, failures, and continued viability;

(ii) whether changes may be needed in the way the United States Government coordinates its defense assistance to Taiwan, including the need for an enhanced operating relationship between United States and Taiwan defense officials and the establishment of a United States-Taiwan hotline for dealing with crisis situations;

(iii) how United States policy can better support Taiwan's breaking out of the international economic isolation that China seeks to impose on it and whether this issue should be higher on the agenda in United States-China relations; and

(iv) economic and trade policy measures that could help ameliorate Taiwan's marginalization in the Asian regional economy, including policy measures such as enhanced United States-Taiwan bilateral trade arrangements that would include protections for labor rights, the environment, and other important United States interests.

(G) Actions by the Secretaries of State and Energy to consult with the International Energy Agency with the objective of upgrading the current loose experience-sharing arrangement, whereby China engages in some limited exchanges with the organization, to a more structured arrangement whereby China would be obligated to develop a meaningful strategic oil reserve, and coordinate release of stocks in supply-disruption crises or speculator-driven price spikes.

(H) Actions by the administration to develop and publish a coordinated, comprehensive national policy and strategy designed to meet China's challenge to maintaining United States scientific and technological leadership and competitiveness in the same way the administration is presently required to develop and publish a national security strategy.

(I) Actions to revise the law governing the Committee on Foreign Investment in the United States (CFIUS), including expanding the definition of national security to include the potential impact on national economic security as a criterion to be reviewed, and transferring the chairmanship of CFIUS from the Secretary of the Treasury to a more appropriate executive branch agency.

(J) Actions by the President and the Secretaries of State and Defense to press strongly their European Union counterparts to maintain the EU arms embargo on China.

(K) Actions by the administration to restrict foreign defense contractors, who sell sensitive military use technology or weapons systems to China, from participating in United States defense-related cooperative research, development, and production programs. Actions by the administration may be targeted to cover only those technology areas involved in the transfer of military use technology or weapons systems to China. The administration should provide a comprehensive annual report to the appropriate committees of Congress on the nature and scope of foreign military sales to China, particularly sales by Russia and Israel.

(L) Any additional actions outlined in the 2004 Report to Congress of the United States-China Economic and Security Review Commission that affect the economic or national security of the United States.

SA 1313. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XII, add the following:

SEC. 1205. ANNUAL REPORT ON THE INTERNATIONAL COMMITTEE ON THE RED CROSS.

(a) ANNUAL REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, and annually thereafter, the Secretary of State shall, with the concurrence of the Secretary of Defense and the Attorney General, submit to Congress the activities and management of the International Committee of the Red Cross (ICRC) meeting the requirements set forth in subsection (b).

(b) ELEMENTS OF REPORTS.—(1) Each report under subsection (a) shall include, for the one-year period ending on the date of such report, the following:

(A) A description of the financial contributions of the United States, and of any other country, to the International Committee of the Red Cross.

(B) A detailed description of the allocations of the funds available to the International Committee of the Red Cross to international relief activities and international humanitarian law activities as defined by the International Committee.

(C) A description of how United States contributions to the International Committee of the Red Cross are allocated to the activities described in subparagraph (B) and to other activities.

(D) The nationality of each Assembly member, Assembly Council member, and Directorate member of the International Committee of the Red Cross, and the annual salary of each.

(E) A description of any activities of the International Committee of the Red Cross to determine the status of United States prisoners of war (POWs) or missing in action (MIAs) who remain unaccounted for.

(F) A description of the efforts of the International Committee of the Red Cross to assist United States prisoners of war.

(G) A description of any expression of concern by the Department of State, or any other department or agency of the Executive Branch, that the International Committee of the Red Cross, or any organization or employee of the International Committee, exceeded the mandate of the International Committee, violated established principles or practices of the International Committee, interpreted differently from the United States any international law or treaty to which the United States is a state-party, or engaged in advocacy work that exceeded the mandate of the International Committee.

(2) The first report under subsection (a) shall include, in addition to the matters specified in paragraph (1) the following:

(A) The matters specified in subparagraphs (A) and (G) of paragraph (1) for the period beginning on January 1, 1990, and ending on the date of the enactment of this Act.

(B) The matters specified in subparagraph (E) of paragraph (1) for the period beginning on January 1, 1947, and ending on the date of the enactment of this Act.

(C) The matters specified in subparagraph (F) of paragraph (1) during each of the Korean conflict, the Vietnam era, and the Persian Gulf War.

(c) DEFINITIONS.—In this section, the terms ''Korean conflict'', ''Vietnam era'', and ''Persian Gulf War'' have the meaning given such terms in section 101 of title 38, United States Code.

SA 1314. Mr. WARNER (for himself and Mr. KYL) proposed an amendment to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

On page 303, strike line 3 and all that follows through page 304, line 24, and insert the following:

(3) For other procurement $376,700,000.

(b) AVAILABILITY OF CERTAIN AMOUNTS.—

(1) AVAILABILITY.—Of the amount authorized to be appropriated by subsection (a)(3), $225,000,000 shall be available for purposes as follows:

(A) Procurement of up-armored high mobility multipurpose wheeled vehicles (UAHs).

(B) Procurement of wheeled vehicle add-on armor protection, including armor for M1151/M1152 high mobility multipurpose wheeled vehicles.

(C) Procurement of M1151/M1152 high mobility multipurpose wheeled vehicles.

(2) ALLOCATION OF FUNDS.—

(A) IN GENERAL.—Subject to subparagraph (B), the Secretary of the Army shall allocate the manner in which amounts available under paragraph (1) shall be available for the purposes specified in that paragraph.

(B) LIMITATION.—Amounts available under paragraph (1) may not be allocated under subparagraph (A) until the Secretary certifies to the congressional defense committees that the Army has a validated requirement for procurement for a purpose specified in paragraph (1) based on a statement of urgent needs from a commander of a combatant command.

(C) REPORTS.—Not later than 15 days after an allocation of funds is made under subparagraph (A), the Secretary shall submit to the congressional defense committees a report describing such allocation of funds.

SEC. 1404. NAVY AND MARINE CORPS PROCUREMENT.

(a) NAVY.—Funds are hereby authorized to be appropriated for fiscal year 2006 for the procurement accounts of the Navy in amounts as follows:

(1) For aircraft, $183,800,000.

(2) For weapons, including missiles and torpedoes, $165,500,000.

(3) For other procurement, $30,800,000.

(b) MARINE CORPS.—Funds are hereby authorized to be appropriated for fiscal year 2006 for the procurement account for the Marine Corps in the amount of $429,600,000.

(c) NAVY AND MARINE CORPS AMMUNITION.—Funds are hereby authorized to be appropriated for fiscal year 2006 for the procurement account for ammunition for the Navy and the Marine Corps in the amount of $104,500,000.

(d) AVAILABILITY OF CERTAIN AMOUNTS.—

(1) AVAILABILITY.—Of the amount authorized to be appropriated by subsection (b), $340,400,000 shall be available for purposes as follows:

(A) Procurement of up-armored high mobility multipurpose wheeled vehicles (UAHs).

(B) Procurement of wheeled vehicle add-on armor protection, including armor for M1151/M1152 high mobility multipurpose wheeled vehicles.

(C) Procurement of M1151/M1152 high mobility multipurpose wheeled vehicles.

(2) ALLOCATION OF FUNDS.—

(A) IN GENERAL.—Subject to subparagraph (B), the Secretary of the Navy shall allocate the manner in which amounts available under paragraph (1) shall be available for the purposes specified in that paragraph.

(B) LIMITATION.—Amounts available under paragraph (1) may not be allocated under subparagraph (A) until the Secretary certifies to the congressional defense committees that the Marine Corps has a validated requirement for procurement for a purpose specified in paragraph (1) based on a statement of urgent needs from a commander of a combatant command.

(C) REPORTS.—Not later than 15 days after an allocation of funds is made under subparagraph (A), the Secretary shall submit to

the congressional defense committees a report describing such allocation of funds.

SA 1315. Mr. WARNER (for himself and Mr. LEVIN) proposed an amendment to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the end of subtitle H of title V, add the following:

SEC. 596. AUTHORITY FOR NATIONAL DEFENSE UNIVERSITY AWARD OF DEGREE OF MASTER OF SCIENCE IN JOINT CAMPAIGN PLANNING AND STRATEGY.

(a) JOINT FORCES STAFF COLLEGE PROGRAM.—Section 2163 of title 10, United States Code, is amended to read as follows:

"§ 2163. National Defense University: master of science degrees

''(a) AUTHORITY TO AWARD SPECIFIED DEGREES.—The President of the National Defense University, upon the recommendation of the faculty of the respective college or other school within the University, may confer the master of science degrees specified in subsection (b).

''(b) AUTHORIZED DEGREES.—The following degrees may be awarded under subsection (a):

''(1) MASTER OF SCIENCE IN NATIONAL SECURITY STRATEGY.—The degree of master of science in national security strategy, to graduates of the University who fulfill the requirements of the program of the National War College.

''(2) MASTER OF SCIENCE IN NATIONAL RESOURCE STRATEGY.—The degree of master of science in national resource strategy, to graduates of the University who fulfill the requirements of the program of the Industrial College of the Armed Forces.

''(3) MASTER OF SCIENCE IN JOINT CAMPAIGN PLANNING AND STRATEGY.—The degree of master of science in joint campaign planning and strategy, to graduates of the University who fulfill the requirements of the program of the Joint Advanced Warfighting School at the Joint Forces Staff College.

''(c) REGULATIONS.—The authority provided by this section shall be exercised under regulations prescribed by the Secretary of Defense.''.

(b) CLERICAL AMENDMENT.—The item relating to section 2163 in the table of sections at the beginning of chapter 108 of such title is amended to read as follows:

''2163. National Defense University: master of science degrees.''.

(c) EFFECTIVE DATE.—Paragraph (3) of section 2163(b) of title 10, United States Code, as amended by subsection (a), shall take effect for degrees awarded after May 2005.

SA 1316. Mr. REED submitted an amendment intended to be proposed by him to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title II, add the following:

SEC. 213. JOINT SERVICE SMALL ARMS PROGRAM.

(a) INCREASED AMOUNT FOR RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, ARMY.—The amount authorized to be appropriated by section 201(1) for research, development, test, and evaluation for the Army is hereby increased by $5,000,000.

(b) AVAILABILITY OF AMOUNT.—Of the amount authorized to be appropriated by section 201(1) for research, development, test, and evaluation for the Army, as increased by subsection (a), $5,000,000 shall be available for the Joint Service Small Arms Program.

(c) OFFSET.—The amount authorized to be appropriated by section 201(4) for research, development, test, and evaluation for Defense-wide activities is hereby reduced by $5,000,000, with the amount of the reduction to be allocated to Distribution Process Owner Technology Development and Implementation.

SA 1317. Mr. REED submitted an amendment intended to be proposed by him to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title II, add the following:

SEC. 213. TOWED ARRAY HANDLER.

(a) AVAILABILITY OF AMOUNT.—Of the amount authorized to be appropriated by section 201(2) for research, development, test, and evaluation for the Navy, $5,000,000 shall be available for Program Element 0604503N for the design, development, and test of improvements to the towed array handler in order to increase the reliability of the towed array and the towed array handler by capitalizing on ongoing testing and evaluation of such systems.

(b) OFFSET.—Of the amount authorized to be appropriated by section 201(2) for research, development, test, and evaluation for the Navy, the amount available for Program Element 0604558N for new design for the Virginia Class submarine for the large aperture bow array is hereby reduced by $5,000,000.

SA 1318. Mr. WARNER (for himself and Mr. LEVIN) proposed an amendment to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the end of subtitle E of title VIII, add the following:

SEC. 846. PILOT PROGRAM ON EXPANDED PUBLIC-PRIVATE PARTNERSHIPS FOR RESEARCH AND DEVELOPMENT.

(a) PILOT PROGRAM AUTHORIZED.—The Secretary of Defense may carry out a pilot program to authorize the organizations referred to in subsection (b) to enter into cooperative research and development agreements under section 12 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a) in order to assess the benefits of such agreements for such organizations and for the Department of Defense as a whole.

(b) COVERED ORGANIZATIONS.—The organizations referred to in this subsection are as follows:

(1) The National Defense University.

(2) The Defense Acquisition University.

(3) The Joint Forces Command.

(4) The United States Transportation Command.

(c) LIMITATION.—No agreement may be entered into, or continue in force, under the pilot program under subsection (a) after September 30, 2009.

(d) REPORT.—Not later than February 1, 2009, the Secretary shall submit to the congressional defense committees a report on the pilot program under subsection (a). The report shall include—

(1) a description of any agreements entered into under the pilot program; and

(2) the assessment of the Secretary of the benefits of the agreements entered into under the pilot program for the organizations referred to in subsection (b) and for the Department of Defense as a whole.

SA 1319. Mr. WARNER (for himself and Mr. LEVIN) proposed an amendment to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the end of subtitle E of title II, add the following:

SEC. 244. MODIFICATION OF REQUIREMENTS FOR REPORTS ON PROGRAM TO AWARD PRIZES FOR ADVANCED TECHNOLOGY ACHIEVEMENTS.

Subsection (e) of section 2374a of title 10, United States Code, is amended to read as follows:

''(e) ANNUAL REPORT.—(1) Not later than March 1 each year, the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the activities undertaken by the Defense Advanced Research Projects Agency in the preceding year under the authority of this section.

''(2) The report for a year under this subsection shall include the following:

''(A) The results of consultations between the Director and officials of the military departments regarding the areas of research, technology development, or prototype development for which prizes would be awarded under the program under this section.

''(B) A description of the proposed goals of the competitions established under the program, including the areas of research, technology development, or prototype development to be promoted by such competitions and the relationship of such areas to the military missions of the Department.

''(C) The total amount of cash prizes awarded under the program, including a description of the manner in which the amounts of cash prizes awarded and claimed were allocated among the accounts of the Defense Advanced Research Projects Agency for recording as obligations and expenditures.

''(D) The methods used for the solicitation and evaluation of submissions under the program, together with an assessment of the effectiveness of such methods.

''(E) A description of the resources, including personnel and funding, used in the execution of the program, together with a detailed description of the activities for which such resources were used.

''(F) A description of any plans to transition the technologies or prototypes developed as a result of the program into acquisition programs of the Department.

''(G) For each competition under the program, a statement of the reasons why the competition was a preferable means of promoting basic, advanced, or applied research, technology development, or prototype development projects to other means of promoting such projects, including contracts, grants, cooperative agreements, or other transactions.''.

SA 1320. Mr. WARNER proposed an amendment to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

On page 289, line 25, strike ''during such periods'' and insert ''in the case of the period after completion of the degree''.

SA 1321. Mr. WARNER proposed an amendment to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the end of subtitle B of title VII, add the following:

SEC. 718. QUALIFICATIONS FOR INDIVIDUALS SERVING AS TRICARE REGIONAL DIRECTORS.

(a) QUALIFICATIONS.—Effective as of the date of the enactment of this Act, no individual may serve in the position of Regional Director under the TRICARE program unless the individual—

(1) is—

(A) an officer of the Armed Forces in a general or flag officer grade; or

(B) a civilian employee of the Department of Defense in the Senior Executive Service; and

(2) has at least 10 years of experience, or equivalent expertise or training, in the military health care system, managed care, and health care policy and administration.

(b) TRICARE PROGRAM DEFINED.—In this section, the term ''TRICARE program'' has the meaning given such term in section 1072(7) of title 10, United States Code.

SA 1322. Mr. WARNER (for himself and Mr. LEVIN) proposed an amendment to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

On page 27, line 21, strike ''$18,843,296,000'' and insert ''$19,011,754,000''.

On page 305, between lines 19 and 20, insert the following:

(6) For the Naval Reserve, $2,400,000.

SA 1323. Mr. WARNER (for Mr. GRAHAM) proposed an amendment to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

On page 77, strike lines 22 through 25 and insert the following:

Section 3037(a) of title 10, United States Code, is amended by striking the last sentence and inserting the following new sentences: ''The Judge Advocate General, while so serving, has the grade of lieutenant general. An officer appointed as Assistant Judge Advocate General who holds a lower regular grade shall be appointed in the regular grade of major general.''.

SA 1324. Mr. WARNER (for Mr. MCCONNELL (for himself, Mr. ALLARD, Mr. SALAZAR, and Mr. BUNNING)) proposed an amendment to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the end of subtitle B of title II, add the following:

SEC. 213. CHEMICAL DEMILITARIZATION FACILITIES.

(a) AUTHORITY TO USE RESEARCH, DEVELOPMENT, TEST, AND EVALUATION FUNDS TO CONSTRUCT FACILITIES.—The Secretary of Defense may, using amounts authorized to be appropriated by section 201(4) for research, development, test, and evaluation, Defense-wide and available for chemical weapons demilitarization activities under the Assembled Chemical Weapons Alternatives program, carry out construction projects, or portions of construction projects, for facilities necessary to support chemical demilitarization operations at each of the following:

(1) Pueblo Army Depot, Colorado.

(2) Blue Grass Army Depot, Kentucky.

(b) SCOPE OF AUTHORITY.—The authority in subsection (a) to carry out a construction project for facilities includes authority to carry out planning and design and the acquisition of land for the construction or improvement of such facilities.

(c) LIMITATION ON AMOUNT OF FUNDS.—The amount of funds that may be utilized under the authority in subsection (a) may not exceed $51,000,000.

(d) DURATION OF AUTHORITY.—A construction project, or portion of a construction project, may not be commenced under the authority in subsection (a) after September 30, 2006.

(e) NOTICE AND WAIT.—The Secretary may not carry out a construction project, or portion of a construction project, under the authority in subsection (a) until the end of the 21-day period beginning on the date on which the Secretary notifies the congressional defense committees of the intent to carry out such project.

SA 1325. Mr. LEVIN (for himself and Ms. COLLINS) proposed an amendment to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the end of title XI, add the following:

SEC. 1106. STRATEGIC HUMAN CAPITAL PLAN FOR CIVILIAN EMPLOYEES OF THE DEPARTMENT OF DEFENSE.

(a) PLAN REQUIRED.—(1) Not later than six months after the date of the enactment of this Act, the Secretary of Defense shall develop and submit to the appropriate committees of Congress a strategic plan to shape and improve the civilian employee workforce of the Department of Defense.

(2) The plan shall be known as the ''strategic human capital plan''.

(b) CONTENTS.—The strategic human capital plan required by subsection (a) shall include—

(1) a workforce gap analysis, including an assessment of—

(A) the critical skills and competencies that will be needed in the future civilian employee workforce of the Department of Defense to support national security requirements and effectively manage the Department over the next decade;

(B) the skills and competencies of the existing civilian employee workforce of the Department and projected trends in that workforce based on expected losses due to retirement and other attrition; and

(C) gaps in the existing or projected civilian employee workforce of the Department that should be addressed to ensure that the Department has continued access to the critical skills and competencies described in subparagraph (A); and

(2) a plan of action for developing and reshaping the civilian employee workforce of the Department to address the gaps in critical skills and competencies identified under paragraph (1)(C), including—

(A) specific recruiting and retention goals, including the program objectives of the Department to be achieved through such goals; and

(B) specific strategies for development, training, deploying, compensating, and motivating the civilian employee workforce of the Department, including the program objectives of the Department to be achieved through such strategies.

(c) INAPPLICABILITY OF CERTAIN LIMITATIONS.—The recruitment and retention of civilian employees to meet the goals established under subsection (b)(2)(A) shall not be subject to any limitation or constraint under statute or regulations on the end strength of the civilian workforce of the Department of Defense or any part of the workforce of the Department.

(d) ANNUAL UPDATES.—Not later than March 1 of each year from 2007 through 2012, the Secretary shall update the strategic human capital plan required by subsection (a), as previously updated under this subsection.

(e) ANNUAL REPORTS.—Not later than March 1 of each year from 2007 through 2012, the Secretary shall submit to the appropriate committees of Congress—

(1) the update of the strategic human capital plan prepared in such year under subsection (d); and

(2) the assessment of the Secretary, using results-oriented performance measures, of the progress of the Department of Defense in implementing the strategic human capital plan.

(f) COMPTROLLER GENERAL REVIEW.—(1) Not later than 90 days after the Secretary submits under subsection (a) the strategic human capital plan required by that subsection, the Comptroller General shall submit to the appropriate committees of Congress a report on the plan.

(2) Not later than 90 days after the Secretary submits under subsection (e) an update of the strategic human capital plan under subsection (d), the Comptroller General shall submit to the appropriate committees of Congress a report on the update.

(3) A report on the strategic human capital plan under paragraph (1), or on an update of the plan under paragraph (2), shall include the assessment of the Comptroller General of the extent to which the plan or update, as the case may be—

(A) complies with the requirements of this section; and

(B) complies with applicable best management practices (as determined by the Comptroller General).

(g) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term ''appropriate committees of Congress'' means—

(1) the Committees on Armed Services and Homeland Security and Governmental Affairs of the Senate; and

(2) the Committees on Armed Services and Government Reform of the House of Representatives.

SA 1326. Mr. SANTORUM submitted an amendment intended to be proposed by him to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title II, add the following:

SEC. 213. 20MM–40MM MEDIUM CALIBER METAL PARTS MANUFACTURE.

(a) ADDITIONAL AMOUNT FOR RESEARCH, DEVELOPMENT, TEST, AND EVALUATION FOR THE ARMY.—The amount authorized to be appropriated by section 201(1) for research, development, test, and evaluation for the Army is hereby increased by $1,000,000.

(b) AVAILABILITY OF AMOUNT.—Of the amount authorized to be appropriated by section 201(1) for research, development, test, and evaluation for the Army, as increased by subsection (a), $1,000,000 shall be available for Munitions Standardization, Effectiveness and Safety (PE#605805A) for 20mm–40mm Medium Caliber Metal Parts Manufacture.

(c) OFFSET.—The amount authorized to be appropriated by section 301(5) for operation and maintenance, Defense-wide activities is hereby reduced by $1,000,000, with the amount of the reduction to be allocated to amounts for Information Technology Initiatives.

SA 1327. Mr. SANTORUM submitted an amendment intended to be proposed by him to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title II, add the following:

SEC. 213. CIVIL RESERVE SPACE SERVICE.

(a) ADDITIONAL AMOUNT FOR RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, AIR FORCE.—The amount authorized to be appropriated by section 201(3) for research, development, test, and evaluation for the Air Force is hereby increased by $3,000,000.

(b) AVAILABILITY OF AMOUNT.—Of the amount authorized to be appropriated by section 201(3) for research, development, test, and evaluation for the Air Force, as increased by subsection (a), $3,000,000 shall be available for the Satellite Control Network (Space) (PE#305110F) for the Civil Reserve Space Service.

(c) OFFSET.—The amount authorized to be appropriated by section 301(5) for operation and maintenance for Defense-wide activities is hereby reduced by $3,000,000, with the amount of the reduction to be allocated to amounts available for Information Technology Initiatives.

SA 1328. Mr. SANTORUM submitted an amendment intended to be proposed by him to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title II, add the following:

SEC. 213. ADVANCED LIGHTWEIGHT SILICON SWITCH FOR THE ELECTROMAGNETIC GUN SYSTEM.

(a) ADDITIONAL AMOUNT FOR RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, ARMY.—The amount authorized to be appropriated by section 201(1) for research, development, test, and evaluation for the army is hereby increased by $2,000,000.

(b) AVAILABILITY OF AMOUNT.—Of the amount authorized to be appropriated by section 201(1) for research, development, test, and evaluation for the Army, as increased by subsection (a), $2,000,000 shall be available for Weapons and Munitions Advanced Technology (PE#603004A) for the Advanced Lightweight Silicon Switch (LSS) for the Electromagnetic Gun System.

(c) OFFSET.—The amount authorized to be appropriated by section 301(5) for operation and maintenance for Defense-wide activities is hereby reduced by $2,000,000, with the amount of the reduction to be allocated to amounts available for Information Technology Initiatives.

SA 1329. Mr. SANTORUM submitted an amendment intended to be proposed by him to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title I, add the following:

SEC. 124. RAPID INTRAVENOUS INFUSION PUMP.

(a) ADDITIONAL AMOUNT FOR PROCUREMENT FOR THE MARINE CORPS.—The amount authorized to be appropriated by section 102(b) for procurement for the Marine Corps is hereby increased by $1,000,000.

(b) AVAILABILITY OF AMOUNT.—Of the amount authorized to be appropriated by section 102(b) for procurement for the Marine Corps, as increased by subsection (a), $1,000,000 shall be available for General Property for Field Medical Equipment for the Rapid Intravenous (IV) Infusion Pump.

(c) OFFSET.—The amount authorized to be appropriated by section 301(5) for operation and maintenance, Defense-wide activities is hereby reduced by $1,000,000, with the amount of the reduction to be allocated to amounts for Information Technology Initiatives.

SA 1330. Mr. DEWINE submitted an amendment intended to be proposed by him to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

On page 184, between lines 18 and 19, insert the following:

SEC. 718. CENTENNIAL DEMONSTRATION PROJECT.

(a) AUTHORIZATION.—Not later than December 31, 2005, the Secretary of the Air Force shall implement a demonstration project (in this section referred to as the ''Centennial Demonstration Project'') with a non-profit health care entity to jointly staff and provide heath care services to military personnel and civilians at a Department of Defense military treatment facility.

(b) PARTICIPANTS.—The Centennial Demonstration project shall be conducted at the Wright-Patterson Air Force Base by the signatories to the ''Centennial'' Memorandum Agreement entered into by the Department of the Air Force, Materiel Command on December 17, 2003.

(c) REPORTS.—Not later than September 30, 2007, and September 30, 2010, the parties to the agreement described in subsection (b) shall jointly submit a report to Congress on the Centennial Demonstration Project and its impact on the utilization of the military treatment facility at which health care services are provided under subsection (a).

(d) EFFECTIVE DATE.—This section shall be effective during the 5-year period beginning on the date of the enactment of this Act.

SA 1331. Mr. DEWINE submitted an amendment to be proposed by him to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

On page 14, line 14, strike ''$4,339,434,000'' and insert ''$4,689,434,000''.

SA 1332. Mr. DEWINE submitted an amendment to be proposed by him to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

On page 160, strike line 1 and all that follows through page 161, line 9, and insert the following:

(1) AMOUNT.—Section 1478(a) of title 10, United States Code, is amended by striking ''$12,000'' and inserting ''$100,000''.

(2) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on October 7, 2001, and shall apply with respect to deaths occurring on or after that date.

(3) NO ADJUSTMENT FOR INCREASES IN BASIC PAY BEFORE DATE OF ENACTMENT.—No adjustment shall be made under subsection (c) of section 1478 of title 10, United States Code, with respect to the amount in force under subsection (a) of that section, as amended by paragraph (1), for any period before the date of enactment of this Act.

(4) PAYMENT FOR DEATHS BEFORE DATE OF ENACTMENT.—Any additional amount payable as a death gratuity under this subsection for the death of a member of the Armed Forces before the date of enactment of this Act shall be paid to the eligible survivor of the member previously paid a death gratuity under section 1478 of title 10, United States Code, for the death of the member. If payment cannot be made to such survivor, payment of such amount shall be made to living survivor of the member otherwise highest on the list under 1477(a) of title 10, United States Code.

SA 1333. Mr. LOTT (for himself and Mr. COCHRAN) submitted an amendment to be proposed by him to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

On page 18, beginning on line 20, strike ''and advance construction'' and insert ''advance construction, detail design, and construction''.

On page 19, beginning on line 10, strike ''fiscal year 2007'' and insert ''fiscal year 2006''

On page 19, between lines 18 and 19, insert the following:

(e) FUNDING AS INCREMENT OF FULL FUNDING.—The amounts available under subsections (a) and (b) for the LHA Replacement ship are the first increments of funding for the full funding of the LHA Replacement (LHA(R)) ship program.

SA 1334. Mr. BAYH submitted an amendment to be proposed by him to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title VI, add the following:

SEC. 653. OUTREACH TO MEMBERS OF THE ARMED FORCES AND THEIR DEPENDENTS ON THE SERVICEMEMBERS CIVIL RELIEF ACT.

(a) OUTREACH TO MEMBERS OF THE ARMED FORCES.—

(1) IN GENERAL.—The Secretary concerned shall provide to each member of the Armed Forces under the jurisdiction of the Secretary comprehensive information on the rights and protections available to servicemembers and their dependents under the Servicemembers Civil Relief Act (50 U.S.C. App. 501 et seq.).

(2) TIME OF PROVISION.—Information shall be provided to a member of the Armed Forces under paragraph (1) at times as follows:

(A) When the member first becomes a member of the Armed Forces or first enters on active duty as a member of the Armed Forces.

(B) In the case of a member of a reserve component of the Armed Forces, at any subsequent time when the member is called or ordered to active duty.

(C) At such other times as the Secretary concerned considers appropriate.

(b) OUTREACH TO DEPENDENTS.—

(1) IN GENERAL.—The Secretary concerned shall provide to the adult dependents of members of the Armed Forces under the jurisdiction of the Secretary comprehensive information on the rights and protections available to servicemembers and their dependents under the Servicemembers Civil Relief Act.

(2) TIME OF PROVISION.—Information shall be provided to dependents of a member of the Armed Forces under paragraph (1) at times as follows:

(A) As soon as practicable after the date on which the member first becomes a member of the Armed Forces or first enters on active duty as a member of the Armed Forces.

(B) In the case of dependents of a member of a reserve component of the Armed Forces, as soon as practicable after any subsequent date on which the member is called or ordered to active duty.

(C) At such other times as the Secretary concerned considers appropriate.

(c) COMPTROLLER GENERAL STUDY ON REDUCTION OF FINANCIAL BURDENS ASSOCIATED WITH MOBILIZATION.—

(1) STUDY.—The Comptroller General of the United States shall conduct a study of rights and obligations under the Servicemembers Civil Relief Act in order to identify additional rights and obligations that could be included in that Act in order to ease the financial burdens of members of the Armed Forces resulting from a call or order to active duty.

(2) REPORT.—Not later than one year after the date of the enactment of this Act, the Comptroller General shall submit to the Secretary of Defense, and to the appropriate committees of Congress, a report on the study required by paragraph (1). The report shall include such recommendations for legislative or administrative action as the Comptroller General considers appropriate in light of the study.

(d) DEFINITIONS.—In this section:

(1) The term ''appropriate committees of Congress'' means—

(A) the Committees on Armed Services, Appropriations, and Veterans' Affairs of the Senate; and

(B) the Committees on Armed Services, Appropriations, and Veterans' Affairs of the House of Representatives.

(2) The terms ''dependent'' and ''Secretary concerned'' have the meanings given such terms in section 101 of the Servicemembers Civil Relief Act (50 U.S.C. App. 511).

SA 1335. Mr. BAYH submitted an amendment to be proposed by him to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title X, add the following:

SEC. 1073. LIABILITY FOR NONCOMPLIANCE WITH SERVICEMEMBERS CIVIL RELIEF ACT.

(a) IN GENERAL.—The Servicemembers Civil Relief Act (50 U.S.C. App. 501 et seq.) is amended by adding at the end the following new title:

''TITLE VIII—CIVIL LIABILITY AND ENFORCEMENT

''SEC. 801. CIVIL LIABILITY FOR NEGLIGENT NONCOMPLIANCE.

''(a) IN GENERAL.—Any person or entity (other than a servicemember or dependent) who is negligent in failing to comply with any requirement imposed by this Act with respect to a servicemember or dependent is liable to such servicemember or dependent in an amount equal to the sum of—

''(1) any actual damages sustained by such servicemember or dependent as a result of the failure;

''(2) such amount of punitive damages as the court may allow; and

''(3) in the case of any successful action to enforce liability under this section, the cost of the action together with reasonable attorneys fees as determined by the court.

''(b) ATTORNEY FEES.—On a finding by the court that an unsuccessful pleading, motion, or other paper filed in connection with an action under this section was filed in bad faith or for the purposes of harassment, the court shall award to the prevailing party attorney fees in amount that is reasonable in relation to the work expended in responding to such pleading, motion, or other paper.

''SEC. 802. ADMINISTRATIVE ENFORCEMENT.

''(a) ENFORCEMENT BY FEDERAL TRADE COMMISSION.—(1) Except as provided in subsection (b), compliance with the requirements imposed by this Act shall be enforced by the Federal Trade Commission in accordance with the Federal Trade Commission Act with respect to entities and persons subject to the Federal Trade Commission Act.

''(2) For the purpose of the exercise by the Commission under this subsection of its functions and powers under the Federal Trade Commission Act, a violation of any requirement or prohibition imposed by this Act shall constitute an unfair or deceptive act or practice in commerce in violation of section 5(a) of the Federal Trade Commission Act, and shall be subject to enforcement by the Commission with respect to any entity or person subject to enforcement by the Commission pursuant to this subsection, irrespective of whether such person or entity is engaged in commerce or meets any other jurisdictional tests under the Federal Trade Commission Act.

''(3) The Commission shall have such procedural, investigative, and enforcement powers, including the power to issue procedural rules in enforcing compliance with the requirements imposed by this Act and to require the filing of reports, the production of documents, and the appearance of witnesses, as though the applicable terms and conditions of the Federal Trade Commission Act were part of this Act.

''(4) Any person or entity violating any provision of this Act shall be subject to the penalties, and entitled to the privileges and immunities, provided in the Federal Trade Commission Act as though the applicable terms and provisions of the Federal Trade Commission Act were part of this Act.

''(5)(A) In the event of a knowing violation, which constitutes a pattern or practice of violations of this Act, the Commission may commence a civil action to recover a civil penalty in a district court of the United States against any person or entity that has engaged in such violation. In such action, such person or entity shall be liable for a civil penalty of not less than $5,000 and not more than $50,000.

''(B) In determining the amount of a civil penalty under subparagraph (A), the court shall take into account the degree of culpability, any history of prior such conduct,

ability to pay, effect on ability to continue to do business, and such other matters as justice may require.

''(b) ENFORCEMENT BY OTHER REGULATORY AGENCIES.—Compliance with the requirements imposed by this Act with respect to financial institutions shall be enforced under—

''(1) section 8 of the Federal Deposit Insurance Act, in the case of—

''(A) national banks, and Federal branches and Federal agencies of foreign banks, and any subsidiaries of such (except brokers, dealers, persons providing insurance, investment companies, and investment advisers) by the Office of the Comptroller of the Currency;

''(B) member banks of the Federal Reserve System (other than national banks), branches and agencies of foreign banks (other than Federal branches, Federal agencies, and insured State branches of foreign banks), commercial lending companies owned or controlled by foreign banks, and organization operating under section 25 or 25A of the Federal Reserve Act, and bank holding companies and their nonbank subsidiaries or affiliates (except brokers, dealers, persons providing insurance, investment companies, and investment advisers) by the Board of Governors of the Federal Reserve System; and

''(C) banks insured by the Federal Deposit Insurance Corporation (other than members of the Federal Reserve System) and insured State branches of foreign banks, and any subsidiaries of such entities (except brokers, dealers, persons providing insurance, investment companies, and investment advisers) by the Board of Directors of the Federal Deposit Insurance Corporation;

''(2) section 8 of the Federal Deposit Insurance Act, by the Director of the Office of Thrift Supervision, in the case of a savings association the deposits of which are insured by the Federal Deposit Insurance Corporation and any subsidiaries of such saving associations (except brokers, dealers, persons providing insurance, investment companies, and investment advisers);

''(3) the Federal Credit Union Act, by the Administrator of the National Credit Union Administration with respect to any federally insured credit union, and any subsidiaries of such an entity;

''(4) State insurance law, by the applicable State insurance authority of the State in which a person is domiciled, in the case of a person providing insurance; and

''(5) the Federal Trade Commission Act, by the Federal Trade Commission for any other financial institution or other person that is not subject to the jurisdiction of any agency or authority under paragraphs (1) through (4).''.

(b) CLERICAL AMENDMENT.—The table of contents in the first section of that Act is amended by adding at the end the following new items:

''TITLE VIII—CIVIL LIABILITY AND ENFORCEMENT

''Sec. 801. Civil liability for negligent noncompliance.

''Sec. 802. Administrative enforcement.''.

SA 1336. Mr. BAYH submitted an amendment to be proposed by him to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title VI, add the following:

SEC. 653. SERVICEMEMBERS RIGHTS UNDER THE HOUSING AND URBAN DEVELOPMENT ACT OF 1968.

(a) IN GENERAL.—Section 106(c)(5)(A)(ii) of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701x(c)(5)(A)(ii)) is amended—

(1) in subclause (II), by striking ''; and'' and inserting a semicolon;

(2) in subclause (III), by striking the period and inserting ''; and''; and

(3) by adding at the end the following:

''(IV) notify the homeowner or mortgage applicant by a statement or notice, written in plain English by the Secretary of Housing and Urban Development, in consultation with the Secretary of Defense and the Secretary of the Treasury, explaining the mortgage and foreclosure rights of servicemembers, and the dependents of such servicemembers, under the Servicemembers Civil Relief Act (50 U.S.C. App. 501 et seq.), including the toll-free military one source number to call if servicemembers, or the dependents of such servicemembers, require further assistance.''.

(b) NO PREEMPTION.—Nothing in this section shall preempt or relieve a mortgagor or creditor of a loan of any obligation such mortgagor or creditor has under the Servicemembers Civil Relief Act (50 U.S.C. App. 501 et seq.).

(c) DISCLOSURE FORM.—Not later than 150 days after the date of enactment of this Act, the Secretary of Housing and Urban Development shall issue a final disclosure form to fulfill the requirement of section 106(c)(5)(A)(ii)(IV) of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701x(c)(5)(A)(ii)).

(d) EFFECTIVE DATE.—The amendments made under subsection (a) shall take effect 150 days after the date of enactment of this Act.

NOTICES OF HEARINGS/MEETINGS

SUBCOMMITTEE ON ENERGY

Mr. ALEXANDER. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Committee on Energy and Natural Resources' Subcommittee on Energy.

The hearing will be held on Wednesday, July 27 at 3 p.m. in Room SD–366 of the Dirksen Senate Office Building.

The purpose of this hearing is to receive testimony on recent progress in hydrogen and fuel cell research sponsored by the Department of Energy and by private industry. Testimony will also address the remaining challenges to the development of these technologies.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, Washington, DC, 20510–6150.

For further information, please contact Kathryn Clay at (202) 224–6224 or David Marks at (202) 228–6195.

SUBCOMMITTEE ON NATIONAL PARKS

Mr. THOMAS. Mr. President, I would like to announce for the information of the Senate and the public that the following hearing has been scheduled before the Subcommittee on National Parks of the Committee on Energy and Natural Resources:

The hearing will be held, on Thursday, July 28, 2005, at 10 a.m. in room SD–366 of the Dirksen Senate Office Building in Washington, D.C.

The purpose of the hearing is to receive testimony on the following bills: S. 584 and H.R. 432, bills to require the Secretary of the Interior to allow the continued occupancy and use of certain land and improvements within Rocky Mountain National Park; S. 652, a bill to provide financial assistance for the rehabilitation of the Benjamin Franklin National Memorial in Philadelphia, PA, and the development of an exhibit to commemorate the 300th anniversary of the birth of Benjamin Franklin; S. 958, a bill to amend the National Trails System Act to designate the Star-Spangled Banner Trail in the States of Maryland and Virginia and the District of Columbia as a National Historic Trail; S. 1154, a bill to extend the Acadia National Park Advisory Commission, to provide improved visitor services at the park, and for other purposes; S. 1166, a bill to extend the authorization of the Kalaupapa National Historical Park Advisory Commission; and S. 1346, a bill to direct the Secretary of the Interior to conduct a study of maritime sites in the State of Michigan.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, SD–364 Dirksen Senate Office Building, Washington, DC, 20510–6150.

For further information, please contact Tom Lillie at (202) 224–5161 or Brian Carlstrom at (202) 224–6293.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition and Forestry be authorized to conduct a hearing during the session of the Senate on Wednesday, July 20, 2005 at 10 a.m. in SR–328A, Russell Senate office building. The purpose of this hearing will be to review bio-security preparedness and efforts to address agroterrorism threats.

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

COMMITTEE ON ENVIRONMENTAL AND PUBLIC WORKS

Mrs. HUTCHISON. Mr. President, I would like to ask unanimous consent that the Committee on Environment and Public Works be authorized to meet to hold a Business Meeting on July 20, 2005 at 9:30 a.m. on the following agenda:

Resolutions: To authorize GSA's fiscal year 06 Capital Investment and Leasing Program; to authorize a lease prospectus for the General Services Administration headquarters; committee resolution on the Delaware River and its Tributaries, New Jersey, New York, and Pennsylvania; committee resolution on the Beneficial Use of Dredged Material on the Delaware River, Delaware, New Jersey, and Pennsylvania; committee resolution on the South Fork of the South Branch of the Chicago River, IL; and committee resolution on the Grand and Tiger Passes and Baptiste Collette Bayou, LA.

Nominations: Marcus A. Peacock, of Minnesota, to be Deputy Administrator of the Environmental Protection Agency; and Granta Y. Nakayama, of Virginia, to be Assistant Administrator, Office of Enforcement & Compliance Assurance, Environmental Protection Agency.

Legislation: H.R. 1428 National Fish and Wildlife Foundation Reauthorization Act of 2005; S. 1250 Great Apes Bill; S. 1409 Alaska Native Villages reauthorization; S. 1265 Diesel Emissions Reduction Act of 2005; S. 1339 Duck Stamp bill; S. 1340 Pittman-Robertson extension; S. 158 Long Island Sound; S. 1410 Neotropical Birds reauthorization; S. 1415 Lacey Act technical correction; and S. 1400 Water Infrastructure Bill.

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

COMMITTEE ON FINANCE

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session on Wednesday, July 20, 2005, at 10 a.m., in 215 Dirksen Senate Office Building, to consider the nominations of Robert M. Kimmitt, to be Deputy Secretary of the Treasury, U.S. Department of the Treasury; Randal Quarles, to be Under Secretary of the Treasury, Domestic Finance, U.S. Department of the Treasury; Sandra L. Pack, to be Assistant Secretary of the Treasury, Management, U.S. Department of the Treasury; Kevin I. Fromer, to be Deputy Under Secretary of the Treasury, Legislative Affairs, U.S. Department of the Treasury.

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

COMMITTEE ON FOREIGN RELATIONS

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, July 20, 2005, at 10:15 a.m. to hold a hearing on Accelerating Economic Progress in Iraq.

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

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet in executive session during the session of the Senate on Wednesday, July 20, 2005 at 9:30 a.m. in SD–430.

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

COMMITTEE ON THE JUDICIARY

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on Reporters' Privilege Legislation: Issues and Implications'' on Wednesday, July 20, 2005 at 9:30 a.m. in Dirksen Senate Office Building Room 226.

Panel I: The Honorable James Comey, Deputy Attorney General, U.S. Department of Justice, Washington, DC.

Panel II: Matthew Cooper, White House Correspondent, Time Magazine Inc., Washington, DC.

Norman Pearlstine, Editor-in-Chief, Time Inc., New York City, NY.

William Safire, Political Columnist, New York Times Company, New York City, NY.

Floyd Abrams, Partner, Cahill Gordon and Reindel LLP, New York City, NY.

Lee Levine, Esq., Levine, Sullivan, Koch & Schulz, LLP, Washington, DC.

Professor Geoffrey Stone, Harry Kalven, J. Distinguished Service Professor of Law, University of Chicago Law School, Chicago, IL.

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

SELECT COMMITTEE ON INTELLIGENCE

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the Select Commmittee on Intelligence be authorized to meet during the session of the Senate on July 20, 2005 at 2:30 p.m. to hold a briefing.

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

SPECIAL COMMITTEE ON AGING

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the Special Commmittee on Aging be authorized to meet Wednesday, July 20, 2005 at 2:30 p.m.–5 p.m. in Dirksen 106 for the purpose of conducting a hearing.

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

SUBCOMMITTEE ON CLIMATE CHANGE AND IMPACTS

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the Subcommittee on Global Climate Change and Impacts be authorized to meet on Wednesday, July 20, 2005 at 10 a.m. on A Review of United States Climate Policy and the $5 Billion Budget Request for Climate Related Science and Technology in fiscal year 2006.

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

SUBCOMMITTEE ON PUBLIC LANDS

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the Subcommittee on Public Lands and Forests be authorized to meet during the session of the Senate on Wednesday, July 20, 2005 at 2 p.m.

The purpose of the hearing is to receive testimony on S. 703, to provide for the conveyance of certain Bureau of Land Management land in the State of Nevada to the Las Vegas Motor Speedway, and for other purposes; S. 997, to direct the Secretary of Agriculture to convey certain land in the Beaverhead-Deerlodge Forest, MT, to Jefferson County, MT, for use as a cemetery; S. 1131, to authorize the exchange of certain Federal land within the State of Idaho, and for other purposes; S. 1170, to establish the Fort Stanton-Snowy River National Cave Conservation area; S. 1238, to amend the Public Lands Corps Act of 1993 to provide for the conduct of projects that protect forests, and other purposes; and H.R. 1101, to revoke a public land order with respect to certain lands erroneously included in the Cibola National Wildlife Refuge, CA.

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

PRIVILEGE OF THE FLOOR

Mr. BROWNBACK. Mr. President, I ask unanimous consent that Charles Kane, a legal intern on the committee staff, be granted floor privileges for the duration of today's proceedings.

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

Mr. WARNER. Mr. President, I ask unanimous consent that Senator MCCAIN's legislative fellow, Navy CDR Shawn Grenier, be granted the privilege of the floor during consideration of S. 1042, the National Defense Authorization Act of 2006, which I hope will be brought up by the leadership shortly.

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

Mr. WARNER. Mr. President, I ask unanimous consent that Andrew Feinberg, a military Fellow in my office, be granted floor privileges for the duration of the debate on S. 1042.

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

Mr. WARNER. Mr. President, I ask unanimous consent, on behalf of Senator SNOWE, that Mr. Christopher Krafft, a State Department Fellow, have the privilege of the floor during the consideration of this bill, S. 1042.

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

Mr. LEVIN. Mr. President, I ask unanimous consent that Senator KENNEDY's Navy Fellow, Doug Thompson, be given floor privileges during consideration of this bill.

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

Mr. AKAKA. Mr. President, I ask unanimous consent Eileen Gross, my legislative fellow, be allowed floor privileges for the remainder of the debate on this bill.

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

Mr. SESSIONS. Mr. President, I ask unanimous consent that Allison Thompson, a marine fellow in Senator DOLE's office, be allowed floor privileges during consideration of S. 1042, the Defense authorization bill.

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

Mr. WARNER. Mr. President, I ask unanimous consent that privilege of the floor be granted to the staff members of the Armed Services Committee during consideration of S. 1042, as follows:

Judith A. Ansley, Richard D. DeBobes, Charles W. Alsup, June M. Borawski, Leah C. Brewer, Alison E. Brill, Jennifer D. Cave, Christine E. Cowart, Daniel J. Cox, Jr., Madelyn R. Creedon, Marie Fabrizio Dickinson, Regina A. Dubey, Gabriella Eisen, Evelyn N. Farkas, Richard W. Fieldhouse, Creighton Greene, William C. Greenwalt, Bridget W. Higgins, Ambrose R. Hock, Gary J. Howard, Jennifer Key, Gregory T. Kiley, Jessica Kingston, Michael J. Kuiken, Gerald J. Leeling, Peter K. Levine, Sandra E. Luff, Thomas L. MacKenzie, Michael J. McCord, Elaine A. McCusker, William G.P. Monahan, David M. Morriss, Lucian L. Niemeyer, Stan O'Connor, Cindy Pearson, Paula J. Philbin, Benjamin L. Rubin, Lynn F. Rusten, Catherine E. Sendak, Arun A. Seraphin, Joseph T. Sixeas, Robert M. Soofer, Scott W. Stucky, Kristine L. Svinicki, Diana G. Tabler, Mary Louise Wagner, Richard F. Walsh, Nicholas W. West, Pendred K. Wilson.

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

The PRESIDING OFFICER. The Senator from Utah is recognized.

NOMINATION OF JOHN ROBERTS

Mr. HATCH. Mr. President, yesterday, President Bush fulfilled his constitutional duty and nominated John Roberts to fill the vacancy left by Justice Sandra Day O'Connor on the Supreme Court of the United States. The spotlight is now on the Senate of the United States of America. The President has done his duty, and now we need to do ours.

Let me first pay tribute to Justice O'Connor who has been a real trailblazer in her own right. The first woman on the Supreme Court, a thoughtful and dedicated jurist, she has ably served on the highest Court for the past nearly 24 years. Her announced retirement creates the first vacancy in nearly 11 years. This has been the longest period with the same set of Justices in more than 175 years.

Article II, section 2 of the Constitution says that the President alone nominates, but he appoints only with the advice and consent of the Senate. One of the best shorthand ways of understanding the Senate's role is that by deciding whether to consent to the nomination, we give the President advice about whether to appoint the person he has nominated. Traditionally, we have done so by means of an up-or-down vote on the Senate floor.

I commend the President and his team of senior advisers for broadly soliciting the views of Senators and other interested parties. The President and his staff spoke with more than two-thirds of the Members of this body, over 70 Senators, an absolutely unprecedented level of interaction.

For some, though, it appears that even extensive consultation with all 100 Senators would not be enough if they did not like the President's nominee. On the other hand, if they did like the nominee, I suppose they would declare a 5-minute chat with a Senate staffer to have been a consultative triumph.

No President need consult at all with any Senator or with anyone else for that matter. The President does so because, in his judgment, it will help him fulfill his constitutional responsibility. President Bush has done that and has nominated John Roberts to be the 109th individual to serve on the Supreme Court in American history. The ball is now in our court.

Judge Roberts has served on the U.S. Court of Appeals for the District of Columbia Circuit ever since we confirmed him on May 8, 2003, without even a roll-call vote, I might add, one of the few people who have ever been confirmed by unanimous consent on the floor of the Senate.

Judge Roberts was so easily confirmed because he is so eminently qualified. He graduated summa cum laude from Harvard Law School and served as managing editor of the Harvard Law Review—no small achievement. In other words, No. 1 in his class. He clerked for Judge Henry Friendly, one of the alltime great judges on the U.S. Court of Appeals for the Second Circuit, and then for Chief Justice William Rehnquist on the U.S. Supreme Court, one of the alltime great Justices on the Supreme Court.

Judge Roberts served as Special Assistant to the Attorney General, Associate Counsel to President Ronald Reagan, and Principal Deputy Solicitor General under the first President Bush. And before his judicial appointment, he was head of the appellate practice group at the distinguished law firm, internationally recognized, of Hogan & Hartson.

He has been widely acknowledged as one of the most accomplished appellate attorneys in America, having argued nearly 40 cases before the Supreme Court on a wide range of issues from antitrust and the first amendment to Indian law, bankruptcy, and labor law.

Not surprisingly, the American Bar Association unanimously gave Judge Roberts its highest well-qualified rating for his appeals court appointment. This has been the Democrats' gold standard for evaluating judicial nominees, and he has met every aspect of that standard.

The question now is how we should evaluate Judge Roberts' nomination to the Supreme Court and what standards we should apply. There is more confusion about that than there should be. Yet I believe, like so many other endeavors, ending in the right place requires starting in the right place.

An effective process for hiring or selecting someone to fill a position, any position, must start with an accurate description of that position. I am reminded of a 1998 article by Judge Harry Edwards appointed in 1980 by President Jimmy Carter to the U.S. Court of Appeals for the DC Circuit. I was in this body at the time. He was that court's chief judge from 1994 to 2001 and a colleague of Judge Roberts. Judge Edwards warned that giving the public a distorted view of what judges do is bad for both the judiciary and the rule of law.

The debate about judicial selection is a debate about what judges do, about their proper place in our system of representative government. Getting the judicial job description right is necessary for a legitimate and effective selection process. It defines the qualifications for the job. It identifies the criteria we should apply. It guides the questions that may properly be asked and answered and the conclusions that should be reached.

Judges take law that they did not make and cannot change, determine what it means, and apply it to the facts of a legal dispute. That is what judges do. That judicial job description applies across the board. It does not depend on the parties or the issues before the court. It does not depend on the law that is involved in a particular case. And it certainly does not depend on which side wins or should win.

I believe we must help our fellow citizens better understand what judges do so they can better evaluate what we will be doing in the weeks ahead as we consider this nomination now before us.

Without in any way trivializing the work of judges, I want to use a practical example because I believe it can be simple without being simplistic.

Judges are like umpires or referees. They are neutral officials who take rules they did not make and cannot change and apply those rules to a contest between two parties or multiple parties.

How would we evaluate the performance of an umpire or referee? Would we say he or she did a good job as long as our favorite team won the game? If we were hiring an umpire or referee, would we grill him or her about which side he or she were likely to favor in the upcoming matches? Of course not.

Desirable results neither justify an umpire or referee twisting the rules during the game nor are automatic proof that the umpire or referee is fair and impartial. Umpires and referees must be fair and impartial from beginning to end during the contest before them. They do not pick the winner before the game starts, nor do they manipulate the process along the way to produce the winner they want.

In the same way, we must not evaluate judges solely by whether we like their decisions or whether their decisions favor a particular political agenda. The political ends do not justify the judicial means.

This is a very important point, something we must keep in clear focus throughout the weeks ahead. That is why I wanted to raise it now at the beginning of the confirmation process.

One thing that is becoming increasingly clear is not everyone who says

judges must interpret but not make the law means the same thing. Some who use that language still determine whether that standard is met the same old way by whether a judge's decisions meet a litmus test.

Once again, an umpire or referee is not there to pick the winner. He or she is there to fairly and impartially apply the rules.

Similarly, judges are not there to pick the winner. They are there to fairly and impartially apply the law.

I emphasize this because it is at the heart of this entire debate over judicial selection, and I will be returning to it throughout this process.

We may like or dislike a judge's decision, but that is not the point. His or her decisions may be consistent with certain political interests, but that is not the point. That is not what judges do. It is not their role in our system of representative government.

Rather, if the people do not like what the faithful and impartial application of the law produces, then they and their elected representatives can change the law.

That is our rule in our system of representative Government. Expecting judges to do our job—our legislative job—undermines the judicial branch and demeans the legislative branch. Simply put, judges must be evaluated not by the results they reach but by the process they follow to reach those results. That is what judges do.

Mark my words, we will hear in the days and weeks ahead this group or that Senator demanding to know whether the nominee now before us would produce the results they want or that they like. They want to know whether the nominee will rule this way on this issue and that way on this other issue. Some may try to cloak their mission, perhaps using terms their focus groups say will go down more smoothly with the public. But we all know what is going on. They want to know which side the umpire or referee will favor. They want to know that their team will have an upper hand even before that team takes the field.

In recent days, we have heard speeches by Senators and seen letters by interest groups and law professors with lists of questions to ask this nominee. Most of those questions are geared in one way or another to finding out how this nominee would likely rule; that is, the results this nominee would likely deliver on certain issues.

Past nominees, including virtually every current member of the Supreme Court, have resisted such intrusive attempts to extract either commitments or previews of future rulings. In that way, judicial nominees sometimes appear to have a deeper commitment to judicial independence than some Senators.

I expect Judge Roberts will take a judicious approach to answering questions, mindful of both the judicial position he already occupies and the one to which he has been nominated.

Last night, the head of one of the leftwing groups primed to attack Judge Roberts was on one of the cable talk shows as the news about the nomination circulated. It took him about 15 seconds to say the words, ''serious problems,'' regarding this superbly qualified nominee.

Within minutes of the President's announcement last night, other groups had already proclaimed the nominee an unacceptable extremist.

That kind of knee-jerk, results-oriented standard is wrong, whether such calls come from the left or the right.

As Judge Edwards reminded us, misrepresenting what judges do harms both the judiciary and the rule of law.

Judges take law they did not make and cannot change, determine what that law means, and apply it to settle legal disputes. That is what judges do.

In the days and weeks ahead, let us keep that job description in mind and set about determining whether the nominee now before us can do that job.

Judge Roberts twice came before the Judiciary Committee. As a matter of fact, he had to wait 14 years to finally be confirmed by the Senate. He was nominated by George Herbert Walker Bush, Bush 1, and then renominated by Bush 2, George W. Bush. But I remember him when he came before the committee. We had two hearings for him. I remember him as an intelligent, fair-minded, and thoughtful person, and so does everybody else who knows him.

While I, of course, must withhold final judgment on Judge Roberts' nomination to the Supreme Court until after the confirmation hearing, my initial reaction is President Bush appears to have submitted to the Senate a well-qualified nominee with the kind of intellect, integrity, and independence that is required for a Supreme Court Justice.

We must apply the right standard as we evaluate this nominee.

Having said all of that, I understand Senators are saying they can ask any question they want, and I have said Senators on the Judiciary Committee can ask any question they want, no matter how stupid the question may be. And we have all asked stupid questions from time to time, I am sure. At least most of us have. But the judge does not have to answer those questions. In fact, under the Canons of Judicial Ethics, judges should not be opining or answering questions about issues that may possibly come before them in the future.

I would like this body to remember some past nominations, and I will cite with particularity the nomination of Antonin Scalia to become a Justice on the U.S. Supreme Court. I remember time after time Senators asking him questions about how he might rule in the future on various issues, including Roe v. Wade. He refused to answer those questions because he thought those issues might come before him as a Justice on the Supreme Court and, frankly, wanted to abide by the Canons of Judicial Ethics. He was not overly pressured. The Judiciary Committee treated him with respect. He passed through the Senate 100 to zip and, of course, has become one of the leading conservative jurists in the history of the Court. But he did not have to answer questions that asked for specific conclusions in areas that likely would come before the Court, and that is almost anything. In this day and age, there is so much litigation almost anything could come before the Court.

The second illustration is the Ruth Bader Ginsburg illustration. Ruth Bader Ginsburg, when she came before the Senate Judiciary Committee, refused to answer questions with regard to matters that might come before her if she would be confirmed as a Justice to the U.S. Supreme Court.

Our side did not overly press her to answer those questions. We did not scream and shout about, She has to answer my questions or I am not going to vote for her. We did not make demands on her that were inappropriate. We did not have outside groups giving us questions to ask that are outrageous and formed for the purpose of trying to scuttle the nomination. She took that position, and we honored her in taking that position.

If I recall it correctly, she passed through the Senate I believe 96 to 3. We knew that she was a social liberal. We conservatives who are pro-life knew she was pro-abortion. We knew that she differed with our side on many issues. We also knew that she was qualified, and we knew she deserved a vote up or down out of respect for the position, out of respect for the U.S. Supreme Court, and out of respect for her. She received her vote up or down, and there was not a lot of screaming and shouting about it, nor were there threats made, nor were there threats that we might someday filibuster her if she did not agree with the results we wanted her to rule on in advance.

That is what is going on, and it has been going on ever since the Rehnquist nomination for Chief Justice of the U.S. Supreme Court. It has only gone on on one side, and that is the Democrat side, in a series of very embarrassing Supreme Court nomination proceedings, starting with Justice Rehnquist. Why, some even violated the law and put out some of his medical records that were highly confidential.

When Bob Bork came up, it was unmitigated the way they treated him. Even Justice Souter was mistreated because they thought he might possibly be pro-life. Justice Kennedy was not as mistreated as the others, but they were very concerned because they thought he might be pro-life. In fact, even Justice O'Connor when she came to the floor had her critics on both sides because they were afraid she might be one way or the other on Roe v. Wade. The fact is, we now know where Justice O'Connor, Justice Kennedy, and Justice Souter are on these issues, but we

did not know at the time, nor do we know where to-be Justice Roberts is on these issues as well. Nobody has asked him those questions and nobody should because those questions are all hot-button issues that may come before the Supreme Court.

If there has ever been anybody qualified to go on the Supreme Court, one would have to say John Roberts meets every requisite standard to be confirmed as a Justice on the Supreme Court. This is a brilliant man. This is an honest man with a sense of humor. This is a leading appellate advocate. He has held responsible positions in Government. He has risen to the top of the legal profession. He has the highest recommendation of the American Bar Association for the circuit court of appeals seat. He is one of the great legal thinkers of America. How he will rule on various issues I, frankly, do not know. I believe him to be conservative. The President said he would appoint only conservatives, which is his right. That is what one gets when they vote for President.

If I have ever seen anybody who deserves being on the Court more than John Roberts, I have to think pretty hard. John Roberts is a fine man. I hope he will be treated with great respect and deference, and I hope these very partisan, very nasty groups from the left and maybe even the right pack up their tents and go home because they do not belong in this process the way they are acting, though in a free country they can act that way, and I would fight for their right to do so. We should not be influenced by that type of inappropriate, prejudgmental approach to Supreme Court nominees.

I believe John Roberts will become a Justice on the U.S. Supreme Court, I hope expeditiously, certainly before the first Monday in October so that the Court can have a full complement. I believe the Senate will overwhelmingly support him, and I hope that is the case. If it is not, then we are going to have to reexamine the way things go around here.

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

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

Mr. SESSIONS. Mr. President, I rise today to briefly discuss the nomination of Judge John Roberts and commend the President for submitting for our consideration a superbly qualified nominee who has the requisite background and experience to serve the Nation well as the next Justice of the Supreme Court. Indeed, I think the President, after hearing advice from a whole host of different areas, simply decided to appoint the best person he found in America. That is what he did. I am proud of him. I think it is the right thing to do, and I believe this will be proven out as time goes by.

I don't know John Roberts personally, but I do know his record. I studied it 2 years ago when this Senate provided its unanimous advice and consent to place him in his current position on the District of Columbia Circuit Court of Appeals. We did so with the knowledge that the D.C. Circuit in many instances has served as the launching pad for Supreme Court nominees. So I hope this process will be conducted with dignity and respect and that we will be able to have him in place before the Supreme Court convenes in October.

We considered his record then in great detail. People were heard from; people submitted information. In fact, 152 lawyers wrote in support of him. But he was looked at hard then. Only three people voted against him in the committee, and he was unanimously confirmed in this Chamber.

A Supreme Court Jurist should have high standards. He or she should be committed to the rule of law and to resist the temptation to legislate from the bench. He or she should believe in the Constitution and adhere to the provisions provided in that great document regardless of whether he or she believes personally that those are correct. They do not have to agree with the provisions. They didn't write the provisions. They were written by ''we the people'' of the United States of America.

I participated in that hearing 2 years ago, and he gave the committee a commitment that he would not carry a political agenda to the D.C. Circuit, that he would adhere to the law rather than follow politics. And over the last 2 years as a judge on the D.C. Circuit he has fulfilled that commitment. So I think and hope that he is off to a good start in this process.

Make no mistake about it, Senators will have some questions, and having witnessed Mr. Roberts' eloquent testimony and principled approach to jurisprudence during his last hearing, I know he will have the answers to those questions. He very simply won Senators over during his last hearing, and this is why I believe he was confirmed with a strong vote. I am sure the results will be the same this year.

The Senate must treat the nominee fairly and have a fair and dignified process. Converting legal disagreements into personal attacks on the nominees as we have seen in the past in recent years is not appropriate. It is beneath the dignity of the Senate. It is not proper, and it should not be done. In many instances nominees have been unfairly personally attacked for simply following the law as they saw it.

So I am concerned about a fair process, not so much from the Members of our Senate—hopefully, that will not occur this time—but from some of the hard left attack groups.

A few weeks ago this cartoon appeared in the paper, and I would like to refer to it. I think it is a bit humorous, but I agree it raised a lot of money. It says: Don't let Bush nominate this rightwing extremist nut to the Supreme Court. And then leaves blank the name. So he hasn't nominated anybody yet, but they have already raised their money and laid the game plan to attack whoever comes up as being some extremist rightwing nut. I think that is pretty interesting. They say here we will plug the photo in as soon as we find out who it is.

I believe we have another one that I think is also humorous, but it has a lot of truth in it. It says: We're here to voice our strongest opposition to the Bush Supreme Court nominee—whoever he may be.

That is where we are. A lot of money has been raised by groups. For the first time I think, Mr. President, conservative groups, or groups that tend to support the President's nominees raise money, too, so we might have activity on both sides. That has not been the case in the past.

We laugh at these little cartoons and they are not a perfect truth, but they have some truth in them. But last night the NOW group announced right after the nomination that the President had nominated an anti-Roe judge and that the lives of women in America were at stake. The People for the American Way contend that Judge Roberts' record does not demonstrate a fundamental commitment to civil and constitutional rights. And other complaints have been raised about him before the ink was dry on the nomination. So I hope that instead of buying into these groups' broken records—the same charges that are paraded out every time a Bush nominee is submitted—we will study Judge Roberts' record and have a fair process and consider what scholars in this country are saying—practicing lawyers, judges with whom he practiced and before whom he practiced. These are objective observers. Many of them are Democrats. They will provide far more valid insight than hard left groups such as MoveOn.Org or People for the American Way.

This is what we know about Judge Roberts so far. He has a keen intellect, sound legal judgment, and the highest level of integrity. He graduated from Harvard college in 3 years summa cum laude and the Harvard Law School where he served as managing editor of the Harvard Law Review. And, of course, serving on the law review at a law school is a great honor, and to be an editor or managing editor of that law review is one of the highest honors any graduating senior can be given by his peers who elect him to that position.

After graduating from law school, he clerked for one of the most esteemed and respected jurists in the country, Judge Henry J. Friendly on the Second Circuit Court of Appeals in New York, and then went on to clerk with Chief Justice William Rehnquist on the U.S.

Supreme Court, the very Court he has now been nominated to serve on. He has clerked for the Chief Justice of the United States. He sat there at his right hand. He has helped him develop and write the opinions and do the research that goes into rendering an opinion. As a result, he has had very good experience for that position. I am sure there are perhaps many, hundreds perhaps, lawyers who would love to serve as Judge Henry Friendly's law clerk. There would be thousands that apply before the few are selected to clerk on the U.S. Supreme Court. Why? Because they select only the best. They select candidates who have high academic records and proven public integrity. So he served in the White House counsel's office, served as the Principal Deputy Solicitor General to the United States Department of Justice. The Solicitor General is the Government's lawyer to the courts of America, the appellate courts.

The Solicitor General's office sends the lawyers into the U.S. Supreme Court to stand up in that Court and represent the United States. I was a U.S. attorney, and in the U.S. district court in Mobile, AL, it was my honor and pleasure on a regular basis to stand before the U.S. district judge and say, ''The United States is ready, Your Honor.'' To represent the United States of America in court is a great honor. To represent the United States of America in the greatest Court in the history of the world, the U.S. Supreme Court, is a great honor. As the Principal Deputy Solicitor General, that is what he did on a regular basis.

Prior to assuming his current position, he was known as probably the most respected appellate lawyer in the United States, having argued 39 cases before the U.S. Supreme Court. When you have an important case, you want the best lawyer in America to represent you in the Supreme Court, and he was selected time and again by people to represent them in this highest Court, which is, indeed, a high compliment. His experience goes beyond what I have described here. He practiced in one of the Nation's top law firms and has extensive government experience. The American Bar Association, which rates judge nominees—they go out and interview people who have litigated for them, litigated against them, judges before whom they practice, and they evaluate how fine that nominee is. They have just a few levels of recommendation, but the best one, ''well-qualified,'' is reserved for a small number. Judge Roberts was given the highest rating of the American Bar Association to serve in his current position, and I would not be surprised if he doesn't get it for the Supreme Court.

So I hope we will give him a fair process, that we will avoid establishing a litmus test. However, it does concern me that one Member has already said, ''We need to know where John Roberts is on the issues, whose side he's on.''

Well, you can't demand that a judge be on your side as a price for confirmation. What do we mean, whose side they are on? What do we mean? Whose side are they are on? By definition, a judge is a person who is unbiased, a neutral referee, a person who treats everyone respectfully and then follows the law in a dispassionate, disinterested manner. That is why we give them a lifetime appointment.

We cannot go down this road asking judges, nominees, to commit to a specific decision or to promise to be favorable to one view or another that a certain Senator may have. What kind of disaster would that be? It would invade the independence of the judiciary. Judges have to be neutral arbiters. They are not to call the balls and strikes before the pitches are thrown, for Heaven's sake. We must not require him or demand of him that he state how he expects to decide cases. That violates the independence of the judiciary.

What I will ask him to do is to demonstrate a fidelity to the law, a commitment not to legislate from the bench, and to leave the legislation to the Congress and the State. He has demonstrated that over time.

The President has made a very wise decision. This nominee, from his past performance in the Judiciary Committee, has shown poise, good judgment, and a clear ability to articulate important issues to the Senators in an effective way that has won their respect. I am excited for him.

I also am pleased to note he was chosen to be captain of his high school football team. I will say this: They do not elect flakes to be captain of the football team. These are people who players have seen and worked with under difficult circumstances, and they respected him enough to choose him. He will be an outstanding member of the U.S. Supreme Court.

This Senate will be tested. Will we be objective? Will we be fair? Will we give this incredibly superb nominee the fair and just hearing to which he is entitled?

ORDERS FOR THURSDAY, JULY 21, 2005

Mr. SESSIONS. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:30 a.m. on Thursday, July 21. 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 then begin 1 hour of debate on the nomination of Thomas Dorr to be Under Secretary of Agriculture for Rural Development, with the time equally divided between the majority leader or his designee and Senator HARKIN or his designee.

I further ask consent that following the use or yielding back of time, the Senate proceed to a vote on the motion to invoke cloture on the Dorr nomination.

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

PROGRAM

Mr. SESSIONS. Mr. President, tomorrow, at approximately 10:30 a.m., the Senate will vote on the motion to invoke cloture on the nomination of Thomas Dorr. This will be the first vote of the day. It is the majority leader's hope and expectation that cloture will be invoked on the nomination and the Senate can then expedite the vote on confirmation.

Following the disposition of the Dorr nomination, the Senate will resume consideration of the Department of Defense authorization bill. Chairman WARNER and Senator LEVIN have been on the Senate floor this afternoon and have made real progress in disposing of a number of amendments. We anticipate a full day of debate and voting on amendments to the Defense bill. I encourage Senators to contact the bill managers if they have amendments they wish to have considered.

ORDER FOR ADJOURNMENT

Mr. SESSIONS. 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 following the remarks of Senator AKAKA, for up to 10 minutes.

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

The Senator from Hawaii.

NATIONAL DEFENSE AUTHORIZATION ACT

Mr. AKAKA. Mr. President, I rise today in support of the National Defense Authorization Act for fiscal year 2006. Under the leadership of Chairman WARNER and Senator LEVIN, the ranking member, who have continued their tradition of strong and bipartisan leadership, the Senate Armed Services Committee was able to produce a very workable piece of bipartisan legislation. I would also like to thank my friend, colleague, and subcommittee chairman, Senator ENSIGN, for his cooperation and leadership throughout the process this year.

I think the bill before us goes a long way to supporting the needs of our service men and women. In addition to highlighting some positive areas the committee focused on, I do want to highlight a few concerns.

First, I am pleased that an additional $50 billion has been authorized for ongoing military operations in Iraq and Afghanistan for the first few months of fiscal year 2006. I am disappointed that the administration's request did not include any funding to support our troops in their ongoing operations in Iraq and Afghanistan for 2006, and that they have not yet done enough to provide the needed accountability for how funds in Iraq and Afghanistan have been used so far. I think Congress has done the right thing by taking the initiative to provide funding now for these ongoing operations, rather than

making the Army and the other services absorb these enormous expenses until next spring. It is imperative that we include an authorization of additional funding in this bill.

But in the long term, we cannot continue to rely on supplemental funding. The President should start submitting budgets that recognize these enormous costs. The continued use of emergency authorizations to fund the global war on terrorism, and the administration's continued failure to include the true cost of the war in the annual authorization request are bad for our military and are bad fiscal policy. For this reason, in the fiscal year 2005 emergency supplemental, we requested that the Secretary of Defense provide a report to the Speaker of the House of Representatives, the majority leader of the Senate, and the congressional Defense Committees that identifies such things as security, economic, and Iraqi security force training performance standards and goals. The report must also include an assessment of US. military requirements, including planned force rotations, through the end of calendar year 2006. Once the process needed to identify these requirements has been established, it should be possible for the Department of Defense to be able to identify funds needed for the global war on terrorism, and these costs should be able to be included in the fiscal year 2007 President's budget in February.

On the positive side, I am extremely pleased with the provisions supporting the compensation and quality of life for the men and women in uniform. The budget includes funding for child care of military families and for increased death gratuity to service members' survivors as well as increased service members' group life insurance.

But these increases do not go far enough to improve the quality of life for our members of the military. The budget request did not include funding for the Citizen-Soldier Support Program, which improves and augments family readiness programs for families of the Reserve and Guard. The committee recommends an increase in operations and maintenance, O&M, funds to expand the services of this program. The budget did not include funding for the Parents as Teachers Program. The committee believes this program can provide a valuable service to military families by providing instructional assistance to parents of preschool children.

In the O&M accounts, the Readiness Subcommittee did our best to support the readiness of our forces. Part of ensuring readiness is funding it. As then-Secretary of the Navy Gordon England wrote to our committee earlier this year:

Readiness is a direct function of Operation and Maintenance dollars available. Underfunding O&M adversely affects readiness.

I am encouraged by the support for O&M funding in this bill, because that translates directly into support for our men and women in uniform. The subcommittee also took actions designed to improve the Army's training and get them to produce a strategy for both training and for the basing of their forces as they convert to a modular brigade format.

I am pleased about our continued support for military construction and family housing needs that are so critical to quality of life for our service men and women. I also support many of the provisions we have included that will further improve the management of the Department. I particularly appreciate the bipartisan effort that the committee made to address a wide range of procurement issues, environmental issues, and some longstanding DOD financial management problems.

I share with the committee a great concern over the impact of the global war on terrorism on recruitment and retention. In order to address this impact, the committee has recommended the payment of an incentive bonus not to exceed $2,500 to military members of the Active and Reserve components who transfer from the Regular or Reserve component of one service to the Regular or Reserve component of another service. The committee also recommends increasing the amount of selective reenlistment bonus for certain enlisted personnel and a retention incentive bonus for members of the selected Reserve qualified in a critical military skill or specialty.

With regard to the end strength of the services, the committee recommends increases for the Army and the Marine Corps. As the conflict continues in Iraq, the Army and the Marine Corps are suffering the greatest impact of prolonged tours of duty as well as multiple tours of duty. By increasing the end strength, the committee believes that the use of the stop-loss practice will be significantly reduced. While we are already seeing a reduction in recruitment numbers, these increases are meant to alleviate some of the strain currently placed on the service members deployed in the global war on terrorism.

Mr. President, this bill will provide needed funding for our service men and women and the future of our national defense.

Thank you, Mr. President. I yield back my time.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

The PRESIDING OFFICER. The Senate stands adjourned until 9:30 a.m. tomorrow.

Thereupon, the Senate, at 7:15 p.m., adjourned until Thursday, July 21, 2005, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate July 20, 2005:

DEPARTMENT OF STATE

WILLIAM ROBERT TIMKEN, JR., OF OHIO, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE FEDERAL REPUBLIC OF GERMANY.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. FRANK G. KLOTZ, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. DAVID A. DEPTULA, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE, TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601, AND TO BE THE SENIOR MEMBER OF THE MILITARY STAFF COMMITTEE OF THE UNITED NATIONS UNDER TITLE 10, U.S.C., SECTION 711:

To be lieutenant general

LT. GEN. VICTOR E. RENUART, JR., 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. JOHN L. HUDSON, 0000

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be general

LT. GEN. WILLIAM E. WARD, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. DAVID H. PETRAEUS, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. MARTIN E. DEMPSEY, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. WILLIAM E. MORTENSEN, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. CLAUDE V. CHRISTIANSON, 0000