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Senate

The Senate met at 11 a.m. and was called to order by the Honorable WAYNE ALLARD, a Senator from the State of Colorado.

The PRESIDING OFFICER. Today's prayer will be offered by our guest Chaplain, Dr. Richard Foth.

PRAYER

The guest Chaplain offered the following prayer:

Shall we pray.

Almighty God, creator of heaven and Earth, creator of each of us, we thank You for this day. This is the day You have made, and we ''will rejoice and be glad in it.''

As our Senators conduct the business of the Nation, pressing to determine critical issues before year's end, we pray for them a baptism of patience and clear seeing. Give them the strength to press on the issues and the capacity to give and receive personal grace in the heat of battle.

In the confluence of political pressures and seasonal celebrations of good will, we pause to recognize our need of You, Lord. We are grateful for Your sovereignty in the world and Your designed place in our lives. You are indeed, Immanuel, ''God with us.''

In Your Holy Name we pray. Amen.

PLEDGE OF ALLEGIANCE

The Honorable WAYNE ALLARD led the Pledge of Allegiance, as follows:

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, December 13, 2005.

To the Senate:

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

TED STEVENS,
President pro tempore.

Mr. ALLARD thereupon assumed the chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

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

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will be a period for the transaction of morning business.

RECOGNITION OF THE MAJORITY LEADER

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

SCHEDULE

Mr. FRIST. Mr. President, today, after a period of morning business, the Senate will debate the Bahrain Free Trade Agreement under a 60-minute time agreement reached last night. Later today, we will also begin debate on the motions to instruct conferees with respect to the deficit reduction bill. We hope to have a unanimous consent agreement ready which will lock in those motions for debate and votes. We are still trying to determine exactly when those stacked votes will occur, and I will announce that shortly as we get closer to an agreement. Members should adjust their schedules to accommodate a lengthy week and possible weekend session so that we may complete our business and then go home for the holidays.

IRAQI DEMOCRACY

Mr. FRIST. Mr. President, I wish to comment just very briefly on what is going on over the course of this week in Iraq, as it focuses on Iraqi democracy and the process that has begun in this country today and will continue through Thursday when the elections are carried out in Iraq.

Earlier this morning, I had the opportunity to talk at the White House in a meeting by teleconference with our Ambassador to Iraq, in Iraq, and General George Casey about the remarkable progress going on in that country today as they updated us with the plans for the elections, what is underway, and looking back to the tremendous progress that has been made over the last several months and the truly remarkable progress that has been made in the elections in January and October and now the preparations made for the elections this week.

On Thursday, the Iraqi people began what is a historic process for choosing their first fully constitutional parliament since the fall of Saddam, culminating in this nationwide vote on Thursday, December 15. In our briefings this morning, it was pointed out that the elections are Thursday and many of us will be watching to see how large a turnout there will be, recognizing that 10 million people turned out for the last elections in October.

Our briefers also pointed out the fact that we have to moderate our expectations a little bit in terms of the overall timing because of the sequence of the events with the elections on Thursday and then a preliminary certification of the elections about a week later and then a final certification in early January, around January 6 or 7. The government itself becomes a product of that

parliament, and that will not be finalized until April of next year, but the process has begun, and the votes, even among Iraqis in this country right now, are beginning today.

The country, as we think back just 2½ years ago, that was ruled by tyranny and despotism is, with the help of American and coalition forces, transforming itself into a hopeful and democratic society. That hope is being felt by the Iraqi people as they move forward, rebuilding and renewing their country.

In yesterday's widely reported new polling data, the Iraqis believe their lives are going well, with nearly two-thirds expecting that things will improve in the months and years ahead. Average household incomes have skyrocketed by 60 percent in the last 20 months, and Iraqis are quickly joining the swift current of modernity with cell phones and the Internet, cars, washing machines, and satellite dishes. Even ABC News, which commissioned the poll, rates the Iraqi mood at ''a remarkable level of optimism.''

In Thursday's elections, we will also have marked yet another milestone in their transition from dictatorship to democracy. Just in the past year, we have witnessed a series of truly extraordinary events. Last January, 8.5 million Iraqis defied the terrorists and marched to the polls. Who will ever forget the remarkable picture of Iraqis proudly displaying their purple-stained finger, citing that freedom, that ability to vote. They showed the world their readiness and eagerness to participate in a new system of government.

Throughout the summer, Iraq's leaders worked through the painful give-and-take process of drafting the nation's permanent constitution. Even though much of Iraq's Sunni Arab population boycotted the January elections, Iraq's elected officials worked hard to reach out and include the Sunni Arab representatives in the constitution-drafting process. They understood the importance of including leaders from all of Iraq's ethnic and religious communities in such a historic endeavor. As we saw by summer's end, their patience, compromise, and inclusion paid off. The draft they produced established the framework for a stable and democratic Iraq at the heart of the Middle East. Their new constitution safeguards individual minority rights, guarantees the protection of human rights, and creates a system of government based on the rule of law and the will of the Iraqi people.

In October, the Iraqi people turned out again, in overwhelming numbers, to ratify their permanent constitution. More than 10 million Iraqis across religious and ethnic lines went to the polls to demonstrate their growing desire to have their voice heard in a democratic political process.

Most of the increase in voter turnout came in Sunni areas of the country.

As the political process continues to unfold, Iraq's Sunni Arabs are coming to recognize the importance of taking part in that democratic process.

Only through peaceful politics can the Sunni Arab community in Iraq ensure that its rights are secured, its interests protected, and its people represented at the national, provincial, and local levels.

Even though many Sunnis voted against Iraq's permanent constitution, the trend line of increased political participation among the Sunni population is heading up.

This morning, we were briefed directly from Iraq. The number of polling stations in the Sunni parts of the country are increasing dramatically day by day, much surpassing expectations.

More than 300 political parties and coalitions have registered for this week's elections. Candidates are campaigning, and the Iraqi people are again showing their willingness to defy terrorist threats and participate—and participate actively—in the political process.

As President Bush articulated in his speech yesterday in Philadelphia, Iraq is that central front in the war on terror.

Their move to democracy is essential to our shared victory over terrorism.

It is not going to be easy.

We face an enemy who targets innocent civilians with bombings and beheadings—an enemy who despises freedom, that fears democracy. They will bend every effort to derail Iraq's continued progress until they are ultimately defeated.

But I am confident the Iraqi people will succeed and that together we will prevail over the terrorist enemy.

Time and time again, the Iraqi people have shown their friends and their enemies that they are steadfast in their determination to secure a bright, peaceful, and prosperous future for their children and for their grandchildren.

They will do so again on Thursday, this Thursday, December 15.

I applaud President Bush for his unwavering commitment to freedom and liberty for the Iraqi people. I applaud the Iraqi people for their unwavering courage to secure their democratic future.

The United States will continue to stand behind them as they work to become a peaceful, a united, a stable, and a secure and more prosperous nation, a full member of the international community and a full partner in the global war on terrorism.

I yield the floor.

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

Mr. CRAIG. Mr. President, may I inquire as to the state of the Senate? Are we in morning business?

The ACTING PRESIDENT pro tempore. We are in morning business.

Mr. CRAIG. I thank the Chair. I will speak as in morning business.

CONTINUED DUMPING AND SUBSIDY OFFSET ACT

Mr. CRAIG. Mr. President, the leader, in opening the Senate this morning, said we would come to the floor later today to begin to debate motions to instruct the conferees on the budget resolution conference that is now underway and being negotiated between the House and the Senate.

Of course, that is critical to our going home—the process to finalize the work of the Congress this year. So for the next few moments, I wish to speak about two issues that are in that conference that will be a part of the debate this afternoon on the instruction of conferees.

The first one is what we call the Byrd amendment, also known as the Continued Dumping and Subsidy Offset Act.

To set the record straight, it is important to say that so people understand when I reference the Byrd amendment I am not talking about the Byrd rule as it relates to what can and cannot be inside the budget resolution but is, in fact, what Senator BYRD, I, and joined by others some time ago know as the Continued Dumping and Subsidy Offset Act.

As many Senators are aware, this amendment, the Byrd amendment, has had tremendous support in this body. In fact, in 2003, 70 Senators notified the President of our strong support for this provision. Further, just recently, 25 Republican Senators notified the majority leader of our strong opposition to any repeal of the Byrd amendment in the Deficit Reduction Act. I firmly believe those 25 Senators stand firm in their opposition to any repeal. A provision such as the Continued Dumping and Subsidy Offset Act that has so much support has no place whatsoever in the budget resolution or what we call the Deficit Reduction Act. However, some in this body are calling the Byrd amendment ''corporate welfare.'' If people in this country call a provision that protects U.S. companies and manufacturers from intentional and illegal foreign dumping and in subsidies, so be it. You can call it anything you want, but that is the reality of the existing law. When foreign companies continue to dump and get subsidies even after an order goes into effect, the U.S. industry gets absolutely no benefit from that measure. The only way we can level the playing field in those instances is to prevent those duties to be distributed to the very American companies that are injured by those flagrant and illegal practices.

Some in this body would like to repeal the Byrd amendment because it has been estimated to result in $3.2 billion in cost savings.

I have to tell you this estimate, in my opinion, is pure fabrication.

This year, for example, the Congressional Budget Office estimated that this act's provisions would come to $800 million in fiscal year 2005. In reality, however, the figure was $226 million. CBO's estimate was off by a factor of

three. That tells me that the 5-year estimate for 2006–2010 is grossly overestimated. Therefore, if we include repeal of the Byrd amendment to inflate budget-deficit reduction numbers, we are clearly not getting those cost savings, while at the same time injuring U.S. companies that are committed to preserving and growing manufacturing jobs in this country.

Finally, some have argued we must repeal the act because it is in violation of the WTO.

First, I believe this shows how far the WTO has overstepped their guidelines in placing obligations on our country we have never agreed to.

Second, there is nothing in any WTO agreement that specifies how countries must spend their dumping duty proceeds. If we must do anything with respect to WTO, we ought to tell Ambassador Portman, as the Senate has done many times in the past, to negotiate a specific agreement permitting duty distribution in the Doha Round. This is not the time to repeal this provision while our negotiators are still at the negotiating table.

I strongly urge my colleagues and the leadership to remove the repeal of the Byrd amendment from the Deficit Reduction Act. This is simply not the time nor the place for such an action.

Further, I urge my colleagues to fall in line and support a motion to instruct conferees to remove this repeal. Failure to do so will send a message to our injured U.S. companies and manufacturers that Congress is wearing rose-colored glasses and fails to see or act upon the evils of illegal dumping and foreign subsidies.

MILK INCOME LOSS CONTRACT

Mr. CRAIG. Mr. President, in speaking to conferees this afternoon in relation to the deficit reduction or the budget reconciliation process, this is an issue that, frankly, most Senators probably have not heard all that much about.

Everyone agrees that the reconciliation act, or Deficit Reduction Act, is an attempt by Congress to rein in spending and to build the appropriate budget in this climate. This legislation makes tough cuts in important programs in all areas of Government.

While nearly all programs are taking their lumps—if you will, sucking it up a bit—Congress is, ironically, considering increasing spending in a bill whose sole purpose is to decrease spending.

The Senate's version of the Budget Reconciliation Act, or Deficit Reduction Act, includes a provision renewing the Milk Income Loss Contract Program, also known as the MILC Program, which currently expired in September of this year.

The CBO has scored this renewal in costs to the taxpayers of $1 billion over a 2-year period. In other words, half a billion a year. This deserves much more attention than it got in the Senate. The MILC Dairy Price Support Program was included in the 2000 farm bill to create a permanent direct payment program to the dairy producers. During the farm bill debate, USDA warned that the new program would run counter to the old dairy price support program in place since the 1940s.

Analysis by the USDA in August of 2002 concluded that the MILC Program would cause overproduction, thereby lowering farm prices to producers, forcing the government to purchase the excess until prices stabilized. However, Congress ignored the USDA warning and authorized the program to last until September of 2005, enough time to see dairy producers through the tough times back in 2002.

Now, after over $2 billion in taxpayer-funded programs, some in the Congress have easily forgotten about the agreement to sunset a program. When we sunset a program it is the intent of Congress to conclude it.

Let me give some examples of how distorted it has become if the program is in support and in relation to production in our country. Idaho dairy production is now 4th in the Nation and one of the top economic drivers in the economy of my State. During the 2003–2005 period, Idaho received $39 million in MILC payments, enough to be ranked 12th in total payments received in the program, yet they are fourth in production in the Nation.

In comparison, California received $149 million over the same time, is ranked fifth in total payments and, of course, California is the No. 1 milk producer in the Nation.

There seems to be no relationship. I guess some hands are just too sticky to let money pass just because the law is 3 years old and ready to expire.

My point is this: It is important to understand just what this program does and what the $1 billion for one program means in the overall picture. It has become market distorted. It provides little to no parity to all producers. It encourages inefficient overproduction in milk and it sends the exact opposite signal to our trade negotiators trying to sell the rest of the world on the idea that the United States is willing to cut domestic subsidies and amber box payments.

Regarding the WTO negotiations, our United States Trade Representative and USDA Secretary and many others are currently attempting to negotiate in the latest Doha Round getting started in Hong Kong as we speak. It is clearly important we send a message. It is also important when we sunset a program after having found out it is market distorting, we ought to do just that, instead of pump it up again while we are asking all other programs that are federally expended to reduce their overall expenditures, to reduce the budget deficit and to bring this budget under control.

I hope our conferees, as they negotiate the budget deficit reduction act, or the budget resolution, would decide not to fund the MILC Program, adhere to the sunset provision provided and allow a program to die as this program effectively did by the sunset in September of this year.

Mr. President, I ask unanimous consent to have printed for the RECORD articles in opposition to the MILC Program and also an article from the Wall Street Journal.

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

DECEMBER 1, 2005.

DEAR REPRESENTATIVE: On behalf of the hundreds of thousands of senior citizens we support across America, I urge you to make every effort to be sure that MILC, the now defunct dairy farmer giveaway program is not resurrected through inclusion in Reconciliation, or any other measure. Costing roughly $1 billion (actual outlays could again top $2 billion), a new MILC program, once more propping up inefficient dairy farmers, should have no place in a budget that cuts spending on Medicare, Medicaid, and other key senior programs like LIHEAP. Outdated dairy farmer welfare has no business in what should be a free-market. MILC, and similar government intrusions into the dairy marketplace, cause instability and price spikes. If extended, MILC will once again (as the USDA admits) work in conflict with the federal milk price support system. Worst of all, the oldest and the poorest among us will suffer mightily to pay for the MILC giveaway to a select few dairy farmers.

It would truly be outrageous to create a new MILC program, or worse to have one included in reconciliation just to win passage! Just look at what that nearly $1 billion in MILC giveaway money will buy:

Medicare—The House proposal would cut $5 billion in Medicare funding over five years. The almost $1 billion being proposed for the MILC boondoggle could restore Medicare funding and help provide better health care to some 140,000 elderly Americans.

Medicaid—The House proposal cuts Medicaid spending by $11.4 billion, compared with $4.3 billion in Senate cuts. That $1 billion MILC giveaway could be better used to give over 248,000 of the poorest Americans access to health care through Medicaid.

Low Income Heating Assistance Program or LIHEAP—Through LIHEAP, that wasted $1 billion in MILC money could help some 2,680,965 people cope with sky-rocketing heating bills. It could be their only chance to stay warm this winter.

Student Loans—At a time when student loan programs are being slashed ($14.3 billion in the Senate and $8.8 billion in the House), $1 billion in special interest MILC funding could help our grandchildren attend college at a time when college costs are rising faster than inflation. The House cuts will cost each student up to $5,800 more in interest and fees over the life of their loans.

Food Stamps—Adding the $1 billion in MILC money to this important program that helps feed needy seniors would fully restore the $800 million in Food Stamp funding cut by the House.

We believe the wasteful, expensive MILC program should be left to rest in peace, thus helping to keep needed senior health care and nutrition programs fully funded. As one recent Wall Street Journal Editorial, Milking the Taxpayer notes, the USDA identifies no less than a half-dozen support programs for dairy farmers. We urge you to oppose the same tired old politics of vote trading and ever more pork barrel largesse for just a handful of dairy farmers on the dole. Instead, we urge you to stand up for all of the seniors,

the poor, the needy, the students, and the veterans who will have less, just to fund MILC. As the Journal Editorial says so well, ''Taxpayers have been MILCed enough by this particular boondoggle.''

Please do the responsible thing for all Americans by working to put an end to MILC once and for all. Rewarding inefficiency should never be the function of any government program, even when there are surplus funds to spend. Now, when important health care and nutrition programs are being cut or cancelled, MILC should not be allowed to rear its head again.

Sincerely,

MICHELLE PLASARI,
President, RetireSafe.
JIM MARTIN,
President, 60 Plus Association.

[From the Wall Street Journal, Nov. 14, 2005]

MILKING THE TAXPAYER

It is a sign of just how unmoored from fiscal responsibility the current Congress has become that in the midst of a loud struggle over mostly symbolic budget cuts, the party in power is having trouble even letting dead programs stay dead.

One such program is the Milk Income Loss Contract program—MILC for short, cleverly enough—which passed its sell-by date at the end of September and expired. The House budget bill does not include its revival. But the Senate version reauthorizes MILC, and in 2004 the President promised Wisconsin voters that he would fight for its extension, so its fate lies with the House-Senate conference that will reconcile the two massive budget bills.

MILC was one product of the 2002 farm-subsidy bill, and even by farm-subsidy standards it is perverse. At the time the program was voted into law, Congress asked the Department of Agriculture to study the effects of the various government-support programs on the dairy business. The USDA duly issued its report in August, and for a technical document the report was unequivocal that ''there is a basic incompatibility'' between MILC and other pre-existing dairy subsidy programs. (The USDA report identifies no fewer than a half-dozen support programs for dairy farmers.)

The conflict is this. One of the oldest programs is the milk price-support program, which dates to the Depression-era Agricultural Adjustment Act. Under that program, the government steps in and buys milk when the price falls below a certain level. If that support price is set low enough, it provides some income security to farmers while allowing the market to clear and production to fall to the point where prices can rise again.

Here's where MILC pours in and clouds the picture. MILC makes direct payments to farmers based on their production whenever the milk price falls below a certain level. What's more, MILC kicks in at a much higher level than the price-support program. The effect of this is that production is encouraged by MILC even as prices are falling, which drives the price down toward the support level and prevents the shakeout that the price-support program is intended to allow.

The Agriculture Department found that MILC does in fact artificially depress the price of milk by encouraging overproduction, which is just what you'd expect. Then, through the price-support mechanism, the government winds up buying the milk that MILC encouraged the farmers to produce. Thus, in the Ag Department's dry bureaucratese: ''The price support program and the MILC program provide an example of problems that can be caused by conflicting policy outcomes.''

In short, MILC distorts the market and conflicts directly with other pre-existing subsidy programs. It has also cost close to $2 billion since its inception, nearly twice the $1 billion originally budgeted for it. Letting it expire should have been a no-brainer, not least because dairy farmers still enjoy numerous other forms of government handouts. It was kept alive in the Senate through the exertions of Vermont Democrat Pat Leahy, who isn't known for helping the GOP agenda. With no GOP Senators in either Vermont or Wisconsin, Republicans don't even have a political motive for keeping this subsidy alive.

Two billion dollars over three years may be a drop in the fiscal milk-bucket, but Republican lawmakers used to insist on sunsetting government programs for a reason. Taxpayers have been MILCed enough by this particular boondoggle.

MORNING BUSINESS

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

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

Mr. CRAIG. 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. SUNUNU. 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. SUNUNU. Mr. President, I ask permission to speak in morning business.

The PRESIDING OFFICER. The Senator is recognized for 10 minutes.

PATRIOT ACT REAUTHORIZATION

Mr. SUNUNU. Mr. President, today I come to the floor to speak about the pending reauthorization, extension of the PATRIOT Act, the legislation passed in the wake of the September 11 attacks. This debate is fraught with emotion because we were all outraged at what happened on September 11. Everyone in America and around the world shares a desire to address the threat of global terrorism, to give law enforcement appropriate powers to pursue those terrorists. But we want to make sure in doing so we pass legislation that is in keeping with the principles on which our country was founded—principles of individual liberty and freedom.

Ultimately, this debate about renewing, extending the PATRIOT Act is about police powers, the power that the people, through their elected representatives, give to government, give to agents of government. Whether it is at the State, local, or Federal level, we give certain police powers to government to conduct searches. We give the government power to detain individuals. We give the government power to serve subpoenas, to confiscate records. We do it because we think ultimately it is in the public interest to do so. But just as the Framers recognized, we need to provide a balance, to balance these very forceful, very powerful tools with personal freedom, civil liberty.

So as a result, we require the government, or government agents, to show cause before they conduct a search. We set standards for evidence in a courtroom. They need to meet certain standards of evidence to conduct a search, certain standards of evidence to detain an individual or a suspect. And, of course, we have the principle of due process, trial by jury, and the ability to have an appeal heard in a court of law.

Some people may say: We know that. These are fundamental. These are basic to our system of justice. But it is important that we are reminded of these basic principles if we are going to get the reauthorization and the extension of the PATRIOT Act correct.

This is not a new set of issues. These are the very issues contemplated by the Framers. In many respects, these police powers are issues that alarmed the Framers—and I say alarmed because they were so concerned about the powers of Government and the powers of the State that they wrote specific protections into the Constitution. The fourth amendment, protecting from unreasonable search and seizure, specifically addresses the threshold of probable cause, that the Government shall show probable cause before it conducts search and seizure of personal property.

The fifth amendment protects us from self-incrimination. We have all seen enough Perry Mason to understand what it means to invoke one's rights under the fifth amendment. It speaks specifically about due process and the right to an open, fair due process when one is being prosecuted, whether it is for a criminal act or whether we are prosecuting one of these powers of search and seizure, a power of the State to issue a search warrant.

The sixth amendment speaks specifically about a right to a trial and what it means to have one's case heard before a jury or in a court of law. All of these amendments and others, but these three in particular, speak directly to balancing the rights of individuals and the liberty of individuals with the powers of the State.

The Framers were, quite frankly, very distrustful of Government and the power of the Federal Government. I try to be a little less pessimistic in my work in the Senate, but I must be frank with my colleagues in stating that on this issue, on the PATRIOT Act, I have begun this debate more from a position of mistrust and concern about the work that had been done in preparation for this reauthorization and the position taken by the administration. I will speak to that in a moment, but it is important to note that on the Senate side we had bipartisan agreement and on the Senate side

we had terrific leadership by Senator SPECTER on these issues. He understands this balance probably as well as anyone in the Senate. I do not fault his work as a chairman and certainly not the work of the Senate as a whole, given that we had incorporated a number of protections in our legislation.

The Justice Department began this process well over a year ago, taking the position that we should make all the provisions of the PATRIOT Act permanent and we should not make any changes, we did not need to make any changes. This is legislation that was passed just 6 weeks after September 11. I would not say it was passed in haste, but it was passed during a very difficult and emotional time in our country's history. We had sunsets on 16 provisions in the PATRIOT Act for just that reason. We knew there was a lot of uncertainty as to how this war on terrorism would progress, what tools law enforcement really did need to pursue legitimate terrorist suspects, what we needed to do to get our hands around financial records or other financial transactions that might lead investigators to uncover terrorist cells in America or around the world.

Anyone who understands the legislative process knows that was not a perfect bill, no matter how hard people worked on it. To suggest that when it came time for reauthorization there would be no need for changes I believe suggests a lack of understanding of the process of Congress, the legislative process, and how things get put together on Capitol Hill, or lack of understanding about the substance in the bill, not understanding all the provisions in the bill and how they did in some cases unnecessarily infringe on civil liberties, or perhaps an arrogance that leadership, those who were responsible for providing leadership within the Justice Department, knew they were not abusing any of the provisions in the law so no changes needed to be made. I will speak to that argument shortly, but I think it is very unfortunate.

So when one has this kind of legislation, as sweeping in scope as this is, and suggests when it comes time to deal with these sunset provisions that no changes need to be made, I think shows a lack of substantive reflection on the balance between the police powers of the State I spoke about and civil liberties on the other hand.

Two years ago, I joined with a number of my colleagues in introducing the SAFE Act: Senators DURBIN, SALAZAR, and FEINGOLD on the Democratic side, Senators CRAIG, MURKOWSKI, and myself on the Republican side. We spoke specifically to a few provisions in the PATRIOT Act where we thought we could do a better job of protecting civil liberties.

The 215 section that allows the subpoena of business or library records, the national security letter provision—the national security letter is a sweeping order issued without the approval of a judge that gives investigators access to financial data, to medical data, or to other transaction records; the roving wiretap provision that is necessary because we have new communication technologies that are more mobile than ever but where we still need to do a good job of specifying who the target is of that roving wiretap; delayed search warrants—again, sometimes there is going to be a need for conducting a search warrant before notifying a target so that the investigation is not jeopardized. But we should have specific provisions written in the law for notifying that target after a certain period of time. As it was written, there was no period specified for notification.

Of course, the idea of sunsets is important to civil liberties anytime one is dealing with law enforcement legislation, because a sunset calls on Congress to come back, look at how a law was used, look at how it was implemented, how it affected civil liberties, and make appropriate changes.

I ask unanimous consent to speak for an additional 10 minutes.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I have no objection. I add to that consent that I would then follow the distinguished Senator from New Hampshire on the same subject.

Mr. SUNUNU. I so modify my request.

Mr. ALEXANDER. Reserving the right to object, I ask unanimous consent to follow the distinguished Senator from Vermont.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. SUNUNU. We introduced the SAFE Act to deal with very specific areas where we thought the PATRIOT Act needed to be improved to better protect civil liberties. Some would argue that with the PATRIOT Act, as it has been rewritten, the conference agreement, that there were only a few areas now where there is a disagreement and so we ought to accept it as it is. I make a broad argument, though, that simply because we are conducting shortcuts on civil liberties in only a few areas is simply not an effective argument. I think where civil liberties are concerned, as I illustrated with the Framers' concerns, we ought to do everything in our power to make sure proper protection is provided.

A few key points about the weaknesses that remain in the PATRIOT Act, and with these weaknesses I will not be able to support the final conference report. I certainly will not support moving forward with the conference report, in part because I think these are substantive problems but also because they are problems that should be easily addressed in a reworked conference agreement. The first deals with the business and libraries provision, section 215. In section 215 we have established a very broad standard, too broad a standard, for investigators to get access to sensitive records—whether it is at a business or a library; it makes no difference. The standard is that the records simply be shown as relevant to an investigation. That does not sound inappropriate, but as a legal standard that means records could be subpoenaed that have no direct connection to a particular suspect.

As a result, the records of many innocent Americans, or the burden placed on businesses to continually produce records under this provision is going to be far too onerous.

There is also associated with this provision, this business records subpoena power, a permanent automatic gag order that prevents you from discussing the fact that this order has been issued to you as an individual or your business, and there is no judicial review of that gag order. I think this is a fundamental flaw in this conference report, the idea that you have been served with a permanent gag order to restrict your free speech, to restrict you from talking about that gag order, and it is permanent and you have no ability to appeal it in a court of law.

I would argue that taking your case, your appeal before a judge is fundamental to our system of justice in the United States of America. I would further argue that it in no way undermines law enforcement's ability to conduct an investigation to give the business or the individual the opportunity to appeal that gag order in a court of law. The argument that it might cost a little bit extra is ridiculous in the face of the need to protect individual civil liberties.

The system of judicial review for these section 215 subpoenas simply is not acceptable. Similarly, the system of judicial review on national security letters fails to meet the important test of balancing individual civil liberties. There is a very low threshold for getting a national security letter. It is not approved by a judge. The threshold is merely a ''showing of relevance,'' once again not a direct connection to a suspect, which is very problematic. Moreover, the threshold for overturning the gag order—again a restriction on the ability to even discuss the national security letter—is that you must show bad faith on the part of the Federal Government. That is virtually impossible. No individual, no business served with a national security letter will effectively be able to show bad faith on the part of the Federal Government, and therefore they will never have a national security letter or its accompanying gag order overturned.

To have meaningful judicial review you have to have a meaningful standard, a reasonable standard of showing in that court of law. I think it is fair to say, if we look around the world at different governments' attempts to eviscerate the power of due process, this is one way to do it—to have judicial review, to ''let people have their case in

a court of law,'' but set the standard of evidence or the standard for overturning an egregious decision so high that the government always wins. That is simply not acceptable where American civil liberties are concerned.

Finally, let me turn to a few of the arguments posed or made to individuals, such as Senator LEAHY or Senator FEINGOLD or me, who have brought forward these objections. One argument is what I would describe as a very broad argument, that we need to extend the PATRIOT Act, we need to fight terrorism, we need to make sure we don't undermine the ability of law enforcement in their work to deal with terrorist threats. I agree. Senator LEAHY—I will take the opportunity to speak for my colleague from Vermont. He agrees we need to do all of these things. But that is not a substantive argument for not making these changes he and I support. We are all for fighting terrorism. We are all for extending the PATRIOT Act. I do not oppose the idea of subpoenaing business records or even library records or the idea of a national security letter. What I oppose is having such a powerful government force in place without countervailing protections for civil liberties.

A second argument is one I mentioned earlier: for the Justice Department to say we have not abused any provisions in the current PATRIOT Act so just extend them all as written. It doesn't matter to me whether it is a Democratic administration or Republican administration, the argument that you have not abused a poorly written law is no argument at all for extending and making permanent that poorly written law. If it does not protect civil liberties, we should modify it. We should make sure the protections are there so that no matter who holds the reins of power, in the executive or the legislative or the judicial branches of Government, those freedoms continue to be protected.

A third argument is if we do not move forward, if this bill fails to get a cloture vote this week and it goes back to conference, it will only get worse. Let me get this straight. If you vote against a bill that doesn't adequately protect civil liberties, we are going to take it back to conference and compromise civil liberties even further? I think that is an outrageous argument to make. I think there are some people who are making it, or who have made it, who do not intend it to be taken that way. But I think it is only fair that it be taken that way. That is an inappropriate threat. If the attitude of the conferees is they will further restrict civil liberties if they do not get this poorly written bill passed, then perhaps no law is better.

I do not believe that. I think there ought to be a willingness to make improvements. Again, there are no specific reasons for how these changes that I have described—judicial review of a 215 gag order, a better threshold for overturning an NSL there is no substantive argument that I have heard for how these would undermine law enforcement's ability to pursue terrorists. These arguments simply do not hold up.

Benjamin Franklin, 200 years ago, observed that:

> Those who would give up Essential Liberty to purchase a little Temporary Safety deserve neither Liberty nor Safety.

Those words are as true today as they were over 200 years ago. There is no reason to compromise the right to due process, the right to a judicial review, to fair and reasonable standards of evidence, in the pursuit of our security and the pursuit of terrorists wherever they may be around the world. I think making these changes is reasonable. They are fair.

I have joined with Senator LEAHY in introducing a 3-month extension of the existing PATRIOT Act to ensure that we have plenty of time, in a reasonable and thoughtful way, to make very modest changes that would go a long way toward ensuring this is a better bill, that it is a bill that we can be proud of, and a bill that will protect civil liberties.

I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from Vermont is recognized.

Mr. LEAHY. Mr. President, first, if I might, I wish to compliment my colleague and neighbor from across the Connecticut River, Senator SUNUNU of New Hampshire. He has laid out very clearly and eloquently the reasons we should not be rushed into a bad bill. It is not because any of us here have any love of terrorists. Of course none of us do; no Americans do.

On a September morning 4 years ago, nearly 3,000 lives, American lives, were lost—not in a foreign nation but on our own soil. Our lives as Americans changed in an instant. There is not a person within this Chamber who does not remember exactly where he or she was when they heard the news of the attacks of 9/11. In the aftermath of those attacks, Congress moved swiftly to pass antiterterrorism legislation. We moved as a Congress, as a Senate, as a House—not as Republicans or as Democrats, but as Americans, united in our efforts. The fires were still smoldering at Ground Zero in New York City when the USA PATRIOT Act became law on October 30, 2001, just 6 weeks after the attacks.

I know how hard we worked. I was chairman of the Senate Judiciary Committee at the time. Many of us here in the Senate today worked together in that spirit of bipartisan unity. We resolved to craft a bill that would make us safer as a nation.

Freedom and security are always in tension in our society, especially so in those somber weeks after the attacks. We tried our best to strike the right balance between freedom and security.

The Senator from New Hampshire quoted Benjamin Franklin. As one reads the history of the founding of this Nation and what the Founders went through, his quote stands out so much. Benjamin Franklin, like the other Founders, knew that had our new country not worked, had the Revolution not worked, most of them would have been hanged for trying to break away from our mother country. When he spoke of a people who would give up their liberties for security deserving neither, he knew of what he spoke. And he set a key idea for the fledgling democracy of America, and it is one that I like to think through the generations we have strengthened. During my years in the Senate, I have done everything possible to strengthen that balance to maintain our liberties because if we do not maintain our liberties, at the best we have a false security. It is not a real security.

One of the fruits of the bipartisanship of the PATRIOT Act, in trying to work out this balance, was the sunset provisions. Those key provisions set an expiration date of December 31, 2005, on certain Government powers that had great potential to affect the civil liberties of the American people. We are just weeks away from that date now.

Some may wonder how these sunset provisions worked their way into the PATRIOT Act. They were put there by the Republican leader of the House, Dick Armey of Texas, and myself. We have entirely different political philosophies, but we agreed on one thing: If you are giving great powers to our Government, you want to make sure there are some strings attached. It makes no difference whether it is a Republican administration or a Democratic administration, you want to make sure there are strings attached. Leader Armey and I insisted on these sunsets to ensure that Congress would revisit the PATRIOT Act within a few years and consider refinements to protect the rights and liberties of all Americans more effectively, and we prevailed on that point.

Sadly, the administration and some in the leadership in the House and Senate have squandered key opportunities to improve the PATRIOT Act. The House-Senate conference report filed last week by Republican lawmakers falls short of what the American people expect and deserve from us. The bipartisan Senate bill, which the Senate Judiciary Committee and then the Senate adopted unanimously, struck a better balance.

If I might, I wish to compliment the chairman of the Senate Judiciary Committee, Senator ARLEN SPECTER, the senior Senator from Pennsylvania, and those Republicans and Democrats in this body who worked with him, as I did, to put together a fair and balanced bill which was able to go through our committee, which is sometimes heavily divided on issues. Instead, it went through the Judiciary Committee unanimously and passed the Senate unanimously. We worked together on that because we understand that the

reauthorization of the PATRIOT Act has to have the confidence of the American people.

Think for a moment. Governments can limit the rights of the people in their countries really in only two ways: they can do it by force of arms, by oppression and repression, as we have seen with totalitarian governments, or, if they have done it right, they can do it with the consent of the governed.

As we are limiting some of these rights, as we are giving greater powers to our Government, we want to do it in a way where the American people—all of the nearly 300 million people in this great country—would have confidence in what we have done, because we do not enforce our laws in this country by force of arms, by dictatorship; we do it with the consent of the governed.

I believe what we passed in the Senate and in the Senate Judiciary Committee would have the confidence of the American people. But now we have pushed forward and changed that to flawed legislation which will not have that confidence and respect of the American people. The Congress should not rush ahead to enact flawed legislation to meet a deadline that is within our power to extend. We owe it to the American people to get this right. America can do better than this flawed legislation.

The way forward to a sensible, workable, bipartisan bill is clear. It is very clear, as Senator SUNUNU said on the floor earlier this morning and as I have suggested. Yesterday, Senator SUNUNU and I introduced a bill to extend the sunset for the expiring PATRIOT Act powers until March 31, 2006. Give us until March 31 to get this right, give us until March 31 to have a bill that would have not only the respect of the American people but especially the confidence of the American people. Our laws work if we have confidence in them, and they fail if we do not have confidence in them.

In offering this bill, Senator SUNUNU and I have been joined by Senators CRAIG, ROCKEFELLER, MURKOWSKI, KENNEDY, HAGEL, LEVIN, DURBIN, STABENOW, SALAZAR, and others. It is a bipartisan effort to extend this deadline. A deadline which Congress imposed to ensure oversight and accountability should not now become a barrier to achieving bipartisan compromise and the best bill we can forge together.

This is a vital debate. It should be. These are vital issues to all Americans. If a brief extension is needed to produce a better bill that would better serve all of our citizen then by all means, let us give ourselves that time. We want to give tools to prosecutors. I spent 8 years of my life as a prosecutor. Some of the finest people on my staff are former prosecutors. We know the needs, especially in the electronic age. But we can do better, and America can do better if given the time.

I thank Senator SUNUNU and all of our cosponsors in coming together in a bipartisan way to advance what is a commonsense solution.

I ask unanimous consent to have printed in the RECORD some recent editorials on this matter.

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

[From the Washington Post, Dec. 12, 2005]

A BETTER PATRIOT ACT

The conference report on the USA Patriot Act reauthorization bill contains one major improvement over the previous version and a few minor ones. The new bill contains strong ''sunset'' provisions, under which the three most controversial provisions would lapse again after four years, not the seven of the earlier draft. This is no small win for civil liberties. The sunset provisions in the original Patriot Act have given Congress leverage over the past few years to extract information from an administration not known for openness concerning its use of the powers Congress gave it. Insisting that the administration justify itself again relatively soon ensures that Congress will be able to adjust and refine the law as need be.

Yet the conference report remains far from perfect. A bipartisan group of senators is still objecting that it does too little to protect civil liberties, and they are threatening a filibuster, though it is not clear whether they have the votes to sustain one. Some of the changes they are seeking are reasonable and constructive. While the bill does not contain the worst excesses of the House version, which was larded with irrelevant and often terrible policy changes, it still has a fair number of extraneous sections. Some are silly, some ugly.

What makes all this so frustrating is that a consensus bill was surely possible. Indeed, it happened. The Senate version of the bill passed on a unanimous vote, representing broad agreement to grant government authorities the powers they legitimately need while ensuring accountability in their use—and it didn't contain a raft of irrelevant laws unrelated to intelligence. The members balking at the current bill would do a service if they forced a cleaner, more accountable Patriot Act reauthorization.

Debate over the conference report has focused on a narrow array of civil liberties issues, all quite technical. The rhetoric from civil libertarians makes the stakes here seem greater than they really are. The differences between the various proposals are not huge in practical terms. They are, however, significant. The conference report contains weaker controls on secret warrants for business records in national security cases than the Senate bill did. It also does too little to get a handle on the use of national security letters—a form of administrative subpoena that the FBI uses in national security cases to obtain records of certain business transactions. These problems are not unsolvable, and it's hard to believe the government is today getting much data through uses of these powers that would be forbidden were they written more accountably.

What's more, sift through the bill and you'll find provisions dealing with tobacco smuggling, establishing civil immunity for folks who donate firefighting equipment to fire departments, establishing new crimes—some punishable by death—related to marine navigation, creating a new national security division in the Justice Department, letting Secret Service forensics experts help out in finding missing kids, combating methamphetamine abuse and making life more miserable for people challenging state convictions in federal court. None of this, needless to say, has much to do with protecting America from al Qaeda.

The Patriot Act cannot be allowed to lapse at year's end, and the current bill is much improved over earlier versions. But it could still be a lot better. Precisely because the administration cannot afford to let its powers expire, further improvement should still be possible.

[From the Fresno Bee, Dec. 12, 2005]

TAKE THE TIME

FRESNO, CA.—Barring an unlikely successful filibuster, the USA Patriot Act is likely to be renewed this week, mostly in the form it was given in 2001. That's when Congress, in the wake of the Sept. 11 terrorist attacks, rushed to give law enforcement broader powers of investigation. That's still justified up to a point. Law enforcement and intelligence agencies should not be hamstrung, for instance, by a now-lapsed ban on sharing information.

But it's risky to give blanket authority to government agencies to bypass the courts, as this law partly does. It's too tempting to look into every nook and cranny just to be sure there isn't something amiss there.

After lengthy debate behind closed doors, a House-Senate conference committee agreed on compromise language that congressional negotiators say will include more protection for individuals. But if that's true, why do six senators—three Democrats and three Republicans—still oppose the measure? (One of them—Democrat Russ Feingold of Wisconsin, the only senator to vote against the original law—is threatening to filibuster the revised version on the Senate floor.)

The principal objection of these lawmakers, and those of us who cherish individual liberty, is that the law sets too low a threshold for justifying the need to examine private records, including medical, financial and employment. And they are not persuaded—nor are we—that requiring authorities to show that their investigation has some relevance to an anti-terror investigation is enough.

These secret searches should be limited to specific individuals and not be so broad as to allow ''fishing expeditions.''

Supporters of the revised law say action is necessary now because 16 provisions of the original act are set to expire Dec. 31. That's true. But there's a way to avoid undue haste without tying the hands of law enforcement: Adopt a proposal by Sen. Patrick Leahy, ranking Democrat on the Judiciary Committee, to extend the law for three months, allowing time for public debate on a law that could be used as much to harm individuals as to catch terrorists.

The compromise bill would make all but two of the 16 expiring provisions permanent. The other two are to be extended for only four years, rather than the 10 years sought by House Republicans. That's small comfort to those whose privacy will be at risk in the meantime.

House Judiciary Chairman James Sensenbrenner, a proponent of quick action, claims it's needed to aid law enforcement in detecting terrorists before they strike. But that sense of urgency extends only so far. Former members of the 9/11 Commission have just scorched Congress and the White House for failing to protect the country in many ways, including the misallocation of resources to states or localities based on political clout instead of risk.

Americans would be no less safe if Congress were to postpone a final vote and allow time for an open and honest debate.

[From the Kansas City Star, Dec. 12, 2005]

MORE TIME NEEDED TO FORGE BETTER BILL

KANSAS CITY, MO.—A shaken Congress passed the Patriot Act with almost no debate in the wake of the 2001 terrorist attacks.

Since then politicians across the spectrum have joined librarians, city councils and other groups in raising alarms about the law's intrusions on the privacy of American citizens.

With the act set to expire Dec. 31, lawmakers are scrambling to reach a compromise that would allow most of the provisions to be renewed permanently. Time is short, but it's essential for Congress to give Americans a better balance between national security and civil liberty.

The House and Senate this week will consider a compromise agreement reached by negotiators. The package makes a good-faith attempt to address some of the problems. But it continues to give law enforcement agencies too much leeway to search people's homes and examine their records without first obtaining permission from judges.

Provisions in the proposed law instruct judges to presume federal agents' requests for records are valid, unless the targeted people can prove the government acted in bad faith. That places citizens at a serious disadvantage. Judicial oversight doesn't mean much if the judges merely serve as rubber stamps for law enforcement agents.

The compromise also does little to curb the burgeoning use of ''national security letters,'' which the FBI uses to make sweeping requests for records from libraries, telephone companies and Internet providers.

Former Attorney General John Ashcroft used to sneer and scoff at librarians who raised concerns about these requests, implying they were rare. But The Washington Post has reported that the FBI issues 30,000 such letters a year.

Senators from both political parties are raising valid concerns about the proposed new law. Democratic Sen. Patrick Leahy proposed renewing the existing act for 90 days to give lawmakers more time to write a better bill.

Leahy's idea has merit. National security and individual freedoms are too important to be compromised in haste.

[From the Morning Call, Dec. 12, 2005]

THE WAR ON TERRORISM

ALLENTOWN, PA.—An unusual coalition of conservatives and liberals, along with the U.S. Chamber of Commerce and the American Civil Liberties Union, merits attention. It's rare for groups so far apart along the usual political spectrum to agree on something. But they are united in their concern that a compromise reached by Senate and House negotiators Thursday won't sufficiently protect Americans' civil liberties. They have reason for concern.

Sen. Arlen Specter, the Republican chairman of the Senate Judiciary Committee, said the compromise legislation is ''not a perfect bill, but a good bill.'' House and Senate negotiators came up with a plan to permanently extend 14 of 16 provisions set to expire at the end of the year. Of particular note: When a law enforcement agent seeks access to records, by order of a secret court established under the Foreign Intelligence Surveillance Act, the agent must provide a ''statement of fact'' proving it is relevant to an anti-terrorism investigation.

But the coalition's concerns about fishing expeditions got a boost last week when a bipartisan group of six senators issued a statement critical of the compromise: Republican Sens. Larry E. Craig of Idaho, John E. Sununu of New Hampshire and Lisa Murkowski of Alaska, and Democratic Senators Russell D. Feingold of Wisconsin, Richard J. Durbin of Illinois and Ken Salazar of Colorado.

The primary concern is that restrictions in the Patriot Act haven't gone far enough since its passage in the wake of 9/11 to prevent government officials from going on so-called ''fishing expeditions.'' The Washington Post reported in October that the FBI used provisions of the act regarding records-gathering to annually issue more than 30,000 specialized subpoenas, or national security letters, seeking information from businesses.

The letters don't require the government to demonstrate a link between the information being sought and a suspected terrorist. They only attest that the records sought are relevant to a terror investigation. This provision of the Patriot Act must be tightened before the anticipated House and Senate votes this week.

Or, if such an agreement cannot be reached, both chambers should take the advice of Sen. Patrick J. Leahy of Vermont. The ranking Democrat on the Judiciary Committee, who didn't agree to the compromise, has proposed a three-month extension of the Patriot Act, past its year-end expiration date.

Sen. Feingold, the only senator to vote against the original legislation in 2001, has threatened to filibuster the bill extending Patriot Act provisions because it lacks sufficient safeguards to protect constitutional freedoms. Sixty votes would be required to block a vote on final Senate passage.

A three-month extension is preferable, however, to a bitter partisan battle on the Senate floor.

[From the Times Union, Dec. 12, 2005]

TRUE PATRIOTS

ALBANY, NY.—There's scant comfort in the compromise reached by House-Senate conferees late last week on renewing the USA Patriot Act. While it is welcome news that House negotiators failed in their attempt to have the most controversial provisions of this law extended for seven years, rather than four, as the Senate insisted upon, and which is now part of the compromise, there is no justification to put basic civil liberties at risk for even four minutes, let alone four years.

Fortunately, a bipartisan group of six senators is vowing to filibuster the accord, which is scheduled to be voted upon this week. They are the true patriots. Their demands are hardly burdensome. To the contrary, they want any final legislation to include checks and balances against possible abuse of power by government agencies acting under the surveillance powers of the Patriot Act. That means some monitoring of, say, FBI demands for reading, financial and other personal information on American citizens. Former Rep. Bob Barr of Georgia, who now heads a group called Patriots to Restore Checks and Balances, sums up the issue this way:

''Lawmakers could have easily fixed these controversial record search provisions by simply adopting the Senate-passed amendment to Section 215, requiring the government to show a connection between records sought and a suspected foreign terrorist, and by applying a similar requirement to the NSL (National Security Letters) powers. The decision of some lawmakers to rush this flawed Patriot Act legislation to a vote may allow them to leave a little earlier for the holidays this year, but it will also leave the civil liberties of their constituents in jeopardy for years to come.''

Supporters of the compromise argue that it does offer safeguards against government abuses by requiring some judicial overview. But a close reading of these oversight requirements shows that investigators would have no trouble meeting the loose standards for initiating searches.

No one, least of all Mr. Barr, is suggesting that the government shouldn't be able to track down suspected terrorists. But the broad surveillance powers granted under the Patriot Act open the way for possible abuses, such as collecting information on law-abiding Americans without notifying them or allowing them the opportunity to challenge the searches.

Sen. Patrick Leahy, D-Vt., who refused to sign the compromise, suggests a reasonable solution: Rather than rush the vote, extend the current act for three months and use the extra time to forge a better bill. ''We owe it to the American people to get this right,'' Sen. Leahy says. It's a debt that should not be taken lightly.

[From the Sacramento Bee, Dec. 11, 2005]

PATRIOT ACT RENEWAL: TAKE TIME TO DO IT RIGHT

SACRAMENTO, CA.—Barring an unlikely successful filibuster, the USA Patriot Act is likely to be renewed this week, mostly in the form it was given in 2001. That's when Congress, in the wake of the 9/11 terrorist attacks, rushed to give law enforcement broader powers of investigation. That's still justified up to a point. Law enforcement and intelligence agencies should not be hamstrung, for instance, by a now-lapsed ban on sharing information.

But it's always risky to give blanket authority to government agencies to bypass the courts, as this law partly does. It's too tempting to look into every nook and cranny just to be sure there isn't something amiss there.

After lengthy debate behind closed doors, a House-Senate conference committee agreed on compromise language that congressional negotiators say will include more protection for individuals. But if that's true, why do six senators—three Democrats and three Republicans—still oppose the measure? (One of them—Democrat Russ Feingold of Wisconsin, the only senator to vote against the original law—is threatening to filibuster the revised version on the Senate floor.)

The principal objection of these lawmakers, and of civil libertarians, is that the law sets too low a threshold for justifying the need to examine private records, including medical, financial and employment. And they are not persuaded—nor are we—that requiring authorities to show that their investigation has some relevance to an anti-terror investigation is enough. Instead, these secret searches should be limited to specific individuals and not be so broad as to allow ''fishing expeditions.'' That has happened before and almost surely will again.

Supporters of the revised law, mainly House Republicans and the White House, say action is necessary now because 16 provisions of the original act are set to expire Dec. 31. That's true. But there's a simple way to avoid undue haste without tying the hands of law enforcement: Adopt a proposal by Sen. Patrick Leahy, ranking Democrat on the Judiciary Committee, to extend the law for three months, allowing time for public debate on a law that could be used as much to harm individuals as to catch terrorists.

The compromise bill would make all but two of the 16 expiring provisions permanent. The other two are to be extended for only four years, rather than the 10 years sought by House Republicans. That's small comfort to those whose privacy will be at risk in the meantime.

House Judiciary Committee Chairman James Sensenbrenner, a proponent of quick action, claims that's needed to aid law enforcement agencies ''in the detection, disruption and dismantling of terrorist cells before they strike.'' Yet such a sense of urgency seems to extend only so far on Capitol Hill. Former members of the 9/11 Commission

have just scorched both Congress and the White House for failing to protect the country in a variety of ways, including the misallocation of resources to states or localities based less on risk than on political clout.

Americans would be no less safe if Congress were to postpone a final vote and allow time for an open and honest debate.

[From the Brattleboro Reformer, Dec. 10, 2005]

REPEALING PATRIOTISM

BRATTLEBORO, VT.—At some future date, when sanity perhaps returns to our nation, historians will look back at the Patriot Act and put it in the same category as other assaults on our civil liberties, such as John Adams' Alien and Sedition Act, Abraham Lincoln's suspension of habeas corpus during the Civil War or Franklin Roosevelt's internment of Japanese-Americans during World War II.

On Oct. 26, 2001, President Bush signed the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism (USA PATRIOT) Act. The House of Representatives passed this grab bag of police-state tactics by a 357–66 vote with almost no debate.

Wisconsin Democrat Russ Feingold was the only senator to vote no. At the time, Feingold called the Patriot Act a ''truly breathtaking expansion of police power.''

A fearful Congress was stampeded into approving, almost sight unseen, one of the broadest assaults on civil liberties in our nation's history. Despite assorted court challenges, the expansion of police power continues—an expansion which has done little to capture the masterminds of the Sept. 11 attacks or to prevent future attacks. But this expansion has done much to undermine our hard-won Constitutional rights.

What has happened to our legal rights since then? Here's a refresher:

You've lost your freedom of association. The federal government can now monitor the doings of religious and political organizations, even if there's no reason to suspect that illegal activity is going on.

You've lost your freedom from unreasonable searches. The federal government may search and seize your papers and effects without probable cause and without a court warrant. It can also question librarians and booksellers about your reading habits, and threaten them with jail if they reveal to anyone that you're being investigated.

You've lost your right to a speedy and public trial. The federal government can now jail you indefinitely without you being charged with a crime and can do so without holding a trial and without allowing you to confront your accusers. This is what you can expect if you are deemed to be a ''terrorist'' or are deemed to be ''assisting a terrorist group.'' The definition of ''terrorist'' and ''terrorist group'' is purely up to the government, of course.

You've lost your right to legal representation. Conversations between attorneys and clients can now be monitored in federal prisons. That is, if you're fortunate enough to have an attorney. The federal government now has the right to deny you legal representation too.

In short, the federal government can arrest virtually anyone it deems to be a danger to national security, even without a formal criminal charge, and jail them indefinitely. It can deny you a lawyer or even a trial, public or secret. And all of this can happen without your family or friends and relatives ever knowing what happened.

This is what the so-called war on terrorism has done to our Constitutional rights. This is why the current debate in Congress over extending the provisions of the Patriot Act is important.

To keep the Patriot Act as it is means more secrecy, more disinformation and more repression. It is quite frankly, un-American. It is behavior straight out of a totalitarian state; tactics not worthy of the world's greatest democracy.

The average American thinks he or she is safe. But history has shown us that when a regime has absolute power, it's only a matter of time before anyone and everyone is subject to official intimidation and attack.

Security and ''fighting terrorism'' are not suitable pretexts for destroying more than two centuries of American jurisprudence. The rule of law as enshrined in the Constitution is supposed to still mean something in America.

It's time to demand that Congress and the Bush administration respect our civil liberties. There shouldn't be a discussion to modify or extend the Patriot Act.

Instead, Congress should be working to repeal it.

Mr. LEAHY. Mr. President, I thank the distinguished Senator from Tennessee for his willingness to allow me to go forward at this time. I know he has been sitting here patiently. I thank him, and I yield the remainder of time.

The PRESIDING OFFICER. Under the previous order, the Senator from Tennessee is recognized for 10 minutes.

Mr. ALEXANDER. Thank you, Mr. President.

IMMIGRATION

Mr. ALEXANDER. Mr. President, the majority leader has said that after the first of the year we would turn our attention to immigration, and well we should. Some estimates show that 10 to 20 million people living in the United States may be here illegally. Whatever one may think about immigration, one has to start with the idea that our Nation is based on a few principles, and one of the most important of those principles is the rule of law. This is a problem we need to address and the American people have a right to demand we address. The buck stops here. This is not something Governors can deal with or school districts can deal with. It stops here.

Not long ago in Nashville I gave a speech in which I attempted to say I believe there are three parts to a comprehensive solution to immigration, the kind of comprehensive solution President Bush has talked about. Part No. 1 is border security. I had no more said the words ''border security'' than the whole room rose and began to applaud; they were not interested in the rest of the story. I would like to say a word today about the rest of the story, what our immigration debate needs to include in addition to border security.

Let me turn to a lesson we are learning from across the ocean, from Great Britain and France. Last month, the British Government instituted a citizenship test that immigrants to Britain must pass before becoming British citizens. When he announced a number of related measures regarding British citizenship last August, Prime Minister Tony Blair said:

> People who want to be British citizens should share our values and our way of life.

These new rules were spurred by the terrorist attack in London last July in which four young men, three of whom were British-born children of Pakistani immigrants and the fourth who was a Jamaican immigrant, bombed the London subway system. In addition to taking new security precautions, the British Government recognized the need to ensure that immigrants to their country, and especially those who become citizens, integrate into British society and demonstrate loyalty to their newly adopted homeland.

France is similarly facing a period of self-examination on integrating immigrants and the children of immigrants following the 2-week violent civil unrest that spread across many of France's poor suburbs last month. That violence resulted in 126 policemen being injured, 9,000 cars burned, and $250 million in damages, according to the French Government.

Like their British neighbors across the English Channel, the French are trying to figure out how to integrate this dissatisfied population—the children of Muslim immigrants—into French society. According to the French Ambassador:

> [T]hese teenagers feel alienated and discriminated against both socially and economically. They don't want to assert their differences. They want to be considered 100-percent French.

We should learn a lesson from our friends across the ocean. As we in the Senate begin to debate our immigration policy next month in the Senate, we would be wise to consider their quandary. Too often discussions on immigration reform begin and end with securing our borders. Securing our borders is step No. 1, but there are two additional, essential steps to any comprehensive solution to our immigration problems.

Step No. 2, once we have secured our borders, is to create a lawful status for those whom we welcome to work here and those we welcome to study here. We should remember who we are. This is a nation of immigrants. President Franklin D. Roosevelt began one of his addresses, ''My fellow immigrants.'' Once we secure the borders, once we deal with the rule of law problem, we need then to remember step No. 2, which is that we have millions of people whom we welcome to work here in all aspects of our society. They need a legal status that respects our rule of law. We welcome the 572,000 foreign students who come here to study. We hope many of them stay here. They are helping to create a higher standard of living for us. If they go home they become ambassadors for American values. Recently, Dr. Steven Chu, an American who was the cowinner of the 1997 Nobel prize in physics, pointed out to me that 60 percent of Americans

who have won the Nobel Prize in physics are immigrants or the children of immigrants.

That is a second point—a lawful status for workers, and a lawful status for students and researchers, whom we want to come here. We want them here because their being here helps raise our standard of living.

The third part that is essential to comprehensive immigration reform is an examination of how we help new immigrants to this country become American.

In short, we need to have a discussion about fulfilling the promise to the national motto that is right above the head of the Presiding Officer: E pluribus unum; from many, one. How do we do that? We do that by reminding ourselves that while we have all of this magnificent diversity in this country, that is not our greatest accomplishment. Our greater accomplishment is that we have turned that magnificent diversity into one nation; that while we are proud of where we came from, we are prouder of where we are. We are united by principles, not race. We are united by a common language, English, and by our history of constantly struggling to reach high ideals which our Founders set for us as a nation.

We welcome new immigrants to join in that struggle toward becoming Americans. We have an advantage, therefore, over our European friends. We have been doing this through our whole history. We are unique in our world in our attitude toward welcoming others. We are different because under our Constitution, becoming an American can have nothing to do with ancestry. America is an idea, not a race.

One can see that in the various naturalization ceremonies which occur in courthouses all around this country, as new citizens raise their hands and take an oath that George Washington first administered to his officers at Valley Forge when he declared that he had no allegiance or obedience to King George III, and he renounced, refused, and abjured any allegiance or obedience to him, and swore he would support, maintain, and defend the United States. That is what George Washington and his officers said. That is the standard for every American citizen who comes to this country.

Once we secure our borders, once we establish a lawful status for workers and for students we welcome here, then we should set about helping prospective citizens become American.

Senator CORNYN and I have introduced a bill that we hope will be included as part of comprehensive immigration reform legislation. Our bill, the Strengthening American Citizenship Act, would do the following: provide $500 grants for English courses; allow prospective citizens who become fluent in English to apply for citizenship 1 year early; provides for grants to organizations for courses in American history and civics, and authorize the creation of a foundation to assist in those efforts; codify the oath of allegiance that George Washington gave to his officers and took himself, and which is substantially administered to every new citizen today; direct the Department of Homeland Security to carry out a strategy to highlight the moving ceremonies in which immigrants become American citizens; and establish an award to recognize the contributions of new citizens to our great Nation.

Real immigration reform must encompass all three important steps: First, securing our borders. Second, a legal status for guest workers and guest students. Third, I hope I have reminded us of the importance today of remembering that motto we see when we are here in the Senate chamber that indispensable to immigration reform is helping prospective citizens become American.

HIGHER EDUCATION

Mr. ALEXANDER. Mr. President, I ask unanimous consent to have printed in the RECORD a statement I made to the Secretary of Education's Commission on the Future of Higher Education on December 9, 2005, in Nashville.

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

A NATIONAL DIALOGUE: THE SECRETARY OF EDUCATION'S COMMISSION ON THE FUTURE OF HIGHER EDUCATION

Thank you for the time you are giving to this Commission's work, and thank you for inviting me to testify.

I've seen higher education from many sides, so I'm sometimes asked, ''What's harder: being governor of a state, a member of a president's cabinet, or president of a university?''

My answer is: ''Obviously, you've never been president of a university, or you wouldn't ask such a question.''

I have six suggestions for recommendations you might make.

First, I hope you will urge the Administration that appointed you to make the National Academies' ''Augustine Report'' a focus of the President's State of the Union address in January and of his remaining three years in office.

This 20-point, $10 billion a year report is the National Academies' answer to the following question that Senator Pete Domenici, Senator Jeff Bingaman and I posed to them in May: ''What are the ten top actions, in priority order, that federal policy makers could take to enhance the science and technology enterprise so the United States can successfully compete, prosper and be secure in the global community of the 21st century?'' The report was written by a distinguished panel of business, government, and university leaders headed by Norm Augustine, former CEO of Lockheed Martin.

As 2005 ends, we Americans—who constitute just five percent of the world's population—will once again produce nearly thirty percent of the world's wealth.

Most of this good fortune comes from the American advantage in brainpower: an educated workforce, and our science and technology. More Americans go to college than in any country. Our universities are the world's best, attracting more than 500,000 of the brightest foreign students. No country has national research laboratories to match ours. Americans have won the most Nobel Prizes in science, and have registered the most patents. We have invented the internet, the automobile and the computer chip, television and electricity. From such advances have come a steady flow of the world's best paying jobs.

As one scientist has said, we don't have science and technology because we're rich. We're rich because we have science and technology.

Yet I am worried that America may be losing its brainpower advantage. Most Americans who travel to China, India, Finland, Singapore and Ireland come home saying, ''Watch out.''

The Augustine panel found I am right to be worried:

Last year, China trained 500,000 engineers, India 200,000, while the U.S. trained 70,000.

For the cost of one chemist or engineer in the U.S., a company can hire five chemists in China or 11 engineers in India.

China is spending billions to recruit the best Chinese scientists from American universities to return home to build up Chinese universities.

They also found signs that we are not keeping up:

U.S. 12th graders performed below the international average of 21 leading countries on tests of general knowledge in math.

In 2003, only three American companies ranked among the top 10 recipients of new U.S. patents.

Of 120 new chemical plants being built around the word with price tags of $1 billion or more, one is in the U.S. and 50 are in China.

Among the Augustine Report's twenty recommendations were:

Recruit 10,000 new science and math teachers with four year scholarships and train 250,000 current teachers in summer institutes.

Triple the number of students who take Advanced Placement math and science exams.

Increase federal funding for basic research in the physical sciences by 10 percent a year for seven years.

Provide 30,000 scholarships and graduate fellowships for scientists.

Give foreign students who earn a PhD in science, engineering and computing a ''green card'' so they can live and work here.

Give American companies a bigger research and development tax credit so they will keep their good jobs here instead of moving them offshore.

Some may wince at the $10 billion a year price tag. I believe that the cost is low. America's brainpower advantage has not come on the cheap. This year, one-third of state and local budgets go to fund education. Over fifty percent of American students have a federal grant or loan to help pay for college. The Federal government spends nearly $30 billion per year this year on research at universities, and another $34 billion to fund 36 national research laboratories.

Just this year, Congress has authorized $75 billion to fight the war in Iraq, $71 billion for hurricane recovery, $13 billion in increased Medicaid spending and $352 billion to finance the national debt. If we fail to invest the funds necessary to keep our brainpower advantage, we'll not have an economy capable of producing enough money to pay the bills for war, Social Security, hurricanes, Medicaid, and debt.

Aside from the war on terror, there is no greater challenge than maintaining our brainpower advantage so we can keep our good paying jobs. That is the surest way to keep America on top.

Second, I suggest that you recommend that Presidents of the United States appoint a lead advisor to coordinate all of the federal government responsibilities for higher education.

My greatest regret as U.S. Education Secretary was that I did not volunteer to be that lead person. Secretary Spellings, with the appointment of this commission, has assumed at least some of that responsibility. But the authority of the Secretary of Education over higher education is somewhat like the authority of the U.S. Senate Majority leader or a university president: overestimated. Almost every agency of the federal government has something to do with higher education, tens of billions of taxpayer dollars are invested every year and someone should be looking at all of this in a coordinated way.

Third, I urge you to join me on the bandwagon for deregulation of higher education.

The greatest threat to the quality of American higher education is not underfunding, it is overregulation. The key to the quality of our higher education system is that it is not a system. It is a marketplace of 6,000 autonomous institutions. Yet, thanks largely to the last two rounds of the federal Higher Education Act, each one of our 6,000 higher education institutions that accepts students with federal grants and loans must wade through over 7,000 regulations and notices. The President of Stanford has said that seven cents of every tuition dollar is spent on compliance with governmental regulations.

Fourth, I urge the Congress to overhaul the Medicaid program and free states from outdated federal court consent decrees so that states may properly fund colleges and universities.

You have two charts before you that tell the story. Nationally, during the five year period from 2000 to 2004, state spending for Medicaid was up 36 percent, while state spending for higher education was up only 6.8 percent. As one result, tuition was up 38 percent.

The story in Tennessee was worse. Medicaid spending was up 71 percent, while higher education was up only 10.5 percent, and tuition was up 43 percent.

By the way, during this same four year period, federal spending for higher education was up 71 percent.

When I left the governor's office in 1987, Tennessee was spending 51 cents of each state tax dollar on education and 16 cents on health care, mainly Medicaid. Today it is 40 cents on education and 26 cents on health care, mainly Medicaid.

To give governors and legislatures the proper authority to allocate resources, Congress should give states more authority over Medicaid standards and more ability to terminate outdated federal court consent decrees that remove decision-making authority from elected officials.

Fifth, I hope you will put a spotlight on the greatest disappointment in higher education today: Colleges of Education.

''At a time when America's schools face a critical demand for effective principals and superintendents, the majority of programs that prepare school leaders range in quality from inadequate to poor.'' Those are not my words, but those of a new report by Arthur Levine, the President of Teachers College, Columbia University. Or ask Richard Light, the Harvard professor, who is working with university presidents trying to find and inspire a new generation of leaders for our colleges of education. Sometimes colleges of education are even roadblocks to the very reforms they ought to be championing. In 1983, when I asked colleges of education to help me find a fair way to pay teachers more for teaching well (which not one state was doing at the time), they said it couldn't be done. So we invented our own system for thousands of teachers, with virtually no help from the very people who are in business to figure out such things. And still today, despite the good work of Governor Hunt and others, the lack of differential pay is the major obstacle to quality teaching.

Finally, I hope you will put a spotlight on the greatest threat to broader public support and funding for higher education: the growing political one-sidedness which has infected most campuses, and an absence of true diversity of opinion.

To describe this phenomenon, allow me to borrow some words from the past which may sound familiar to your chairman, Charles Miller, who was once Chairman of the Board of regents of the University of Texas: ''systematic, persistent and continuous attempts by a politically dominant group to impose its social and educational views on the university.'' This was what the American Association of University Professors (AAUP) called it in its censure of Texas Governor Pappy O'Daniel's Board of Regents when the Board fired University of Texas President Homer Rainey in the 1940's. This is reported in Willie Morris' book, North Toward Home. Then the AAUP was talking about one-sidedness imposed by the right, instead of by the left—but political one-sidedness is political one-sidedness, no matter from what direction it comes.

There is more to this charge of one-sidedness than the academic community would like to admit. How many conservative speakers are invited to deliver commencement addresses? How many colleges require courses in U.S. history? How many even teach Western Civilization? How many bright, young faculty members are encouraged to earn dissertations in the failures of bilingual education, or on the virtues of vouchers or charter schools?

I am not surprised that most faculties express liberal views, vote Democratic and that most faculty members resist authority. That is the nature of most university communities. But I am disappointed when true diversity of thought is discouraged in the name of a preferred brand of diversity. This one-sidedness is not good for students. It is not good for the pursuit of truth. And it undermines broad public support for higher education. The solution to this political rigidity lies not in Washington, D.C., but in the hands of trustees, deans and faculty members themselves.

Last year Senator Kay Bailey Hutchison of Texas invited former Brazilian President Fernando Henrique Cardoso to join a small group of U.S. Senators in the Majority Leader's office for a discussion. Dr. Cardoso was completing a residency at the Library of Congress.

''What memory of the United States will you take back to your country?'' Senator Hutchison asked Dr. Cardoso.

''The American university,'' he replied immediately. ''The uniqueness, strength and autonomy of the American university. There is nothing like it in the world.''

I salute Secretary Spellings and this Commission for undertaking to preserve and improve higher education, America's secret weapon for its future success. In coming to your conclusions, I hope that you will urge the President to adopt the Augustine Report and to designate a lead advisor for higher education, that you will jump on the bandwagon to deregulate higher education and preserve its autonomy, that you will urge Congress to overhaul Medicaid and federal court consent decrees so states can properly fund higher education, and that you will urge trustees to revamp Colleges of Education and ensure a campus environment that honors true diversity of opinion.

Mr. ALEXANDER. Mr. President, Secretary Spellings has appointed this commission to look at the future of higher education. Other than the war against terror, keeping our brain power advantage so we can create new jobs here in the United States and keep our jobs from going to China, India, Finland, and Ireland, is the biggest challenge we face as a nation.

I made a statement before the Commission on the Future of Higher Education that it adopt the recommendations of the National Academies' ''Augustine Report'' and urge the President to make it a focus of his State of the Union Address. The report recommends 20 steps to keep that brain power advantage, and was written by a distinguished panel of business, government, and university leaders headed by Norm Augustine, former CEO of Lockheed Martin.

I also urged the commission to make certain that we deregulate higher education; to make certain that the President appoints an adviser to coordinate all of the Federal Government's responsibilities for higher education; to urge Congress to overhaul Medicaid so States may properly fund higher education; to put a spotlight on the greatest disappointment in higher education today, our colleges of education; and, finally, to put a spotlight on the greatest threat to broader public support for funding of higher education, the growing political one-sidedness which has infected most campuses in an absence of true diversity of opinion.

I salute Secretary Spellings and her distinguished commission. I look forward to their recommendations. There could not be a more important subject to our country's future for them to consider than how do we take this remarkable system of higher education that we built in this country—the best in the world—and strengthen it so it can play a pivotal role in helping Americans keep good-paying jobs in the United States.

Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from Delaware.

TANF PROGRAM

Mr. CARPER. Mr. President, I rise today to urge our colleagues in the Senate to instruct the conferees to the budget reconciliation bill to reject the House provisions dealing with the Temporary Assistance for Needy Families, TANF, Program.

Like several of our colleagues, I have a long history of working to improve our Nation's welfare policies to, first of all, make them more effective for States, but also more effective for families.

When I was privileged to serve as Governor of the State of Delaware, I also served, at the same time, as cochairman of the National Governors Association's Welfare Reform Task

Force, along with then-Governor John Engler, and played a lead role in helping to craft welfare reform legislation for Delaware and for our Nation.

As Senator, I have pushed, for the past 3 years, for welfare reauthorization legislation that emphasizes work while also providing help to welfare participants with respect to childcare and educational opportunities.

Because of my extensive involvement with welfare reform for more than a dozen years and my belief that the program can work for both States and families, I am troubled that the House of Representatives has chosen to include its welfare reauthorization bill in the budget reconciliation package. Doing so gives the Senate no opportunity to debate the needed changes in this important program.

The TANF provisions included by the House would reauthorize and make significant policy changes to our Nation's welfare program. Those changes include far more stringent work requirements than under current law while failing to provide sufficient childcare funding or other work supports to help participants meet those new requirements. The House bill would dramatically increase requirements on States without giving them additional resources. And the House language would make it more difficult for TANF recipients to make the successful leap from welfare to work.

The budget reconciliation process is not the right place to reauthorize our country's welfare program. Instead, we should take the opportunity to reauthorize welfare through the regular legislative process, using the bipartisan bill reported out of the Senate Finance Committee as our guide.

Earlier this year, you may recall, the Senate Finance Committee reported out a welfare reform bill—it is called the Personal Responsibility and Individual Development for Everyone Act, lovingly known as the PRIDE Act—on a bipartisan basis. This legislation would make commonsense changes and reauthorize the welfare reform program for the next 5 years. The measure would also provide long overdue stability to States and beneficiaries who have been waiting since 2002 for us to provide long-term reauthorization, a path forward.

I would like to commend this afternoon Chairman GRASSLEY and Ranking Member BAUCUS, their Finance Committee colleagues, and their staff for their hard work in crafting the bipartisan PRIDE Act. That legislation is a testament to their dedication and their commitment to enabling Americans to move off welfare and, most importantly, be better off. That committee was able to find consensus on issues that can be both complex and, at times, controversial.

The PRIDE bill can and should be taken up by the full Senate and debated on the Senate floor early next year. This is not a debate that should consume weeks but, rather, a debate that should consume at most a few days. I pledge today to work closely with my colleagues on our side and the Republican side of the aisle to ensure that the bill does not get bogged down in the Senate and that we move it along.

A full debate, though, on the issues would give the Senate, not just a few Senate conferees to a reconciliation bill, the opportunity to have a real discussion about the future of welfare and what policies we should accept or reject during reauthorization. That is what we need to do. And I believe it need not take weeks to develop a consensus and pass a bipartisan bill by a wide margin.

In my view, the House welfare reform bill, called the Personal Responsibility, Work, and Family Promotion Act of 2005, is, unfortunately, decidedly partisan. The bill was reported out of both subcommittee and committee by party-line votes and was then dropped wholesale into the budget reconciliation bill.

While I am opposed to the inclusion of the House TANF provisions in the reconciliation bill, I encourage my Senate colleagues to oppose including it for a number of other reasons as well.

I fear that the House's inclusion of a welfare reauthorization bill in a budget reconciliation bill sets up two likely possibilities: No. 1, that the conferees will simply recede to the House TANF provisions; or, No. 2, differences between the House TANF provisions and the Senate PRIDE bill will have to be worked out during a hurried conference committee, in which a few conferees will be faced with tough choices on an incredible array of other issues. Neither scenario is acceptable. Welfare will likely be overshadowed in this context and is not likely to get much thoughtful review.

The work-first approach to welfare reform has enabled States to reduce caseloads dramatically over the last decade or so, while helping members of low-income families to move into jobs and toward financial self-sufficiency. We should build on these successes, not jeopardize them. By giving welfare the proper legislative consideration in both the House and the Senate, we can do just that.

The House TANF provisions differ greatly from the Senate's, and I believe a number of the House provisions are flat out unacceptable. The House bill would dramatically increase, for example, the number of hours that welfare recipients must work. You may recall, under current law, welfare recipients must work an average of 30 hours per week. However, under current law, mothers with young children under the age of 6 must now work at least 20 hours per week. The House bill, by comparison, requires that all welfare recipients—if you have a child a week old or a month old or a year old—even mothers with young children must work 40 hours per week. That is a doubling of the required hours for single parents with young children.

I have been supportive of increased work requirements in the past, but the House bill increases work hours while failing to provide adequate funding for badly needed childcare.

My friends, we can do better than that. To me, it is just basic logic, basic common sense that in order to move parents off welfare into work, we have to give them access to decent childcare. The House bill provides only $100 million per year in additional childcare funding to meet a doubling of work hours. Spread out over 50 States, that does not come close to meeting the needs of families. In fact, over 5 years, this level of funding is $500 million less than what has been included in previous House-passed bills, and $5.5 billion less than what the Senate would provide. What is more, according to the Congressional Budget Office, it is $4.3 billion less than what is needed to keep pace with inflation and almost $8 billion less than the amount needed to offset increased demand for childcare caused by the increased work requirements.

Again, when I was privileged to serve as Governor of my little State, I saw firsthand that parents cannot move to work successfully if they do not have an answer to this question: Who is going to take care of my children and how will I pay for it?

If we want to help parents find jobs—and I know we do—we need to help them secure childcare. It is just that simple.

In addition to what I feel are inadequate provisions surrounding work and childcare, the House bill also limits the ability of welfare recipients to participate in educational activities such as vocational education, allowing participants to participate in that activity for only 3 months in a 2-year period instead of the current 12 months.

The Senate bill, on the other hand, continues to allow 12 months of vocational education and also establishes something called a Parents as Scholars Program, which allows welfare recipients to go on to higher education, not forever but for at least a limited period of time.

In my view, the House bill is not friendly to States either. It asks States to make dramatic changes to their programs. Yet it gives them no additional funding to accomplish those changes and little time to meet those requirements before they would be subject to harsh penalties. The Senate bill, on the other hand, gives States time to meet new requirements. If States make improvements but for some reason are not able to immediately ramp up to the strenuous new targets, penalties will be temporarily waived—not permanently, temporarily. Perhaps some of my Senate colleagues on the other side of the aisle could find common ground with the House provisions. Perhaps some believe we could improve upon the House provisions in conference to

come up with something that is more workable.

I argue, however, that no matter what my colleagues think about the House proposal, we can all agree that the Senate should have the chance to consider welfare reauthorization under regular order, and soon. If we are allowed to debate welfare reform in this body, I am confident we could come up with a bipartisan agreement that truly advances our shared goal of making work pay more than welfare.

The motion I will offer tomorrow would urge conferees to give the Senate a chance to do just that, by rejecting provisions related to the reauthorization of TANF. Instead, the motion I will offer would urge that the Congress enact freestanding legislation that builds on the bipartisan Senate Finance Committee PRIDE bill.

I cannot emphasize enough that the Senate bill was reported out of the Finance Committee on a bipartisan basis. The House bill, on the other hand, has consistently enjoyed the support of only one party. Further, welfare reform should not be considered in the whirlwind of budget reconciliation. Reform should be based on sound policy, and we should seek to find bipartisan consensus on this most important issue, something I am confident we can do.

Tomorrow, when the motion to instruct is offered, I urge and invite my colleagues, both Democratic and Republican, to support it.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, I ask unanimous consent to speak for up to 30 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator is recognized for 30 minutes.

PATRIOT ACT

Mr. FEINGOLD. Mr. President, one of the major items that we will be taking up prior to the end of the year is the issue of the renewal of the so-called USA PATRIOT Act. There was quite an effort in the last couple of years in the Senate to try to fix the problems with the PATRIOT Act that led me to vote against it originally. That was a very difficult time, obviously, after 9/11/2001. The PATRIOT Act got through on a very accelerated basis, and a number of us identified serious problems that other people didn't have a chance to analyze at the time. But the situation now has changed. We have had years to look at this. Thankfully, the Senate worked together to do its job on this bill.

In the Judiciary Committee and in the Senate as a whole, we passed changes to the USA PATRIOT Act, along with renewing the provisions scheduled to sunset at the end of this year. It was a unanimous vote. People from very different philosophies came together and said: Let's get this right. Let's make sure law enforcement has the power and the ability to go after the terrorist network. But, at the same time, let's do what we have to do to protect the civil liberties and rights of absolutely law-abiding Americans.

Sadly, the conference committee did just the reverse. The conference committee ignored the will of the Senate. The conference committee did not make changes in critical areas such as library records and business records, so-called sneak-and-peek searches, and national security letters, changes that were essential to reaching the changes that were agreed to in the Senate. I didn't think the Senate version did as much to protect civil liberties and the rights of innocent Americans as we should have, but it was a move in the right direction. Regrettably, the conference report is nothing of the kind.

I join Senator SUNUNU, who spoke eloquently about this earlier today, in saying that the conference report that will be before the Senate is not acceptable in its current form. The conference committee needs to go back to the drawing board and make the changes that are needed. The changes are very easy to find. They were contained in the unanimously approved Senate reauthorization bill.

Clearly, there will be much more to say about this as the week goes on, but we are prepared to use whatever means we are allowed to use under the Senate rules to try to prevent this conference report from becoming law in its current form.

IRAQ

Mr. FEINGOLD. Mr. President, over the past few months, I have addressed the Senate on a number of occasions about the administration's flawed Iraq policies. I have discussed a number of problems with those policies. But the most important problem is that they are undermining our ability to counter a wide range of transnational threats that face our country. In too many cases, these threats have been overlooked or insufficiently addressed because of this administration's misguided emphasis on policies in Iraq.

Today I will explain why we need to refocus our national security strategy on the global campaign against terrorist networks, and I will briefly identify five areas on which we need to focus. A clear, targeted strategy to strengthen our national security is not an option but a necessity in the face of the growing threats posed by jihadist terrorist networks. The President is spending a lot of time talking about success in Iraq. Unfortunately, he fails to recognize that success in Iraq will not be achieved by a massive and indefinite U.S. military presence. He appears to fail to understand the limited role that the U.S. military can play in Iraq's long-term political and economic reconstruction efforts. I am afraid to say, he fundamentally fails to understand that success in Iraq, as important as it is, is secondary to success in our larger campaign against global terrorists. Iraq—simply put—is not the be all and end all of our national security.

Our brave service men and women won a resounding victory in the initial military operation in Iraq. They have performed magnificently under very difficult circumstances. Now their task is largely over. The current massive U.S. military presence, without a clear strategy and a flexible timetable to finish the military mission in Iraq, is actually fueling the insurgency and will ultimately prevent the very economic and political progress that the Iraqis are demanding and that the President has started to talk about in his speeches. This isn't a strategy for success in Iraq or a strategy for success in the fight against global terrorism. That is why we need a flexible timeline for meeting clear benchmarks and also withdrawing U.S. troops.

I am not talking about an artificial timetable, a phrase the President likes to use. I am calling for a public, flexible timetable with clear benchmarks. I have suggested the end of December 2006 as a target date for completion of that mission. But I have made clear that any date will have to be flexible to respond to unforeseen circumstances.

The administration has a unique opportunity this week to set our Iraq policy on track. Iraqis will return to the polls on December 15 to choose their leaders. Spelling out a plan for the timely withdrawal of U.S. troops from Iraq will signal U.S. support for an autonomous, independent, and self-sustaining Iraqi government. There is no better way to empower the new Iraqi government and the Iraqi people than by showing that the U.S. military mission in Iraq is not indefinite. If we don't heed the advice of a growing chorus of experts to set a timetable for withdrawal, it will be impossible to recenter our priorities and reengage in the global campaign against terrorist networks.

And that is what we need to do in order to defeat those networks.

We have not kept our eye on the ball, Mr. President. We have focused on Iraq to the exclusion of these critical priorities, and we have done so at our peril. It is far past time for us to engage in a serious dialogue about the threats we face, and come up with a tough, comprehensive national security strategy to defeat them.

What are these threats and where do they come from? As we all know, the jihadist network is global in its reach, and it is showing no signs of slowing its recruitment and organization in every region of the world. Since we waged war against the Taliban in the fall of 2001—a war I supported, by the way—we have seen the network of extremist jihadist movements proliferate throughout the world. We have seen it surface in Madrid, London, Amman, Bali, and in places such as the Philippines, Algeria, Pakistan, Somalia, and Nigeria. And while it has spread throughout the world, it holds certain

similar characteristics wherever it appears.

It is good to turn to the definition that the 9/11 Commission report itself gave of what this threat is: ''the enemy is not Islam, the great world faith, but a perversion of Islam.'' The report reads:

[t]he enemy goes beyond Al-Qaeda to include the radical ideological movement inspired in part by Al-Qaeda that has spawned other terrorists groups and violence. Thus our strategy must match our means to two ends: dismantling the Al-Qaeda network and in the long term prevailing over the ideology that contributes to Islamist terrorism.

In order to reduce the danger of Al-Qaeda and radical jihadism all over the world, we must invest our time, our attention, and our best minds on this global threat. And we can't defeat it with just one aspect of American power. We need to develop and execute a national security strategy that utilizes our entire arsenal of political, economic, diplomatic and military power in order to counter the primary threats against us. I want to lay out five major areas of concern today. They are (1) addressing the conditions in which terrorists thrive; (2) enhancing our military's ability to wage the campaign against global terrorists; (3) improving our public and private diplomacy; (4) strengthening our non-proliferation efforts; and (5), finally finishing the job in Afghanistan.

First, we must combat the conditions that make extremist ideologies attractive and that allow terrorist networks to take root and grow. Failed and weak states, such as Somalia, allow terrorism, narcotics trade, weapons proliferation, and other forms of organized crime to take root and grow. By not addressing these conditions, we allow warlords and terrorists to thrive and we leave people suffering from poverty and oppression susceptible to their rhetoric, promises, and pressure.

Let us not forget that three of the poorest and most isolated countries in the world—Somalia, Sudan, and Afghanistan—served as the starting blocks for the terrorist network that delivered the most lethal attack ever on the U.S. If it wasn't clear before September 11, 2001, it is now—we ignore these places at our national peril.

Over 4 years after 9/11, places like Somalia continue to be large, black holes on our radar, and continue to create the conditions that allow terrorist networks to recruit, train, and export their lethality at will. While Somalia has remained a failed state for over a decade now, recent examples of the lawlessness that exist within that country made headlines when freely operating pirates attacked a civilian cruise ship 25 miles off of the Somali coast. We can expect more headlines like that if we continue to think that supposedly small, marginal states are not worth our attention.

That is why we should be taking seriously the inability of Uganda, the new government of southern Sudan, or the U.N. to defeat the Lords Resistance Army, which continues to commit atrocities around the Great Lakes region of central Africa. And we do not always have to look far for failed states. Right here in our backyard, Haiti endures rampant political violence and a festering humanitarian crisis, and has served as a base for narcoterrorists and criminal power structures throughout the region for over a decade. Unfortunately, this administration has failed to develop a comprehensive policy to help Haiti lift itself from chaos and to create livable conditions for the citizens of Haiti. That is a mistake because leaving a country to suffer under chaos only creates a platform for further threats to the region and to our country.

If we fail to address weak and failed states, the lawlessness displayed by warlords, pirates, bandits, thugs, and thieves there will eventually be exploited by our enemies. After all, terrorists find active and passive support among the alienated and the disaffected. Addressing failed and failing states is not easy, but turning a blind eye to them is naive and dangerous.

My second area of concern today is the need to prepare and equip our military for a global campaign against terrorist networks. The war in Iraq has had a devastating affect on our military's readiness and capabilities. I have voted for an increase in the military's end strength, but this is a long-term solution and does not address the immediate problems we face as we continue to over-burden the brave men and women of our armed forces. It also does not address our failure to prioritize military spending. Right now, courageous servicemembers are too often required to do their jobs without the right equipment. While we continue to spend billions of dollars on Cold War-era weapons systems, we are not fully funding the needs of the military personnel fighting our current wars. It is a national shame that the Department of Defense budget, which so dwarfs our spending in any other sector, still has failed to pay for the timely provision of adequate armor for our men and women in the battlefield.

Mr. President, waging a successful global campaign against terrorism also will require us to counter new and growing terrorist tactics. Improvised Explosive Devices, IEDs, continue to increase in lethality and complexity in Iraq and elsewhere. I was pleased that Secretary Rumsfeld recently appointed a retired general to lead a joint task force on countering the threat of IEDs. As the death of 11 marines in Iraq on December 5 showed, the U.S. military has yet to develop a strategy or technology to sufficiently defend our servicemen and women from these troubling weapons. More troubling is the fact that we are now seeing the use of increasingly sophisticated IEDs outside of Iraq. This know-how and technology is being proliferated throughout the global network of terrorists who seek to harm the United States.

The IED task force needs to identify a strategy, tactics, technology, and training to defend from these weapons, but it also needs to figure out ways of countering the proliferation of IED technology, know-how, and tactical training that are currently being exported from Iraq. Tragically, Iraq has turned in to a testing-ground for these new weapons, and the administration needs to explain not just how it is countering the lethality of IEDs in Iraq, but also how it is mitigating or preempting the use of these weapons by terrorist networks globally.

My third area of concern is our woefully inadequate diplomatic efforts, public and private. As the recent 9/11 Commission report card showed, we need to do much better in communicating our principles and goals to the international community. In part we are failing because this administration has not consistently adhered to the core American values that have made us a model around the world, that helped defeat communism, and that have inspired democracies globally. The administration's approach to detainees, torture, and secret prisons, to name a few issues, has jeopardized this country's unique moral authority as a country that upholds the rights, liberties, and freedoms of every individual. I believe that we can combat terrorism while remaining true to those values.

Mr. President, we need a new, sustained and comprehensive public and private diplomacy, and a concerted effort to tell the rest of the world who we really are and what we really believe in. This diplomatic effort is essential if we are going to prevail in what is in part a battle of ideas—and one that we cannot afford to lose. I am not talking about giving lectures or showing videos, but about engaging in genuine dialogue with other peoples and countries. Listening, and responding to, their concerns is one of the most effective ways to improve our image, and thus our relationship, with the international community.

Diplomacy also involves looking for opportunities to demonstrate our core values. One such opportunity was lost in the response to the recent tragic earthquake in Pakistan where hundreds of local religious organizations—many of them linked to extremist or anti-American ideologies—beat out American relief efforts with quick, appropriate, and thoughtful responses. A CEO of a U.S.-based relief agency, having just returned from Pakistan, relayed to me his frustration that ''the United States lost a significant opportunity to win the hearts and minds of a core population in Pakistan vulnerable to extremist ideologies because we responded with standard, boxed solutions.''

We also need to engage our international partners not only in the campaign against terrorist networks, but also in the challenge to eradicate malaria, address HIV/AIDS, help rebuild

countries such as the Democratic Republic of the Congo, bring peace to the Darfur region in Sudan, and help counter the impact that illicit power structures and the absence of rule of law have on societies around the world, to give just a few examples. We need to work hand in hand with those partners in developing strategies to isolate rogue states and to advance democracy and respect for human rights.

The fourth area we need to focus on is the proliferation of weapons, large and small. We need to do much more to stop nuclear proliferation and ensure that terrorist organizations do not obtain access to nuclear weapons. We must deal with the threats of loose nukes as an urgent priority both at home and abroad. This administration unfortunately has failed to do so. More nuclear weapons were secured in Russia in the 2 years before 9/11 than in the 2 years after. That is an alarming fact. And we should not have missed the opportunity at the last Nuclear Non-Proliferation Treaty conference to start moving forward on a new global regime; one that does a better job of protection and punishing cheating so that states cannot take their nuclear programs right up to the line of compliance and then withdraw from the treaty when they are ready to become new nuclear weapons states.

We should also reverse the foolish decision to ease export restrictions on bomb-grade uranium that was part of the massive and misguided Energy bill signed by the President this summer.

We must also focus on smaller weapons that continue to fall into the hands of terrorist networks at a cost of tens of thousands of lives each year. I applaud the recent announcement by my distinguished colleagues, Senators LUGAR and OBAMA, of their initiative to make more funding and new authorities available for new proliferation programs and to counter the growing threat that light weapons, such as the Man Portable Air Defense System, pose to the United States.

Unfortunately, we are behind the ball on this issue, and we need to drastically improve our ability to hunt down, shut down, and capture the networks of arms dealers that are getting rich by selling weapons to our enemies.

Fifth and finally, we must refocus our energies on Afghanistan. The President spends a lot of time discussing Iraq, but not much time on Afghanistan which was and maybe still is home to Osama bin Laden. Unlike our presence in Iraq, our presence in Afghanistan is contributing to increased stability in the country and region and is delivering progress in the war on al-Qaida.

Success in Afghanistan is essential for making progress in the campaign against terrorist networks, and it is where we must show the commitment, resolution, and capabilities of America. It is one of the first battlefields in this war. We now have the opportunity to turn what was once a despotic and broken country into a thriving democracy. It needs a lot of work, though, and disproportionate attention to Iraq has drained many of our positive and appreciated efforts in Afghanistan.

I see three major areas that need further attention in Afghanistan.

First, as part of assuring long-term success in Afghanistan, we need to ensure that international assistance, much of it from the United States, continues to be targeted, coordinated, and appropriate. We are running the risk of creating a ''Donor's Republic of Afghanistan'' by creating an unsustainable Afghan Government that the Afghans themselves cannot afford or manage. At this time, annual recurring costs to maintain the U.S.-developed Afghan National Army outweigh the central Government's revenue streams by a multiple of two or three. And this is not taking into consideration the police force and other essential public services that are in drastic disrepair or in need of further development.

Second, we need to continue burden sharing throughout the international community and encouraging a greater role for NATO, the United Nations and, most importantly, the Afghan Government, as it struggles to fight resurgent terrorist and obstructionist threats.

I was glad to receive news last week that NATO will increase its presence in southern Afghanistan, but we need to assure that long-term development and security aid is tied to measurable benchmarks for success.

Third, we need to continue to pressure countries such as Pakistan, Iran, China, Russia, Turkmenistan, Kyrgyzstan, and others to be constructive partners in the development of Afghanistan's new and fragile government and economy. Afghanistan is suffering from porous borders which make it an ideal environment for a thriving illegal drug trade, illegal imports and exports, and terrorists and insurgents who want to prevent the new Afghan Government from developing.

We have to succeed in Afghanistan. If we allow the new Afghan Government to become weak, feckless, and corrupt, we will risk losing everything we have invested. We will lose a partner in the campaign against terrorist networks, and we will lose the opportunity to point to Afghanistan as an accomplishment.

I have tried to identify five crucial areas in which we are not doing enough to protect our national security. We are not doing enough for a number of reasons, but foremost among them is the administration's single-minded and self-defeating emphasis on Iraq. The President's debilitating and misguided Iraq policy is preventing us from focusing our attention, our resources, and our efforts on the global campaign against terrorist networks. That is why we need a plan to wind down our military presence in Iraq and bring our focus back to the threat of radical jihadist-based terrorism.

While this administration talks and thinks about Iraq, our enemies are growing stronger around the globe. Those enemies are disparate, diffuse, and relentless. They operate in ungoverned spaces, on the Internet, in cities, mountains, and jungles. Left unchecked, they will continue to plot against the United States.

Our national security policy is adrift, but we have the power to change it, to correct our course. We must tackle these challenges and build a security strategy that protects our Nation from the most dangerous threat that it faces.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. BURR). The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, before the Senator from Wisconsin leaves the floor, I request that he be available to discuss some of the provisions of the PATRIOT Act. I see him remaining on the floor, so permit me at this time to take up a couple of the issues which the Senator from Wisconsin has raised, appropriately putting my question to the Chair as our rules require, and then asking for responses.

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

Mr. SPECTER. The Senator from Wisconsin has raised an issue on the national security letters with respect to the presumption which arises when a high-ranking governmental official, such as the Attorney General, Deputy Attorney General, Assistant Attorney General, head of the FBI, or head of the departments making the request, certifies that there is a national security interest or an issue of diplomatic relations.

This is an issue which, as I understand it, the ranking member, the Senator from Vermont, Mr. LEAHY, raised earlier. The question I have for the Senator from Wisconsin is whether he is aware of the fact that the conclusive presumption, which is present in the conference report, is not as tight as the conclusive presumption which was present in the Senate bill which passed unanimously from the Judiciary Committee, of which the Senator from Wisconsin is a member, and by unanimous consent on the floor of the Senate, without objection by the Senator from Wisconsin.

I refer specifically to the provision in the Senate bill which says: In reviewing a nondisclosure requirement, the certification by the Government that the disclosure may endanger the national security of the United States or interfere with diplomatic relations shall be treated as conclusive unless the court finds that the certification was made in bad faith.

That language is substantially repeated in the conference report, except that the conference report makes it tougher on the governmental certification by requiring the high-level official to make the certification.

Quoting from the conference report, it says: If at the time of the petition

the Attorney General, the Deputy Attorney General and Assistant Attorney General or the Director of the Federal Bureau of Investigation or, in the case of a request by a department, agency, or instrumentality of the Federal Government other than the Department of Justice, the head or deputy head of such department, agency, or instrumentality—and now we come to the crucial language, continuing—certifies that disclosure may endanger the national security of the United States or interfere with diplomatic relations, such certification shall be treated as conclusive unless the court finds that the certification was made in bad faith.

My questions to the Senator from Wisconsin are the obvious ones: No. 1, was he aware that the conference report has the identical provision, except more restrictive, and if so, why does he now object to this provision in the conference report when he approved it in committee and raised no objection on the floor?

Mr. FEINGOLD. As the Senator well knows, on the floor we passed this bill by unanimous consent, without debate, but I and others raised our concerns in the Judiciary Committee. The Senator well knows I was not pleased with the outcome on this provision in the Senate. I fought hard to get as many changes as possible, but we did not get the changes we needed with regard to national security letters, and the conference report failed to improve this provision as it should have done.

The Senator is correct, as I understand it, that the Senate version did not change much of existing law in this area, and the conference report is essentially the same. The conference report did not include the national security letter standard that a bipartisan group sought, three Democrats and three Republicans, as well as other cosponsors of the SAFE Act, which is that the Government can only obtain records that pertain to a terrorist and spy.

In addition, in answer to the Senator's question, the judicial review of the NSL gag rule in the conference report also is inadequate. In the SAFE Act, we included meaningful judicial review of national security letters and the NSL gag rule. Under the Senate version, there is judicial review of national security letters and gag rule, but there again, disappointedly, even the Senate version of the bill failed to create a standard that was realistic. It created a standard for the gag rule that would be virtually impossible to meet.

Of course, the areas that caused me to vote for the Senate bill were the improvements it contained, especially the change to Section 215, which we have lost; on sneak and peak search warrants, which was largely pulled back; and on John Doe roving wiretaps, which have been only partially preserved.

The point is that I was not happy with this portion, but in light of some of the other changes in the Senate bill, I did work, as the Chairman knows, cooperatively with him to create a document that at least had some balance. What has happened now is we have lost the positive changes we gained in the Senate bill, and we continue to have a very inadequate provision relating to the national security letter authority.

Mr. SPECTER. Mr. President, with all due respect, the Senator from Wisconsin has not answered my question. When he takes up the SAFE Act, which he cosponsored, so did this Senator. I was not satisfied with the provisions of the PATRIOT Act in effect at the present time, and I was a cosponsor of the same bill as the Senator from Wisconsin, Senator DURBIN, and others, in order to protect civil liberties, which I sought to do in the Senate bill and I sought to do, and I think successfully, in the conference report.

When the Senator from Wisconsin talks about Section 215, I am coming to that and I wish to engage him in a discussion on that specifically, but let me put it aside for a minute so as not to confuse that issue. With respect to sneak and peak, the delayed notice, I am coming to that as well because there are major, vast improvements in the conference report over existing law. With respect to the roving wiretaps, I am coming to that, too. But focusing for just a minute one at a time so there can be some understanding—this is a very complicated bill. I spoke on it at some length yesterday afternoon in order to acquaint my colleagues with it. I have made quite a number of calls to my colleagues, as far as I can go, to acquaint people with what is in this bill so we can understand it and vote on it with an understanding.

Coming back to the conclusive presumption in the national security letter, the question I posed to the Senator from Wisconsin was whether—well, maybe three questions. Does not he agree that the conference report is even more protective of civil liberties than the Senate bill? The second question: Did he know about it? And if on this provision alone, putting aside the others he referred to, 215, sneak and peak, and wiretap, and we want to come to sunset, too, which is a gigantic improvement—it was not mentioned by the Senator from Wisconsin. I think when we get to that he will concede that was a big improvement and maybe he overlooked it in commenting or at least any comment that I heard him make. But coming back to the national security letter, what about my three questions, if I may pose them through the Chair to the Senator from Wisconsin?

Mr. FEINGOLD. I would say to the chairman through the Presiding Officer, I did respond to his question, and I can tell him that I was aware of the changes that occurred in the conference report vis-a-vis the Senate bill. They are not adequate. We are still very far away from the SAFE Act with regard to this provision. I note that the chairman cosponsored the SAFE Act and yet did not object, apparently, to the significant withdrawal from the SAFE Act provisions in this area. What we need in this provision on these national security letters to prevent potential abuses, as well as the abuses that may well be already occurring—the Washington Post suggested some 30,000 national security letters per year—is a clear standard that these provisions can only be used to obtain records that pertain to a terrorist or a spy. Neither the Senate version nor the version in the conference report achieves that. So, yes, I acknowledge there are some language differences, but I do not believe they achieve what we need to achieve with regard to national security letters.

Mr. SPECTER. Mr. President, the Senator from Wisconsin does not know what I did in conference because he was not a conferee. There is no reason why he should know. But I can tell him that I fought very hard for a lot of these provisions, and I can tell him further that I was not persuasive enough to get 100 percent of what I wanted.

Mr. FEINGOLD. Mr. President, I would like to say——

Mr. SPECTER. Wait just a minute. I have the floor. I want to finish this, and I will come back to the Senator from Wisconsin and give him ample time to comment on what he wants to comment on.

We have a bicameral system. If the Senate could act alone, we would have had the Senate bill. When the Senator from Wisconsin says he was not satisfied with this provision in the Senate bill contrasted with the SAFE Act, I would not disagree with him about that. I will not disagree with him about that at all. In the Senate bill, I did not have everything that I would like. There are 17 other members of the Judiciary Committee and there are many members who thought the Senate bill went too far on civil rights. It was necessary to balance very delicately to get 18 Senators to agree, sort of unheard of, and I will not go over the composition of the committee, but we have people from opposite ends of the political spectrum on that committee.

Mr. FEINGOLD. Mr. President, would the Senator yield so I can respond to his comment?

Mr. SPECTER. One moment, and then I will yield for the Senator's reply.

The point is, the Senate came to this conclusive presumption and the Senator from Wisconsin voted for it. The full Senate came to this conclusion. The Senator from Wisconsin did not object to it. So I think it is rather late in the day—frankly, too late in the day—for the Senator from Wisconsin to say that a provision which he has approved is the basis for rejecting the conference report because the conference report did not do something he would have liked better.

Now, without yielding the floor, I ask unanimous consent that the Senator

from Wisconsin be allowed to make whatever comments he chooses on this point.

Mr. FEINGOLD. Mr. President, the first thing I want to say is that the Senator from Pennsylvania is not the problem here. Everything he has said is accurate. He fought tenaciously in the committee, and I think brilliantly, to bring us together in a balanced package. I say to the Senator, through the Presiding Officer, I am grateful for his efforts in the Judiciary Committee and the Senate as a whole, and for his efforts in the conference committee, because I know the Senator tried. What happened in the Senate was that the will of this body as a whole, which we all compromised on, prevailed. The Senator from Pennsylvania correctly points out that I had to give, unfortunately, on this national security letter issue, to get the important changes regarding library records, sneak-and-peek searches, and sunsets.

The fact is, I say to the Senator that of course I objected to that provision. But I was trying to work with the Senator to come up with a balanced package, as Senator SUNUNU and I were commenting earlier, a package we could support as a whole. The Senator is now suggesting that after we made some gains and we lost some issues, I should now accept the one part we did not prevail on and give up the parts I did prevail on. That strikes me as a rather odd deal.

It was, as the Senator knows, a very difficult vote for me to support the Senate package. I was the only Member of this body to vote against the original PATRIOT Act because it was deeply flawed, and the Senator from Pennsylvania and many others have acknowledged there were such flaws and we have worked together to fix what we could. I was determined, as I said at the time we passed the Senate bill, to work with my colleagues to fix the other flaws, especially those in the national security letters.

But this idea that when you get the package back and it only includes the things you don't like and it doesn't include the things you did like, that you should keep your mouth shut and you should not oppose it, that to me is ridiculous.

Mr. President, I say to the Senator, and I mean it absolutely sincerely, he has been a tremendous chairman. He has been one of the real keys to us having any chance at all to fix this legislation. But I am very disappointed with what we got back from the conference committee. I know very well that the chairman did not want this document to look like this. He wanted it, I assume, to look like the very document he crafted in the Senate Judiciary Committee.

I yield back to the Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I do not disagree with everything the Senator from Wisconsin has said. In fact, I like part of it where he said I was brilliant, I like the part where he said I was a tremendous chairman, but there were other parts with which I disagree as to what he said.

A little levity will not hurt this debate any.

I focus only on national security letters at the outset, to establish the point that the conference report is more protective of civil liberties on that point than the Senate bill. I want to go on to the other points. I have only faint hopes of persuading the Senator from Wisconsin to support the conference report, but I do think it is very useful to have this discussion because he is, appropriately, very deeply involved in this bill and there is no better way to acquaint our colleagues and the staffs—perhaps two or three people watching on C–SPAN2—to acquaint America, to the extent we can, with what we are doing here.

On to section 215: Section 215 involves business records and the highly controversial point on library records. The Senator from Wisconsin is correct that the existing law is deeply flawed. Bear in mind, we are living under that law until we pass a new law. That is the law we are operating under today. Existing law enables a law enforcement official unilaterally to go to get records on his determination that they are relevant, and there is no judicial review. What the Senate bill did, and what the conference report perpetuates, is to put in judicial review. The traditional safeguard of liberty has been to interpose a disinterested, impartial magistrate between law enforcement and the citizen. That is what happens when you get a search-and-seizure warrant to establish probable cause. That is what happens when you get an arrest warrant to take somebody into custody. We have moved substantially toward that cause, although not quite probable cause for a search warrant or an arrest warrant, but a very substantial portion of the way by the Senate bill, which is perpetuated in the conference report, that a court may issue an order for records only on ''a statement of facts showing that there are reasonable grounds to believe that the tangible things sought are relevant to an authorized investigation to protect against international terrorism.''

The Senate bill established three criteria for the relevant standard. First, activities of a suspected agent of a foreign power; second, a foreign power or agent of a foreign power; third, an individual in contact with or known to a suspected agent of a foreign power. In conference we did add an additional provision, which the Senator from Wisconsin has objected to. The additional provision is that the judge may order the production of records of an individual where the judge concludes those records are important—crucial to the investigation, to a terrorism investigation.

If I had my druthers, I wouldn't have put the provision in, but we had a closed-door briefing where the Department of Justice came in and showed us what they consider to be needed. I thought it was within the realm of reason, but I knew it would be an obstacle to getting the law put into effect and getting support for that provision, and I opposed it. But when I recognized that there are other points of view besides mine and besides the Senate's, and without a lot of other major concessions on the national security letter, which I have already described and will come back to—there were more concessions we got there—it seemed to me that provision was acceptable.

The question which I have for the Senator from Wisconsin is whether he has had an opportunity to get that briefing? Last Thursday, I asked my Chief Counsel, who has done such an extraordinary job, Michael O'Neill—who was here a moment or two ago; he's probably too busy to stay and listen to his speeches—to make a briefing available to the Senator or his staff. My question to the Senator from Wisconsin is, No. 1, if he has had an opportunity to get that briefing; No. 2, if so, what he thought of it with respect to the weightiness of what the Department of Justice had to say; and, No. 3, if this modest addition is so significant as to sink—or in conjunction with other similarly unweighty matters—sink the bill?

Mr. FEINGOLD. In response to the Senator from Pennsylvania, the Senator knows very well I am familiar with what went on in that briefing. You and I spoke here outside this Senate Chamber about these very provisions. I indicated to the Senator that I had my staff, who received this briefing, go over with me, in a secure setting, exactly the hypotheticals that those who wanted this additional provision in the conference report raised. My staff and I looked at those hypotheticals and were very unpersuaded.

Here is the significance. What the Senator from Pennsylvania is suggesting is that it is not a major change to add, on top of the three-part test of the Senate, an additional provision that merely requires relevance. This is a big deal, because the other three provisions require that the records pertain to a terrorist or spy, or records of people in contact with or known to a terrorist or spy, or relevant to the activities of a terrorist or spy. All three of those tests require something closer to the connection that the Senator from Pennsylvania and I demanded in the SAFE Act.

The additional item put in the conference report is the loophole, the exception, that swallows that three-part test. It does not require the connection to the terrorist or spy, even though this legislation, from the very outset, was supposed to be a response to what happened on 9/11, to terrorism. This does gut the changes to section 215 that are in the Senate bill. This does render meaningless the efforts you and I and

others made to get a good provision in the Senate. And, yes, it is a sufficient reason not to go forward.

The feelings the American people have about this poorly drafted section 215 cannot be answered by a provision that simply demands general relevance and does not require a connection to terrorism or espionage. It is unacceptable. And on that ground alone, although there are other grounds, it is very disturbing.

I want to say that the Senator, my colleague and friend, did try hard. He said earlier that if he had his druthers he would have preferred a better provision. This isn't about druthers. This is about a devastating power of the Government to be able to go and take your library records on some general notion of relevance that has nothing to do with any connection to terrorism or espionage. That is unacceptable in America, and under our Bill of Rights.

Mr. SPECTER. Mr. President, I did not acquiesce in this matter simply as a matter of druthers or nondruthers. I acquiesced in this matter because it was, as a total scheme of things, acceptable. There was adequate protection. It is not, as the Senator from Wisconsin defines it, broad-ranging authority of a judge. The impartial judicial official has to agree that it is a terrorism investigation, and that these records are crucial and important to the investigation, that they are relevant to the investigation, and it is not something that is extraneous but it is a terrorism investigation.

I focus on this matter again not with any expectation of persuading the Senator from Wisconsin but to tell my colleagues why he is objecting to this provision, and to invite my colleagues, the other 98 Senators, if they want the briefing, to see why there were sensible reasons for the Department of Justice and the details of this provision not going too far, not impinging on civil liberties because I wouldn't support a bill which impinged on civil liberties. I simply wouldn't do it. But there are others who have contentions, and we had a great many concessions from the House of Representatives.

I have taken up the two principal considerations which the Senator from Wisconsin was arguing, the conclusive presumption in the national security letter and this additional provision under section 215.

But I want to come back for a moment to the national security letter on important concessions which the Senate obtained in the conference report, first, to point out that the national security letter was not established by the PATRIOT Act which we enacted shortly after 9/11. The national security letters have been in existence for decades. But the Senate utilized the revisions to the PATRIOT Act to put limitations on the national security letters because they fit within the overall parameters. We have some very important concessions on national security letters in the conference report. The standard has always been that if you had a national security letter, you kept quiet about it, the recipient did. There was no explicit opportunity for the recipient of a national security letter to challenge it. But the conference report fixing up the Senate provision explicitly gives the recipient of a national security letter the right to contact an attorney, to go to court, and to have a national security letter quashed, if it is unreasonable, oppressive, or otherwise contrary to law. The recipient also has the power to get a court order to tell the target. That is subject to a certification by these high-ranking governmental officials that it would endanger national security or diplomatic relations.

But again, the provision in the conference report is more protective of civil liberties than what was in the Senate report. On this provision on national security letters, the conference report goes much further than existing law. Again, the national security letters were not covered in the PATRIOT Act.

I don't have a question for the Senator from Wisconsin. I will come to some later, but I ask unanimous consent that I might yield to the Senator, if he cares to reply at this point to what I have said, without losing my right to the floor.

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

Mr. FEINGOLD. Mr. President, I say to the Senator that I meant what I said about his efforts and his sincere desire to try to fix these provisions, and that is what we started to do in the Senate version.

Second, I do think this is an excellent process, that we need to come out here on the floor and be very specific about what is right and what is wrong about these provisions. It is neither sufficient to say to our colleagues that we have to pass it as it is because the time is running out, nor is it sufficient for somebody on my side to say, look, this is an enormously dangerous, unfixable provision and the whole thing should go down. Neither of those positions is defensible. What is defensible is to look at each of these provisions as we have been doing and ask if we have done enough to protect law-abiding Americans. I come to the conclusion that we were very close, had maybe even achieved that with regard to section 215. But the conference report failed in that regard, and it brings us back far too close to the original mistake.

On the national security letters, I am not impressed by the improvements of the Senate version, which I didn't find to be adequate in the first place. So with regard to both of those, not to mention the sneak-and-peek searches that we will discuss later on, the conference report simply does not do the job.

I do recognize the Senator's sincere desire to make sure the Senate is well informed about the remaining issues that could affect how Members vote on the conference report.

I yield the floor.

Mr. SPECTER. Mr. President, the national security letters are stronger in the conference report than they were in the Senate bill. The conclusive presumption in the conference report is more protective than the language in the Senate bill on conclusive presumption. The conference report picking up the Senate bill provisions improves the civil liberties protection from existing law by the explicit right of the recipient to go to court to quash or to make the disclosure to the target.

Mr. FEINGOLD. Mr. President, if I could make one remark, and then I will have to leave. If the Senator will yield.

Mr. SPECTER. I will yield on the condition that I not lose my right to the floor.

Mr. FEINGOLD. On the national security letters, we will have to agree to disagree and continue to debate this and come to a similar conclusion with regard to what the conference report did vis-a-vis the Senate bill. Perhaps we could agree on how valuable it would be in light of how serious these concerns are about the national security letters, for that provision at least to be part of the group of provisions subject to a sunset.

I want to point out to my colleagues with regard to these national security letters that there may have been 30,000 issued, according to the Washington Post, per year. That power is not sunsetted. That is troubling.

I yield the floor.

Mr. SPECTER. Mr. President, I suggest that the Senator from Wisconsin get a classified briefing and not accept what he reads in the Washington Post. The Washington Post is wrong. I hope the Senator from Wisconsin will not leave the floor. If I can have the attention of the Senator from Wisconsin, I hope he will not leave the floor while I make a couple of other comments. I will try to be brief, although I don't think it has been extensive so far.

Mr. FEINGOLD. I appreciate that. I need to leave briefly. I will be right back, but I enjoy this process. I need to take care of one matter, and I look forward to returning to continue this discussion.

Mr. SPECTER. Let me be brief with one comment about 30,000. I urge the Senator from Wisconsin to get a classified briefing and not to take the facts of the Washington Post, because the Washington Post is totally wrong. I am not at liberty to tell the Senator what the facts are, although I asked the Department of Justice to put those facts before the public. Too much is classified, and I think this is inappropriately classified. I would like to be able to detail it.

Let me talk about the delayed notice provisions.

Existing law provides for notification of the target in a reasonable period of time, which could mean anything. The Senate bill called for 7 days, the House

bill wanted 180 days, and we got 30 days.

I suggest in the totality of the legislation that we are in the 85 to 15-percent range, 85-percent Senate provisions, 15-percent House provisions, and the 15 percent which the House has does not impinge on civil liberties. I wouldn't take 1 percent if this were an inappropriate impingement on civil liberties. The 30 days can be extended by a court on cause shown for specific reasons.

With respect to the wiretap provision, I joined the Senator from Wisconsin in opposing the roving wiretaps. I have never liked wiretaps. When I was district attorney for Philadelphia, this issue came up for consideration of our body, and I was the only one of 67 county district attorneys to object to wiretapping.

Since I can only be brief here, I would invite my colleagues again—I know I am not going to persuade the Senator from Wisconsin. In talking about the late notice and talking about the wiretap provisions, I want my colleagues to look at the details as to how we have protected against random selection on the specification, a description of the person who is to be wiretapped, and showing that the person subject to the wiretap is likely to try to avoid the wiretap.

The final comment I have to make is about sunsetting. The House put in a provision for a 10-year sunset. The Senate put in a provision for a 4-year sunset. The House wanted the compromise of 7 years, halfway between 4 and 10. The Senate conferees insisted on a compromise at 4 years. The House said it was not much of a compromise, not when they were at 10 and the Senate was at 4 years. I thank the White House for assistance in working this detail out. We did so on the expectation that by working the sunset to 4 years, we would have a number of Senators' signatures on the conference report and a number of House signatures on the conference report.

I am not going to wash that linen in public as to what happened but only to say that our ability to review this bill at 4 years is a mighty potent weapon to keep law enforcement on its toes, knowing it is going to be subject to review in that period of time.

I have pledged privately and publicly and again in the Senate yesterday to have extensive and piercing oversight as to what law enforcement does. I think the Senator from Wisconsin will agree on the point that in the year I have been chairman, there has been real oversight. We have called for it and done a job here.

The debate has been very useful. I don't have any questions to pose to the Senator from Wisconsin. I am glad he is here to respond so the other side can be articulated and so my colleagues can make their own evaluation as to the weight of the objection of the Senator from Wisconsin to section 215, which is very limited to that one additional provision, which is justified, so they can evaluate his objection to the national security letters where the conclusive presumption is tighter in the conference report than in the Senate version and other protections, and the protections on delayed notice, so-called sneak and peek, and wiretaps, and then especially on sunset.

The debate is very illuminating and does more than the speech I gave yesterday. There is nothing as dull as a speech on the Senate floor and nothing as lively as a little debate. This Senate has very little debate, very little exchange of ideas where Senators come and in a respectful way pose questions and in a respectful way give answers to illuminate rather than obfuscate; no table-pounding.

I thank the Senator from Wisconsin for what he has done this year on the committee and for his thoughtful approach here, albeit wrong, albeit not persuasive and should not carry the day. I thank him for his contribution.

Without yielding the floor, I ask unanimous consent I may yield to the Senator from Wisconsin without losing the floor.

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

Mr. FEINGOLD. Mr. President, I am thoroughly enjoying this, and I came out here and described the Senator again as valiant on this issue. But I am getting a little worried as we start reviewing each of these provisions. The Senator from Pennsylvania voted for every single one of these provisions that I have talked about as part of the Senate version. There was a reason we drafted it that way.

When the Senator properly puts me through my paces on each of these issues and I identify my remaining objections and he minimizes the objections—keep in mind he already voted for those very provisions; he voted for exactly these provisions in the Senate bill. So when I point out on section 215 that a general relevance standard is not a sufficient protection and he agrees on the record that was troubling to him, it seems to me that is a valid issue to be concerned about.

With regard to the sneak-and-peek provision, the Senator did not vote, when he voted in the Senate, for 30 days' permission for a sneak and peek and a 90-day extension after that; he voted for 7 days, because the Senator from Pennsylvania knows as well as any Member in this Senate that the idea of a sneak-and-peek search in the first place is a very troubling exception to the fourth amendment protection that every American has against unreasonable searches and seizures. This is a very narrow exception. When the Senate voted in the Senate, he did not vote for 30 days. He did not vote for a period of time that is over four times larger than 7 days; he voted for 7 days. To now suggest this is somehow a trivial concern is not consistent with either the Senator's record on this particular legislation or consistent with his apparent cosponsorship of the SAFE Act in the past.

This debate is valuable, but when the Senator actually lists these all together as he has done, the only thing I can agree with him on is—and I am grateful—that the sunsets have been preserved. That is positive.

Let me say, the Senator cosponsored the SAFE Act. He knows some of the things we are sunsetting potentially permit the violations of the rights of innocent and law-biding Americans. A sunset is only a secondary level of protection that essentially says, Look, people's rights might be violated now, but at least we will have a chance to change it later. The idea of simply prevailing on the sunsets, which allow violations to continue without changing the substance of the law to protect Americans' rights and civil rights liberties, is not a sufficient reason to vote for the conference report. But I do look forward to further exchange with the Senator on this as the week goes on.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. I thank the Senator from Wisconsin.

The last comments made the argument better than I have during the course of the last hour when he chastises me for agreeing to 30 days when I voted for 7 days but the House bill has 180 days. That is a reason to vote against the bill. He has made my case.

When you take up an issue about what is fair and appropriate and adequately protective of civil rights as to when the target should be notified as to a surreptitious or secret search of his apartment, and you have an existing bill which says a reasonable period of time—which could be anything—and the Senate comes in at 7 days and the House comes in at 180 days, there is no real concession on civil liberties. The House made a concession of 150 days, from 180 to 30. The Senate made a concession of 23 days, from 7 to 30.

I ask the other 98 Senators whether this is a meritorious argument, a weighty argument, or more of scintilla. That is an expression we use in the law when the item has virtually no weight. In the common law, they talk about a peppercorn being adequate for consideration. But this is a scintilla. Maybe this is not even a scintilla, to say a concession from 7 to 30 days is meaningful.

I am glad the Senator from Wisconsin made that as his final, persuasive, overwhelming argument because that illustrates the flimsiness of the considerations.

Mr. FEINGOLD. Mr. President, because of the last exchange, that will not be——

Mr. SPECTER. I have the floor, but I will yield to the Senator from Wisconsin on unanimous consent. I saw Senator BYRD one day perfect this, and I will not make a mistake of yielding without reserving the right to the floor.

Mr. FEINGOLD. I have no desire——

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

Mr. FEINGOLD. I have no desire to take the floor away from the Senator from Pennsylvania, but back where I live, when the Government comes into your home and you do not know they have been rummaging around in your house and you find out 7 days later that they did this, you are upset. If you do not find out for 30 days, where I come from that is not a scintilla; that is a big deal. The U.S. Government coming into your house without giving you notice, as people expect under the fourth amendment, is not a triviality.

It is at the very core of one of the most important provisions of the Bill of Rights. I am not sure I am, in the end, even comfortable with this concept of a sneak and peek search. I think it has been demonstrated it may be needed in some cases, but why in the world can't a judge have to renew that every 7 days?

It is not a matter of trivia to the people of my State that the Government can come into their house without notice under the fourth amendment. And I reject the idea that it is a minor difference between 7 and 30 days.

Mr. SPECTER. Mr. President, the problem with the renewed argument by the Senator from Wisconsin is not on 7 days or 30 days, it is on 1 day. It is on any sneak and peek. It is on any delayed notification. Law enforcement has that latitude because they need to continue the investigation. If a disclosure is made, it will impede an investigation. A short period of time enables them to continue the investigation without alerting the target.

One day would be too long for the argument which is made by the Senator from Wisconsin. We are conducting this debate as if we have a law enforcement community in this country made up totally of rogues who have no regard for the rights of the individual. And when they get a delayed notice warrant, bear in mind, my colleagues and the Senator from Wisconsin, they have gotten judicial review on this sneak-and-peek warrant. On this delayed notification warrant, they have gone to a judge and have gotten leeway on standards which are set forth and articulated in the PATRIOT Act.

Mr. President, the Senate is not in order.

The PRESIDING OFFICER. The Senator is correct.

The Senate will come to order.

Mr. SPECTER. Back to the substance of the argument: this period of time, the less, the closer to the Senate position the better. But this is not some random act of a rogue law enforcement officer. This is a delayed notice warrant which has been obtained by going to an impartial magistrate and by showing cause and by showing reason to have this delayed notice.

Mr. President, the Senator from New Hampshire was on the floor earlier today and has raised a number of arguments. I see other of my colleagues on the floor seeking recognition so I will not take these up at this time. But I would invite my colleagues to examine what the Senator from New Hampshire has had to say in the context of the debate which I have had with the Senator from Wisconsin because I think they are covered. But I will want to deal with them specifically.

I would point out—I am looking through the transcript for a moment on some of the things which he has had to say. There are also some comments made by the Senator from Vermont, the distinguished ranking member, which I will comment about later. We will have a debate.

CONTINUED DUMPING AND SUBSIDY OFFSET ACT

Mr. SPECTER. Mr. President, I want to take an additional moment or two, while I have the floor, to make a brief argument in support of the motion which is going to be offered by Senator DEWINE and Senator BYRD to instruct the budget conferees to drop the repeal of the Continued Dumping and Subsidy Offset Act.

This legislation was passed in the year 2000 under a program which allows the Bureau of Customs and Border Protection to distribute duties collected on unfairly traded imports to those U.S. businesses and their workers who have been injured by dumped or unfairly subsidized imports.

Over 700 companies in almost every State of the Union, including many small- and medium-sized companies, have received distributions under this act, benefitting producers and workers in lumber, crawfish, shrimp, honey, garlic, cement, mushrooms, steel, bearings, raspberries, furniture, semiconductor chips, and a broad range of other industries across the Nation hurt by continued unfair trade.

My State, Pennsylvania, has been a victim to a very substantial extent. Companies in a variety of industries, including those that produce steel, cement, agriculture, and food products, have benefitted from the $1.261 billion since this program was put into operation. The World Trade Organization has objected to this provision, and it is my hope that the administration will fight the World Trade Organization's conclusion. There have been instances in the past where the World Trade Organization has said our practices violate their laws, and our executive branch has gone to fight them to make a change. I think that is what they should do here.

This compensates the companies and the workers who have been victimized by these unfair trade practices. As a matter of basic and fundamental fairness, this money ought to continue going to that.

In the interest of brevity, I ask unanimous consent that the complete text of my statement be printed in the RECORD following my oral remarks.

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

DEWINE MOTION TO INSTRUCT CONFEREES TO DROP THE REPEAL OF CSDOA STATEMENT OF SENATOR ARLEN SPECTER

Mr. SPECTER. Mr. President, as I have said, I have sought recognition to express my opposition to section 8701 of H.R. 4241, the House-passed budget reconciliation bill, which seeks to repeal the Continued Dumping and Subsidy Offset Act, CDSOA, or Byrd amendment, and to express my support for the DeWine motion to instruct conferees to not include this provision in the conference report.

CDSOA was enacted in 2000 to enable U.S. businesses and workers to survive the face of continued unfair trade. The program allows the Bureau of Customs and Border Protection to distribute duties collected on unfairly traded imports to those U.S. businesses and their workers who have been injured by dumped and unfairly subsidized imports.

Over 700 companies in almost every State of the Nation, including many small- and medium-sized companies, have received distributions under CDSOA, which benefits procedures of lumber, crawfish, shrimp, honey, garlic, cement, mushrooms, steel, bearings, raspberries, furniture, semiconductor chips and a broad range of other industries across the Nation hurt by continued unfair trade.

In Pennsylvania, companies in a variety of industries, including steels, cement, agriculture, and food products have benefitted from these distributions by investing in research and development, infrastructure improvements, and improvements to pension programs. In doing so, companies have been able to continue operations and, in some situations, increased capacity.

Overall, disbursements have totaled $1.261 billion since its inception in 2000, $226 million in fiscal year 2005. Pennsylvania companies, alone, have received over $111 million in disbursements under CDSOA from fiscal year 2005 through fiscal year 2005 approximately $22 million annualy—approximately 9 percent of the total distributions.

Repealing or modifying this act would negatively impact U.S. workers and businesses, leading to the loss of the U.S. jobs to foreign competition, which would cost thousands of American workers their health insurance and pension benefits and contribute to the further outsourcing of Americans jobs.

This provision has had broad support in this body, where some 75 Senators have signed letters to the administration urging retention of this vital provision in the face of an adverse WTOP decision allowing countries to retaliate by imposing tariff surcharges on U.S. products.

Congress directed the administration to resolve the WTO issued in ongoing trade negotiations in the fiscal year 2004 and fiscal year 2005 ombinus appropriations bills, and the fiscal year 2006 CJS appropriations bill that became law last month. That language requires the administration to hold negotiations to recognize the right of countries to distribute duties collected from unfair trade as they deem appropriate.

I urge my colleagues to support the motion.

Mr. SPECTER. Mr. President, I ask unanimous consent that a letter dated November 4, 2005, and a letter which I signed along with some 69 other Senators, dated February 4, 2003, be printed in the RECORD.

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

U.S. SENATE,
Washington, DC, November 4, 2005.

Hon. BILL FRIST,
U.S. Senate,
Washington, DC.

DEAR SENATOR FRIST, It is our understanding that the House of Representatives will include the repeal of the Continued Dumping and Subsidy Offset Act (CDSOA) in their budget reconciliation measure. We do not believe that the budget reconciliation process should be used to substantively change U.S. trade law.

The goal of our trade laws is to ensure that an even playing field is provided for American and foreign producers of goods. As you know, Congress passed CDSOA in response to concerns about the consistent, unfair trade practices in which some of our trading partners have been engaged. Under CDSOA, hundreds of companies, farmers, ranchers, and worker groups, from all across America, have received distributions from duties collected from our trading laws. Recipients include large, medium and small companies, worker representatives and farmers in nearly every state in the country.

Seventy-two senators have made their opposition to repealing CDSOA public. Should legislation regarding budget reconciliation move towards conference, we would urge the Senate not to accede to any provisions that may be included in the House bill that would repeal CDSOA.

Sincerely,

Mike DeWine, John Warner, Elizabeth Dole, Larry E. Craig, George V. Voinovich, Arlen Specter, Johnny Isakson, ——— ———, Rick Santorum, Conrad Burns, Norm Coleman, Mel Martinez, Saxby Chambliss.

Richard Shelby, Olympia Snowe, George Allen, John Thune, Susan M. Collins, Mike Crapo, Jim Bunning, David Vitter, John Cornyn, Thad Cochran, Trent Lott, Michael B. Enzi.

———

U.S. SENATE,
Washington, DC, February 4, 2003.

Hon. GEORGE W. BUSH,
President of the United States,
Washington, DC.

DEAR MR. PRESIDENT: We write to express our strong interest regarding the approach that may be taken by the U.S. Government in response to the WTO Appellate Body's January 16, 2003, ruling that the United States violated its WTO obligations when it enacted the Continued Dumping and Subsidy Offset Act (CDSOA) in 2000. In our view, the WTO has acted beyond the scope of its mandate by finding violations where none exists and where no obligations were negotiated.

CDSOA is a payment program established by Congress to address policy objectives that can enable our domestic producers to continue to invest in their facilities and workers. Its continued operation is critical to preserve jobs that will otherwise be lost as the result of illegal dumping or unfair subsidies and to maintain the competitiveness of American industry.

In its November 2002 statement to the Appellate Body defending this law, the Administration stated that, ''[T]he Panel in this case has created obligations that do not exist in the WTO Agreements cited. The errors committed are serious and many about a statute which, in the end, creates a payment program that is not challenged as a subsidy.'' We concur with this statement and consequently believe that America's trading partners must be pressed into negotiations on CDSOA prior to any attempt to change our laws.

Specifically, we urge you to: (1) seek express recognition of the existing right of WTO Members to distribute monies collected from antidumping and countervailing duties; (2) promptly integrate the Administration's recent Report to Congress on the WTO Dispute Settlement Process; and (3) consult closely with the Congress on the particulars of any approach taken in negotiations on this issue.

We look forward to consultations with your Administration on this important matter and to obtaining a positive resolution that preserves the law for American companies and their workers.

Sincerely,

Robert C. Byrd, Max Baucus, Mark Dayton, Tom Daschle, Jay Rockefeller, John Breaux, Kent Conrad, John F. Kerry, Jeff Bingaman, Mike DeWine, Rick Santorum, Larry E. Craig, Trent Lott, Jim Bunning, ——— ———, Olympia Snowe, George V. Voinvich, Arlen Specter, Dianne Feinstein, Dick Durbin.

Blanche L. Lincoln, John Edwards, Fritz Hollings, Joe Biden, Hillary Rodham Clinton, Jon Corzine, Byron L. Dorgan, ——— ———, Saxby Chambliss, Susan Collins, Mike Enzi, Evan Bayh, Robert E. Bennett, Craig Thomas, Pete Domenici, Thad Cochran, Richard Shelby, Russell D. Feingold, Ron Wyden.

Tom Harkin, Debbie Stabenow, Daniel Inouye, Frank R. Lautenberg, Mark Pryor, ——— ———, Zell Miller, Paul Sarbanes, Mike Crapo, John Warner, Harry Reid, Jeff Sessions, Ben Nighthorse Campbell, Jack Reed, E. Benjamin Nelson, Barbara A. Mikulski, ——— ———, Ted Kennedy, Patrick Leahy, Jim Jeffords.

Herb Kohl, Joseph Lieberman, Chris Dodd, Tom Carper, Carl Levin, Barbara Boxer, Bill Nelson, Mary L. Landrieu, Daniel K. Akaka, Judd Gregg.

Mr. SPECTER. I thank the Chair and thank my colleague from New Mexico, who has been waiting patiently, or at least waiting, and yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

MEDICAID

Mr. BINGAMAN. Mr. President, I rise to speak briefly in support of the motion that I understand is to be made by the Senator from Montana, Mr. BAUCUS, who is here on the floor, to instruct conferees with respect to the Medicaid Program.

The motion to instruct conferees on the Medicaid Program highlights one of the many ways in which the House of Representatives budget reconciliation bill radically departs from the Senate bill. Let me spend a very few minutes highlighting the differences between the House and Senate packages on Medicaid, particularly with regard to the health of children.

The contrast between the two bills could not be more stark. The Senate bill arguably improves coverage of children through the inclusion of the Family Opportunity Act that provides a State option to expand Medicaid coverage to children with disabilities and through inclusion of outreach and enrollment funding based on legislation that Senator FRIST and I introduced earlier this year.

In sharp contrast, however, according to the Congressional Budget Office, the House budget reconciliation package imposes increased cost sharing on low-income Medicaid beneficiaries and reduces health services by $6.5 billion over 5 years and by $30.1 billion over 10 years.

For children, the impact of the House bill would be devastating. Medicaid covers more than 27 million children, almost one in four in this country. Medicaid also covers more than a third of all the births and health care costs of newborns in the United States each year.

In spite of the importance of Medicaid for children, the House budget package increases cost sharing for all children who rely on it for prescription drugs or for emergency room services. The bill also allows States to impose premiums for the first time under Medicaid for children's coverage and to deny children coverage even if their family cannot afford to pay the premium or other cost sharing.

The House budget bill also allows States to eliminate the early and periodic screening diagnosis and treatment benefit rules that are so critical to the health of children with special health care needs and disabilities. Benefits that could be lost include comprehensive developmental assessments, assessment and treatment for elevated blood lead levels, eyeglasses, dental care, hearing aids, wheelchairs and crutches, respiratory treatment, comprehensive mental health services, prescription drugs and speech and therapy services. In short, three-fourths of the savings in the House bill come at the expense of low-income Medicaid beneficiaries. By CBO's estimate, half of the beneficiaries affected by the increased cost-sharing provisions in the House package are imposed on children, and half of those who will lose Medicaid benefits would be children.

In CBO's own words:

> We estimate that the number of affected enrollees [due to increased cost-sharing requirements] would increase from 7 million in 2010 to 11 million in 2015, and that about half of those enrollees would be children.

CBO adds that, due to added premiums, ''about 70,000 enrollees would lose coverage in fiscal year 2010 and 110,000 would lose coverage in fiscal year 2015 because of the imposition of premiums.''

Furthermore, CBO estimates that the flexibility in the House bill to reduce benefits will also heavily impact children. CBO estimates that ''benefit reductions would affect an estimated 2.5 million Medicaid enrollees in 2010 and about 5 million enrollees by 2015—about 8 percent of the Medicaid population—and that about one-half of those receiving alternative [or reduced] benefit packages would be children.''

Without the Medicaid Program, the number of children without health insurance, which was 8.3 million in 2004, would be substantially higher. In fact, the number of uninsured children has dropped by over 300,000 over the past 4 years due in large part to Medicaid and

the SCHIP Program. We should not at this time be taking steps backward by reducing coverage for low-income and vulnerable populations that primarily include the children I have been referring to.

I urge that colleagues support the Baucus motion to instruct conferees on Medicaid. We are coming into the holiday season. This is not a time when we, the wealthiest Nation in the world, should be cutting health care assistance to the low-income children of this country. I did not support the Senate budget reconciliation bill for a variety of reasons, but even with the imperfections that were in that bill, it was far superior to the House budget package. For one thing, it does not contain the type of cuts for children's health that are included in the House bill.

I urge my colleagues to recognize how much better the Senate bill is for the health and well-being of our Nation's children. I urge my colleagues to vote to instruct conferees to support the Senate's approach over that of the House of Representatives.

I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

BUDGET RECONCILIATION

Mr. BAUCUS. Mr. President, at the appropriate time I will be sending a motion to instruct to the desk. I will be doing that at a later time. In the meantime, I rise to speak on that motion.

The motion instructs the Senate conferees on the spending reconciliation bill not to bring back a conference report that hurts Medicaid beneficiaries. This is the item about which the Senator from New Mexico just spoke.

Last month, the House passed such a bill, one that would hurt Medicaid beneficiaries. The House passed a bill that would cut health care for millions of seniors and lower income Americans who depend on Medicaid.

I believe the Senate should reject these harmful cuts. In early November, the Senate voted by a thin margin to cut Medicaid, our Nation's safety net health program for low-income Americans. Many of us at that time objected to those cuts. That day, the Senate bill planted a seed of opportunity to make even more harmful cuts, hurting millions of low-income children, seniors, pregnant women, and individuals with disabilities. Just 2 weeks ago, the Senate reconciliation bill bore bitter fruit. Why? Because the Medicaid cuts in the House bill turned out to be substantial and, in fact, will hurt millions of the poorest and neediest among us.

According to the Congressional Budget Office, most of the Medicaid savings in the House bill come from targeting our poorest citizens. CBO says three-quarters of the House bill's Medicaid savings come from provisions that increase costs, cut benefits, or impair access to services for low-income individuals. These cuts will affect millions of people. The CBO estimates that about 17 million Medicaid enrollees will pay more under the House bill, and half of those paying more will be children.

Who will these cuts affect? Medicaid now serves more than 50 million low-income Americans. A quarter are children. A quarter are seniors and disabled. The rest are pregnant women, low-income parents, and individuals with serious medical needs.

Many believe that all low-income Americans are eligible for Medicaid. That is not the case. Often only the very poor qualify. On average, a non-working parent making about $150 per week for a family of three makes too much for Medicaid. Again, a non-working parent of a family of three making about $150 a week makes too much for Medicaid. That is less than one-half the Federal poverty level.

Eligibility levels for working parents are also low. On average, a working parent with a family of three earning more than $5.50 an hour also makes too much to qualify for Medicaid. So we are talking about the very poor.

Under the House bill, these needy individuals will pay more for less. CBO estimates that about 80 percent of the savings from increasing cost sharing would come from decreased use of health care services. Some may say that increasing cost sharing will curb waste, abuse. I am not saying we cannot or should not look at reducing unnecessary treatments under Medicaid. Far from it. But increasing cost sharing is not the right way to do it.

Increasing costs deters patients from seeking health care services, both good and bad services. If we really want to control overuse of services, we should be investing in care management strategies for expensive chronic diseases such as diabetes. These strategies have proven to lower cost while increasing the quality of care.

Increasing enrollee cost sharing can also have unintended systemwide effects. Many States have already said they will deduct the new copayment fees from provider rates regardless of whether providers collect the fees. The result puts the new burden on doctors and clinics and hospitals serving our health safety net. Many of these providers will be forced to make up uncompensated care costs by increasing private market rates, which will drive up health care costs for all of us, leading to more uninsured and an even greater need for Medicaid.

Even more troubling, the House bill's premium increases will result in tens of thousands of individuals losing Medicaid coverage. According to CBO, about a quarter of the savings from the premium increases are for individuals losing coverage. We don't need to rely on CBO to know that this will actually happen. Why? Because in the State of Oregon, this was tried, and the results were quite clear and disturbing. That State began to enforce nominal monthly premiums for higher income Medicaid beneficiaries. What happened? Oregon saw its enrollment drop by nearly one-half in 10 months. Nearly 50,000 individuals lost coverage.

This increased cost sharing amounts to a tax on poor families now in Medicaid. For a family of three with income at 135 percent of poverty, annual cost sharing would be as high as $1,086 per year or, stated another way, about 60 percent of their annual Federal tax liability.

Let me say that again. For a family of three, with income at 135 percent of poverty, annual cost-sharing could be as high as over $1,000, which amounts to less than 60 percent of their annual Federal tax liability. In effect, it is a tax—a big tax, about 60 percent of their Federal tax. Add them together and it is about 160 percent of tax they are paying.

Many of these poor individuals would also be forced to pay more to get less. How? Because the House allows States to cut Medicaid benefits.

The Congressional Budget Office estimates that 5 million enrollees would see their benefits cut over the next 10 years. Half of those affected would be children. Higher income children would no longer have guaranteed access to medically necessary care under Medicaid.

It is also unclear whether individuals with disabilities and chronic conditions would be protected. This could undermine access to more expensive treatments and services for those individuals who turn to Medicaid because the private market will not cover them.

Shifting costs and cutting benefits for our poorest and least able to pay is not the smart way to preserve our Nation's safety net for future generations.

In the Finance Committee, many of my colleagues on the other side of the aisle chose to support the Senate bill because it didn't include changes that would hurt Medicaid beneficiaries. My friend and colleague, Finance Chairman GRASSLEY, praised the bill, saying it ''protects Medicaid benefits for the most vulnerable in our society.''

The Senator from Oregon, Mr. SMITH, said that ''the reconciliation package we are considering today is not only fiscally responsible, but also morally defensible. This is a bill that protects the less fortunate among us. It takes pains to preserve the vital safety net programs that millions of Americans rely on.''

And the junior Senator from Pennsylvania said during the committee markup:

> Let us set the record straight. We are not cutting health care services to the beneficiary.

So today I will offer this motion to set the record straight on Medicaid cuts. This motion instructs Senate conferees on the reconciliation bill to reject changes to Medicaid that would hurt Medicaid beneficiaries or undermine Medicaid's guarantee. Given the threat of the cuts passed in the House, the Senate must take a stand in support of the neediest among us.

Let us ensure that we keep the record straight on Medicaid. Let us ensure that we do no harm to the vulnerable individuals whom Medicare serves. Let us pass this motion.

Mr. President, at the appropriate time I will make the motion.

I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

Mr. REED. Mr. President, I, too, at the appropriate moment will offer a motion to instruct the conferees. I will offer the motion in conjunction with Senators COLLINS, KENNEDY, SNOWE, LIEBERMAN, LEAHY, BINGAMAN, COLEMAN, SALAZAR, STABENOW, CLINTON, LUGAR, HARKIN, LEVIN, SMITH, and PRYOR.

This motion to instruct conferees is about LIHEAP, the Low Income Heating Assistance Program. Each of us, at this point, is very familiar with the struggle that is taking place today. If you were in New England over the weekend, as I was, or in many other parts of the country, you understand that temperatures have fallen and many families are having to perform a juggling act with their budgets in order to heat their homes.

According to EIA's most recent short-term energy outlook, released last week, energy costs for the average family using heating oil are estimated to hit $1,454 this winter, an increase of $255. That is a 21-percent increase over last year's heating season. Natural gas prices could hit $1,024 for an average family using natural gas. That would be an increase of $282 or a 38-percent increase. For a family using propane, prices are projected to hit $1,269, an increase of $167 from last heating season, and that is a 15-percent increase.

Despite these sharp increases in fuel costs, we sadly continue to fund LIHEAP—the one program that can provide sufficient help to these families—at the same level as last year, which in reality means an actual cut in the level of assistance we can provide low-income consumers this winter's heating season.

The responsible thing for Congress to do is to fully fund LIHEAP at the full $5.1 billion authorized in the Energy Policy Act enacted earlier this year. Indeed, we have tried to do that on numerous occasions. Today marks the fifth time in the last 2 months that Senator COLLINS and I, along with some 30 other colleagues, have made an attempt to fully fund LIHEAP. We offered amendments to the Defense bill, the Transportation-Treasury-HUD bill, Labor-HHS bill and, most recently, the tax reconciliation bill. On each occasion, we reach across the aisle and across the country to provide more assistance for the LIHEAP program. While we did not reach the 60-vote margin needed to pass these amendments under the budget rules, in each instance, a majority of this body was on record supporting full funding for LIHEAP.

My preference, of course, was to provide funding to fully fund LIHEAP on an emergency basis through an appropriations bill. Those opportunities have passed. Budget reconciliation is the last train that is leaving the station. That is why I come to the floor and will offer, at the appropriate time, a motion to instruct budget conferees to insist on a level of funding for LIHEAP that is sufficient to fully fund the program at its fully authorized level.

The heat-or-eat dilemma is not just rhetoric. The RAND Corporation conducted a study and found that low-income households reduced food expenditures by roughly the same amount as increases in fuel expenditures. In some respects, this is a tidal wave not of rising water, like Katrina, but of rising energy prices.

We have all had the opportunity to visit our constituents and get a first-hand glimpse of the struggle they are faced with. A few weeks ago, I visited with Mr. Aram Ohanian, an 88-year-old veteran of the U.S. Army in World War II, living on a $779-a-month Social Security check. Money is so tight that he sometimes has to eat with his children or go to a local soup kitchen. He also gets assistance from our Rhode Island food bank. These heating price increases to Mr. Ohanian will be very difficult. He received LIHEAP assistance last year, but that assistance will be relatively less this year because of rising prices and greater demand.

Last month, the Social Security Administration announced that cost-of-living adjustments for 2006, on average, are about $65. That $65 increase to Mr. Ohanian is not going to take up the slack in terms of these tremendous increases in fuel prices.

The motion to instruct conferees that we will submit at the appropriate moment calls for LIHEAP to be funded at the fully authorized level. Under the best-case scenario, if we fully fund LIHEAP, there would still be a significant number of Americans who qualify for the program but will not get any help. LIHEAP would still only serve about one-seventh of 35 million households that are poor enough to qualify for assistance. But at least we are taking a step by fully funding this important program.

I urge my colleagues to support this motion when it comes to the floor for a vote.

I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

Mr. GREGG. I ask for the regular order, Mr. President.

The PRESIDING OFFICER. The Senate is in morning business with 10 minutes for Senators.

Mr. GREGG. Mr. President, we are trying, as the Senate and as a Congress, to wrap up the business for the Government this year. A major part of that effort is to complete the budget process. Included in the budget were two directions to the Congress, which were voted in by a majority of the Congress—regrettably, very few people from the other side of the aisle supported it—and one of the directions was, for the first time in 8 years, to attempt to bring under control the rate of growth of entitlement spending.

Anybody who looks reasonably at the Federal Government—and let's take an independent view here and the view specifically of Chairman Greenspan, who recently gave a speech in London where he pointed out that the biggest concern he has from the standpoint of fiscal policy was the burgeoning costs of the Federal Government which were being driven by entitlement spending, and which would explode as the baby boom generation began to retire in 2008 and become an untenable burden for the children of the baby boom generation and their children as they have to pay the taxes or costs of supporting that retired generation which is so large.

This bill, in what I consider to be the first act of fiscal responsibility of significance in the last 8 years, moved legislation that said the Congress, for the first time in 8 years, will address the issue of entitlements.

Now, the savings being projected in the bill were not that dramatic and they continue to be not that dramatic. They are large numbers, obviously, but in the context of the total spending on entitlements, they are not that large.

For example, the savings that are being projected in the area of Medicaid are about $10 billion over 5 years. But what you have to understand—and that is a big number—is over that period, Medicaid will be spending approximately $1.4 trillion—trillion dollars. So we are actually asking for less than a one-tenth of 1 percent reduction in the rate of growth in Medicaid, and Medicaid during that period will grow at 40 percent—a 40-percent growth rate over those 5 years, down from 41 percent, assuming we make the $10 billion reduction over the 10 years in the rate of growth.

The total deficit reduction bill was to be somewhere in the range of $35 billion to $50 billion, depending on which bill was taken from which House. It left the Senate at $39 billion and left the House of Representatives at about $50 billion, $51 billion, something like that; I am not sure. In any event, it is going to fall somewhere between those two numbers.

We as a Congress hopefully can pass legislation that accomplishes that goal which starts to reduce the rate of growth of entitlements and reduces the debt of the Government to at least $40 billion—hopefully more than that, $45 billion, $46 billion over the next 5 years. This is the responsible thing to do, and it will be the first act of significant fiscal responsibility in which we have participated in a while around here as we continue to pass in the entitlement area—there has been significant fiscal responsibility in the nondefense discretionary area executed by the Appropriations Committee under,

again, the budget which essentially froze nondefense discretionary spending and put in place what is known as caps so we can enforce them.

Ironically, none of these proposals for fiscal responsibility put in place have received any significant support from the other side of the aisle. When the budget passed this Congress, I don't think any Members from the other side of the aisle voted for it. When the reconciliation bill passed this Congress, two Members from the other side of the aisle—I appreciate it very much—the Senator from Louisiana and the Senator from Nebraska voted for it, but other than that, no one else on the other side of the aisle voted for fiscal responsibility or an attempt to reduce the rate of growth of the Government. So this has become a lifting exercise in which, for all practical purposes, Republican Members of the Congress appear to be ready to participate.

Yet today we are hearing from the other side of the aisle that they want to instruct the conferees of a bill, against which they voted—they voted against the budget, which was the underlying bill—instruct the conferees how the conference should occur. I find that to be a touch inconsistent—to be kind, a touch inconsistent, a big touch inconsistent, to be honest. Here they are, folks who have not voted for any fiscal restraint and, in fact, as we moved through the appropriations process have suggested that we add $500 billion of new spending to the Federal Government under the appropriations process, which is not, by the way, impacted under this deficit reduction bill because this is entitlement activity, the two accounts being separate, appropriations being one-time annual expenditures of the Government, entitlements being programs which people have a right to and, therefore, they can go out and receive funding. They may be veterans, they may be low-income individuals, they may be students—they have a right to receive funding. It goes on independent of annual legislation.

As I said, the other side of the aisle not only has not supported the efforts of fiscal responsibility by voting for either the budget or the vast majority, with the two exceptions I mentioned, not voting for a deficit reduction bill, but now come forward with a series of what are going to be instructions to the conferees as to how the conferees should act after they voted against passing the bill and moving forward with the legislation. Chutzpah is an understatement for that type of approach.

Let's just take one or two examples and discuss them for a second. For example, the Senator from Rhode Island was talking about LIHEAP. There is significant irony in the position of the Senator from Rhode Island—significant irony. To begin with, he voted against the one proposal that we could have passed—which was funded—which would have funded LIHEAP to keep people protected from the increase in oil costs. It was paid for. That amendment was offered by myself. It was paid for with an across-the-board cut in the Labor-HHS bill. It would have fully funded the LIHEAP account at a level which would have held harmless everybody who receives LIHEAP money, low-income energy assistance, because we all realize the Low-Income Home Energy Assistance Program is a critical program and there is going to be significant stress, especially in the Northern States, as a result of the increased costs of the price of oil. And yet this was opposed.

When this opportunity came along, it was opposed for political reasons, if nothing else, I suspect, because they wanted to make a claim that they were going to fund LIHEAP at a level that was significantly higher than what CBO and what the Energy Department and what everyone else said was needed, including the Health and Human Services Department, to hold the program harmless, to keep the people funded who needed to be funded.

That increase, which was required, was a $1.2 billion increase. You don't have to listen to me to believe that. Take a look at the letter the Senator from Rhode Island sent out asking that the funding in LIHEAP be increased—it was signed by I think 44 Members of the Senate—be at a level that held harmless the system so people who receive money under LIHEAP would get the money they needed. What was the number in that letter? The number was $1.2 billion. But suddenly, in order to promote an agenda which had nothing to do with making sure the people were held harmless but had a lot to do with maybe headlines, we find the number being asked for is another $1.5 billion on top of that. It is not paid for, not offset. Just run up the debt and put money into an account far in excess of what that account needs to do the job right.

In fact, as a result of the warm season in November in many of the Northern States and the result of the softening, to some degree, of oil prices, especially home heating oil prices, the number has now dropped. It is down below $1.2 billion, according to the estimates I have been seeing, to hold the system harmless. I am still willing to go to the $1.2 billion level and have it paid for. That is the way it should be done. You have to set priorities. You live in a household, and this is all about households trying to make ends meet. They set priorities.

One of the priorities should be that the Federal Government should not pass the bills in an energy program today which pays for oil that is purchased today and given out today on to our children and our grandchildren to pay through debt. We should pay for it ourselves. We should be willing as a Congress to step up and say: Yes, this is an important program; yes, it should be funded at a level that holds everybody harmless and makes sure they get the support they need, but also it should be paid for by the generation that is going to benefit from it or at least the Government that is taking advantage of it. It should not be passed on to the next generation as a bill to our kids because our kids are also probably going to have cold winters, and they sure are going to have tough energy issues because we haven't solved any of those issues around here. We passed an energy bill that was filled with a lot of vertical subsidies but didn't have a whole lot of good energy policy in it; a little bit, a little bit of good energy policy and a lot of bad policy which was basically driven by interest groups around here, but it sure didn't do anything to make us more long-term solvent in the area of energy.

One item that might address that is the issue of producing more energy for our country, and that, of course, is a big issue in this bill, and we will get into that in a later discussion.

The point here is we are being asked to vote for the reconciliation bill when it comes out of conference. We are being asked to instruct the conferees to add another $2.9 billion of debt onto our children's backs rather than doing an appropriate action which is what I suspect the conference will do, which is increase the money in the Low-Income Home Energy Assistance Program by $1.2 billion, or something in that range, and have it paid for within the context of the entire deficit reduction bill, which is the fiscally responsible way to approach this issue.

This will make a good press release, and it will obviously make a good political ad, but I hope there will be a followup statement and maybe even a followup political ad, maybe paid for by our kids or grandkids which says: Hey, why are you doing this to us? Why do you not take responsibility for your generations? Why are you giving us a bill for oil and heat for this year when we may have the same bills to deal with when we retire or when our children have to take care of us in retirement 10, 15 years from now?

Let us do this the right way. Let us make this system solvent, not only solvent but make the system—put in the system the funds that are necessary to make sure that people who need the low-income energy assistance can get it under the higher oil prices, and then let us pay for it. Set a priority and say there are some things we can afford, some things we cannot afford, and in the Federal Government let us make the decisions to reduce the things we cannot afford and pay for the things we need, which specifically would be this proposal for low-income energy assistance at $1.2 billion. But that is not the politics of this institution.

So I do hope we will pass a reconciliation bill, otherwise known as a deficit reduction bill, and I do hope it will step forward and reduce the debt by somewhere around $45 billion or $46 billion, maybe more, and that in that process

we will address the low-income energy assistance program and make sure that it is funded at a level that is necessary in order to make sure people are held harmless, and low-income individuals who need energy can afford it to heat their homes and do not have to make difficult choices. But we should all do it within the context of prioritizing the responsibilities of the Federal Government today and not pass our responsibilities today on to our children and our children's children tomorrow by deficit-financing this event.

So we are going to get these instructions. I guess there has been some unanimous consent agreement worked out. There are going to be about seven proposals, instructions to conferees. I just hope that as we go through these instructions people will have the intellectual integrity to ask the question, if they did not vote for the bill, if they did not vote for the budget which was trying to control spending, and they did not vote for the deficit reduction bill which is trying to control spending, why are they coming to the floor and suddenly telling the conferees how they should go about hitting their targets which are part of the bill, which they did not vote for, and they do not support? Maybe we will hear somebody preface their request for instructions with an explanation of that point.

I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

ASBESTOS

Mr. BAUCUS. Mr. President, Libby, MT, is a special place. Libby is a city of more than 2,600 people in Lincoln County, in the northwest corner of Montana. It rests in a valley high in the Rocky Mountains, on the green Kootenai River between the Cabinet and Percell Mountains.

Libby is not a rich city. In 2000, the median family income in Libby was just under $30,000. That compares with just over $40,000 in all of Montana, and just over $50,000 in all of America.

Across the river, and 9 miles northeast of the town, rises a mountain that they call Zonolite Mountain. Until 1990, the W.R. Grace Company used to mine vermiculite there in the mountain.

Vermiculite is shiny mineral. Heat it, and it pops like popcorn. People used to pop vermiculite to make building insulation. They called the popped vermiculite ''Zonolite.''

The layers of rock where people found the vermiculite contained harmful asbestos. And the vermiculite outside Libby is laced with a especially dangerous type of asbestos, called tremolite.

Tremolite is the most toxic form of asbestos. Termolite has long fibers that are barbed like fishhooks. These fibers work their way into soft lung tissue. These fibers do not come out.

Until the mid-1970s, W.R. Grace processed the vermiculite mined in Libby in a nearby mill. The mill was so dusty that workers often could not see their hands on their brooms. Dust was everywhere. Mill workers swept dust outside. They dumped it down the mountainside. I remember seeing employees come out of the mine off the bus so caked with dust I wondered what in the world is going on here. I never knew any working conditions to be so dusty.

The mill's ventilation stack spewed the dust into the air. The ventilation stack released 5,000 pounds of asbestos every day. When the wind blew from the east, a deadly white dust would cover the town.

For decades, 24 hours a day, the dust fell all over Libby. Dust fell on Libby's gardens. Dust fell on Libby's homes. Dust fell on Libby's high school track. Dust fell on Libby's playgrounds.

Some of the vermiculite went downtown to a plant, right next to the baseball diamonds. The plant popped the vermiculite into Zonolite. Batches of Zonolite spilled all around the plant.

Kids played in the Zonolite. People brought home bags of Zonolite to pour into the attics. People put Zonolite in their walls. People put Zonolite in their gardens. People put vermiculite and ore in road beds. People used vermiculite and ore as aggregate in their driveways.

An article in the journal Environmental Health Perspectives would later conclude:

> Given the ubiquitous nature of vermiculite contamination in Libby, along with historical evidence of elevated asbestos concentrations in the air, it would be difficult to find participants who could be characterized as unexposed.

Every day, men from the valley went to the mountain to work in the mine and the mill. Every day, these men came home, covered with the fine, deadly white powder.

The powder got into their clothes. The powder got into their curtains. The powder covered their floors.

The fine fibers of tremolite asbestos are easy to inhale. Miners inhaled fibers in the mine. Workers inhaled fibers at the mill. Wives inhaled fibers when they washed their husband's clothes. Children inhaled fibers when they played on the carpet.

And those fibers caused respiratory disease. Those fibers caused a serious lung disease called asbestosis. And those fibers caused a serious form of cancer, mesothelioma, which plagues the chest and abdominal cavities.

Tremolite asbestos causes unique diseases. These diseases are highly progressive and deceptive. These diseases often result in severe impairment or death, without the typical warning markers that show up on x-rays. Without the usual medical signals, the people of Libby often went undiagnosed.

The Agency for Toxic Substances and Disease Registry found that people from Libby suffer from asbestos-related disease at a rate 40-to-60 times the national average. People from Libby suffer from the asbestos cancer mesothelioma at a rate 100 times the national average.

Because of the W.R. Grace mine and the mill, hundreds of people in Libby died from asbestos-related diseases. And hundreds of current and former area residents are now ill.

The people in Libby will be plagued by asbestos for years to come. These diseases can take 40 years to appear. Hundreds more will fall victim to these diseases in the future.

Now, the people of Libby must watch their neighbors struggle to tend their gardens. They must watch their neighbors struggle to walk to the café. They must watch their neighbors struggle to provide a future for their children. And they must wonder if they, too, will fall ill.

Hundreds of people live in discomfort. Hundreds of people live in pain. ''It took my mother 17 months to slowly suffocate,'' said Gayla Benefield.

After Gayla's mother died in 1996, Gayla and her sister sued W.R. Grace. They brought only the second such lawsuit to be decided by a jury in Libby. W.R. Grace had quietly settled dozens of other claims with agreements of secrecy.

In 1999, the Environmental Protection Agency started to investigate. The EPA found tremolite contamination in the air around the nursery. They found it near the ball fields. They found it inside homes.

The EPA started cleaning up. The entire community of Libby was designated a Superfund site. Libby was listed on the EPA's National Priorities List.

The EPA concluded:

> The occurrence of non-occupational asbestos-related disease that has been observed among Libby residents is extremely unusual, and has not been associated with asbestos mines elsewhere, suggesting either very high and prolonged environmental exposures and/or increased toxicity of this form of amphibole asbestos.

The EPA has worked hard. The EPA has shown a good response and solid clean-up work. And the EPA is committed to finishing the job. I commend them. I made many visits to Libby—many, many times. I talked with EPA officials over the years, and I think they have done a pretty good job.

The EPA has identified more than a thousand properties in Libby that still need cleaning up.

The agency has pushed back the timeframe for cleaning up the town from 2004 to 2008. After having been in Libby for 3 years, the agency had completed only 10 percent of the cleanup work needed to give the town a clean bill of health. The EPA must keep Libby a priority.

In 1999, I was the first high-ranking elected official to visit Libby. Since the winter of 1999, I have gone to Libby 16 times. I have worked heard to get funds to help with cleanup, health care, and economic development.

I have looked into the eyes of people in Libby. I have seen mothers and fathers, sister and brothers, husbands

and wives. I have listened to their troubling stories.

In Libby, I heard many concerns of residents who cannot afford their health care. People are sick. Many are getting sicker. They are dying up there. Health care is one of the most pressing needs facing Libby.

In 2000, I helped to establish the Center for Asbestos Related Diseases, or CARD. The CARD clinic has done a tremendous job providing health care and screening for Libby residents. CARD needs additional Federal dollars to provide more and better care.

The healthcare costs of treating asbestos-related disease can be devastating. Simple, routine procedures to help a person breathe more easily can cost more than $30,000. Those costs continue to add up. They are crippling a community that is struggling to get back on its feet.

The people of Libby face a health care crisis. This crisis was caused by alarming rates of tremolite asbestos-related disease. Treating the sick people in Libby will cost hundreds of millions of dollars. It was caused by no fault of their own, but, I might add, by a company that knew it was damaging and killing the people in that community.

Libby is working to overcome years of asbestos exposure from the W.R. Grace mine. They have been through enough. They did not ask for this lot. Affording quality health care remains one of the biggest hurdles for the town to move forward.

That is why I fought to make sure that asbestos bills working through the Senate addressed the needs of the people of Libby. When, in May of this year, the Judiciary Committee voted to report S. 852, the Fairness in Asbestos Injury Resolution Act, the committee included appropriate language.

The good people of Libby need our help. They are dying up there. They cannot afford health care. I am dedicated to getting them the healthcare treatment that they need and deserve. I made a commitment to the people of Libby and I intend to work together with my colleagues to see that commitment honored.

Asbestos disease has devastated many communities across the country But tremolite asbestos hit Libby hardest of all. Libby is unique. The type of asbestos at Libby is unique. The duration of exposure at Libby is unique. The manner in which asbestos disease manifests itself in Libby is unique. And the community-wide exposure in Libby was unique. That is why the tailored solution that the Judiciary Committee has proposed makes sense.

I want my colleagues to know that I will fight to defend the Libby provisions in the asbestos bill. Libby is extremely important to me. If the Congress takes out the Libby provisions from the bill, they will lose my vote.

People in Libby are dying from tremolite asbestos exposure. The town has risen mightily to the challenges that it has faced. But they need our help. They deserve our help.

The people in Libby are working hard to revitalize their economy and their community. They are rightly proud of their resilience and their ability to land on their feet. They deserve all the help that we can give them to make their town whole again.

I urge my colleagues to support the Libby provisions in the asbestos bill. Help us to right this terrible wrong. Help these hundreds of suffering people to get health care and help save the life of this town.

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

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

The bill clerk proceeded to call the roll.

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

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

Mr. GRASSLEY. Mr. President, I do want to, as I have the privilege of so often doing, express my thanks to my Democratic colleague, the ranking member of the Senate Finance Committee, for his cooperation particularly on this United States-Bahrain Free Trade Agreement that we were able to unanimously report out of our committee. The reason I want to emphasize ''unanimous'' isn't just to be complimentary to Senator BAUCUS but also to the people of this country who think that everything done in this Congress is always so partisan, that Republicans and Democrats never get along, that we never talk to each other, that we never agree on anything. I can see why they have that impression because that is the impression the news media of America gives about the Congress of the United States. But as practical matter, nothing gets done in the Senate that isn't somewhat bipartisan, and particularly there is quite a tradition of bipartisanship in our Senate Committee on Finance.

This recent bill that is before us, the United States-Bahrain Free Trade Agreement, is the latest representation of that bipartisan cooperation.

I thank Senator BAUCUS very much.

I give strong support to the bill S. 2027; that is, the United States-Bahrain Free Trade Agreement Implementation Act.

This legislation is not only good for our U.S. economy, but it is also going to promote free trade, which is an economic issue as it creates jobs, but it also promotes democracy, and it promotes economic stability.

In regard to economic stability, the reason I emphasize that is because the Middle East is seen as an area of the world that is not very stable. I think that enhancing trade with those countries, large or small, is going to bring great economic stability which in turn ought to bring some political stability.

On top of all this, it is going to cement our ties with this small kingdom of Bahrain. That country is a very strong ally of the United States in that region.

This trade agreement is a clear win for our economy. It will create jobs.

Upon entry into force of this agreement, Bahrain will immediately eliminate 100 percent of its duties on imports of U.S. consumer and industrial products.

U.S. farmers will also benefit. On day one of the agreement, Bahrain will grant duty-free access on 98 percent of its tariff lines that apply to U.S. agricultural as well as food products. Duties with respect to that small remaining 2 percent will be phased out over a period of 10 years.

This is solid market access for U.S. farmers and U.S. manufacturers.

U.S. service providers will also gain from this agreement.

Bahrain will provide substantial market access across its entire service regime. The service provisions of the agreement are based upon a ''negative list'' approach, which means that all service sectors are covered. In other words, there will be trade in all service sectors unless they are specifically excluded as a result of the list.

Bahrain is already a major center for service providers in the Middle East, and the government recognizes that its service sector can become even stronger through economic liberalization. Because of this agreement, as the region develops, there is going to be very enhanced opportunities for U.S. exporters.

While it is important to note how the United States-Bahrain Free Trade Agreement will benefit the economy of the United States in the aggregate, it is even more important to point out how it will benefit individual U.S. companies and their workers.

For me, I didn't have to look very far to find Iowa workers and Iowa companies that benefit from this agreement.

For example, the HNI Corporation—it used to be referred to as the HON Corporation—the Fortune 500 company in my State, this company in Muscatine, IA, looks forward to the implementation of this trade agreement. HNI is the second largest manufacturer of office furniture in North America. It is specifically targeting the Bahraini market for increased sales. So HNI employees in Iowa as well as other States will benefit from Senate passage of the agreement.

Workers at the Lennox residential heating and cooling products factory in Marshalltown, IA, also stand to gain from the agreement. Lennox has a strong interest in increasing its sales in Bahrain. Like HNI, Lennox has a presence in many States, so its employees not only in Iowa but throughout the country will benefit from the implementation of this agreement.

Smaller businesses throughout the United States also stand to benefit from this trade agreement. One such company is Midamar Corporation located in Cedar Rapids. The Midamar

Corporation supplies halal food and food service equipment to restaurants, hotels, and distributors throughout the world. This company was started in 1972 by Cedar Rapids native Bill Aossey. When Bill returned to Iowa after serving in the Peace Corps and traveling throughout the Middle East, he came up with the idea of starting a company dedicated to exporting Iowa products. Now, 33 years later, Bill has a lot to show for this hard work. He employs 30 Iowans and the Midamar Corporation is very much a clear success.

I visited the Midamar facility last August and I can report Bill Aossey and his employees are very enthusiastic about this prospect of a trade agreement with Bahrain being implemented so they can even do more business in the Middle East.

Aside from the immediate benefits to United States exporters to Bahrain, this agreement's impact will extend beyond Bahrain. The United States is promoting trade liberalization and economic growth in other countries in the Middle East and this agreement will serve as the template for other trade agreements being negotiated in the region. The solid gains for U.S. farmers, workers, manufacturers, and service providers found in this agreement may be replicated in other free trade agreements of their region.

This has already happened with the country of Oman. The United States recently concluded a free trade agreement with Oman that was based largely upon our agreement with Bahrain so the benefits to HNI Corporation, Lennox, and Midamar that I have identified will be multiplied as other Arab countries adopt free trade agreements with the United States that are based largely upon the Bahrain agreement.

This is all part of a broader goal and that was expressed in May 2000 by President Bush proposing a plan of graduated steps for Middle Eastern nations to increase trade and investment with the United States and others in the world economy, culminating with the establishment of the Middle East Free Trade Agreement by the year 2013. The importance of this vision of President Bush was brought home on July 22, 2004, when the report of the 9/11 Commission was released. That report contains as one of its key recommendations that ''comprehensive United States strategy to counterterrorism should include economic policies that encourage development, more open societies and opportunities for people who improve the lives of their families and to enhance the prospect of their children's future.''

Our trade agreement with Bahrain is an important achievement in that area and joins previously concluded bilateral trade agreements between the United States and Israel, Jordan, and Morocco. The agreement with Bahrain is an important part of a broader effort to encourage development, more open societies, and opportunities for people to improve the lives of their families and to enhance prospects for their children's future throughout the Middle East.

Finally, I urge my colleagues to support this bill before the Senate implementing the United States-Bahrain Free Trade Agreement.

Mr. BAUCUS. Mr. President, today we begin debate on the free trade agreement between the United States and Bahrain. This is an agreement that strengthens our ties with a stalwart ally in a troubled part of the world. It is an agreement with a leading reformer in the Middle East, and with the most open economy in the Arab world. And it is an agreement worthy of our support.

On the first day of enactment of the U.S.-Bahrain Free Trade Agreement, 100 percent of trade in manufactured goods will be duty free, opening up markets for U.S. exports of motor vehicles and parts, medical equipment, refrigeration equipment, et cetera. Agricultural exports are also expected to rise, and I hope Montana beef is among them.

The services chapter is the most robust of any agreement the United States has negotiated. Bahrain has promised American companies doing business in the kingdom a regime free of barriers, modern in its regulation, and respectful of intellectual property rights.

For Bahrain, this agreement means greater integration into the world economy, a better environment for its workers, and a pioneering role in the Arab world. For the Middle East as a region, I hope this agreement is a firmly planted seed that will grow prosperity, openness, and stability.

A strong agreement such as this one does not automatically happen. It takes hard work. It takes perseverance, followthrough. It takes vision. Fortunately, the United States and Bahraini officials have these qualities in spades. I applaud their hard work. Ambassador Belooshi—who, I might add, is observing these proceedings close by, very close, I might add—of the Kingdom of Bahrain typifies the courageous action and progressive thinking the Bahrainis have shown through the FTA process, and we should applaud him for it. He has done a super job.

I also applaud Ambassador Rob Portman and his predecessor, Bob Zoellick. Ambassador Zoellick negotiated a strong agreement, and Ambassador Portman saw it through. Ambassador Portman listened to Senators' interests in monitoring Bahrain's end to its boycott of Israel, and together we worked out a solution. He has been equally energetic and flexible in working with my colleagues in the House Ways and Means Committee to alleviate their concerns, especially on labor.

I also applaud the very capable and energetic staff of the USTR. They are dedicated public servants, putting in long hours and endless effort into their work. They do a super job.

This is the first FTA to come before us since the very contentious Central American Free Trade agreement.

The overwhelming support I expect the Bahrain agreement to secure is a testament to what can be achieved when the administration and the Congress work together to address concerns.

The Bahrain FTA shows that when the administration keeps an open dialogue with Congress, we can find common ground and achieve our common goals. I hope that we can continue to build upon the success of this FTA in helping to heal the wounds of previous battles.

I think we have before us a model for open dialogue, and for congressional support for trade liberalization.

I hope that we can take this model and apply it to much larger trading partners and even bolder agreements. Agreements that will open bigger markets, realize greater opportunities, and make our industries even more competitive.

Mr. President, I am pleased to support the U.S.-Bahrain free trade agreement. I urge my colleagues to pledge their support as well.

BUDGET RECONCILIATION

Mr. GRASSLEY. Mr. President, I also take this opportunity to speak on a motion to instruct conferees on the Byrd amendment.

Yesterday, a Senator sent a letter to the majority leader saying he would oppose the reconciliation bill if we used repeal of the Continued Dumping and Subsidy Offset Act to achieve billions in budget savings. While disappointed, I was not surprised. In fact, I say, join the club.

Already, one Senator told me he would oppose reconciliation unless specific provisions on specialty hospitals were not included. Several other Senators threatened to vote against the reconciliation bill unless the MLLC Program was not extended. Another Senator told me he will vote no if we save money by trimming waste from the Medicaid Program. A group of southern Senators said they would vote no on the reconciliation bill if the Grassley provision on payment limits in the farm program became a part of the bill.

So, no savings from the CDSOA repeal; no savings from the MLLC Program; no savings from Medicaid; no savings from payment limits. With everyone threatening to vote ''no'' there will be no savings in any Federal program, ever.

Everyone says they are for balanced budgets as long as it is someone else whose budget is cut to get the job done—not their pet issue. We need to ask ourselves whether we want to trim the Federal budget or not. If not, what does the Republican Party stand for?

The most egregious threat has to be over budget savings from the repeal of the Continued Dumping and Subsidy

Offset Act. This program is Government pork at its worst. It takes money that should go to the treasury of the United States and it transfers that money to a select group of companies. Talk about special interests, Mr. President. Plus there are very few limits on what these companies can do with the money that is raised by an act of Congress.

According to the General Accounting Office, one recipient even used the money to pay off his home mortgage. The program is so bad it did not even pass during the light of day a few years ago. Instead, it was pushed into a conference report before it could receive scrutiny by either House of Congress. Ironically, some are arguing that budget reconciliation shouldn't be used to save money by repealing this amendment. They argue it should go through the regular order. I don't know why they would argue this given the provision never went through regular order before it became law in the first place.

Here, unlike passage a few years ago of this bad amendment, repeal went through regular order in the House. Repeal just a couple weeks ago went through regular order in the House where that amendment had never even been considered by the other body when it was originally adopted a few years ago.

So let me be clear. We are not talking about repealing any aspect of our trade remedy laws. Every trade protection that has been in place for years stays in place. What we are talking about is getting rid of a Government subsidy program that enriches the few at the expense of the many.

A recent report from the Government Accountability Office shows this in very stark detail. Over $1 billion has been distributed so far under this program. One company alone—one company alone—of that $1 billion received almost 20 percent of the disbursements, and the top 5 recipients account for almost half of those disbursements.

You do not have to cast a very wide net to see where this corporate welfare is going. Just 39 companies account for over 80 percent of the disbursements. And the World Trade Organization has authorized a number of our trading partners to retaliate against us. This is where, to help a few companies through this amendment, we are going to end up hurting a lot of American producers, some of them in our powerful agriculture, and maybe end up hurting every consumer in America. As a result, innocent U.S. exporters are taking a big hit so the lucky few can continue guzzling at the public trough.

Already, our exporters face additional duties imposed by Japan, Canada, Mexico, and the European Union. Here is where it affects some products. Our producers of live swine, fish, oysters, cigarettes, dairy products, wine, paper products, clothing, sweet corn, industrial belts, steel products, forklift trucks, printing machines, and others, are all bearing the brunt of sanctions against some American companies because we have a law on the books that violates our international agreement and at the same time benefits a handful of major companies in America.

It happens that Brazil, Chile, India, and South Korea could soon impose sanctions. As more countries exercise their authority to retaliate and as payments under this program continue to grow, innocent U.S. exporters—the ones I have listed and others—and, more importantly, their employees, will continue to be hurt more and more as time goes on. That is not right. This situation needs to end.

The Government Accountability Office report points out some other ridiculous aspects of this program, such as the complete lack of accountability. Recipients of funds under the program submit claims based upon qualifying expenditures, but there is no way to tell whether those claims are even justified. In fact, the evidence suggests they may not be justified.

In 2004, company claims were about $1.3 trillion. Mr. President, I said that right: Companies were making claims for $1.3 trillion. The gross domestic product of the United States in 2004 was $11.75 trillion. So if the 770 recipients of funds under the Continued Dumping and Subsidy Offset Act, referred to as the Byrd amendment, are to be believed, they spent about 11 percent of the U.S. gross domestic product last year on qualifying expenditures.

I understand that in the year 2005—the year now ending—claims are about $3.2 trillion. That is equivalent to one-quarter of the GDP of the entire United States of America.

I think those figures show the magnitude of the incentive for fraud under this program. The proponents of this program ought to be embarrassed. This program is bad economic policy, bad trade policy, and bad Government to use the power of Government to end up giving a few companies in this country the benefit of the Federal Government's power to tax.

It should be repealed, as the House has done. I hope that coming out of conference we can have this provision in there. I hope we will not instruct conferees to disagree with the House. In the process of doing this, we are going to put $3.2 trillion into the Federal Treasury instead of having it go as corporate welfare to a handful of companies.

If we cannot repeal such a blatant example of Government pork to save money during a time of skyrocketing budget deficits, then why are we here as representatives of the people at all? Are we here to protect the pockets of a select few, or do we want to do, and will do, what is in the best interests of our Nation?

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

A NEW AMERICAN RENAISSANCE

Mr. BAUCUS. Toward the end of the 14th century, Emperor Manuel II Palaeologus ruled a waning Byzantine Empire. Looking across the Bosporus, he saw a growing threat from the Moslem Ottoman Turks. In 1390, he sent an embassy up the Adriatic Sea to Venice to build alliances. And to head the mission, he named the 35-year-old Manuel Chrysoloras.

Although his embassy to Venice did not prosper, Chrysoloras' reputation did. And in 1396, the chancellor of the University of Florence invited him there to teach Greek. The chancellor wrote: ''[W]e firmly believe that both Greeks and Latins have always taken learning to a higher level by extending it to each other's literature.'' Chrysoloras accepted.

But no one in Italy had studied Greek for 700 years. Chrysoloras began. He taught Greek in Florence, Bologna, Venice, and Rome. He translated Homer and Plato. He wrote the first basic Greek grammar in Western Europe.

As the early renaissance poet Dante Alighieri wrote in The Divine Comedy, ''A great flame follows a little spark.'' The flame of learning spread through the rest of Europe, reconnecting the West with classical antiquity, experimentalism, and the desire to live well.

Chrysoloras and scholars like him helped to begin the scientific revolution and artistic transformation that would become known as the Italian Renaissance. Europe emerged from the backwater. Commerce and exploration burst forth. The Modern Age began.

Renaissance historian Matteo Palmieri exhorted a fellow Italian of the mid 15th century to ''[t]hank God that it has been permitted to him to be born in this new age, so full of hope and promise, which already rejoices in a greater array of nobly-gifted souls than the world has seen in the thousand years that have preceded it,''

With the Renaissance, Western Europe began its domination of the world economy. The West has held this power so long that it is easy—especially for us here in the West—to take it for granted. But it need not have been so.

In the century leading up to the year 1000, Moorish Spain could claim a far more advanced civilization than that of Christian Italy. Cordoba's streets were paved and lit. Cordoba had 300 public baths and 70 libraries. Cordoba's great central library alone held 400,000 books—more than all of France. The Arab postal service delivered regular mail as far as India. Arab civilization was internally creative. And Arab thinkers of the time were open to Persian and Indian science, as well.

In the 12th century, an English scholar named Adelard of Bath traveled through the Islamic lands of Spain, North Africa, and Asia Minor. Adelard reported: ''The further south you go, the more they know. They know how to think.''

And Adelard carried back from the south a way of thinking. He said: ''Although man is not armed by nature, nor is naturally swiftest in flight, yet

he has something better by far—reason.''

The advanced Moorish state suffered civil conflict and fell to the less-developed Christian states of Europe. Finally, on January 2, 1492, the leader of the last Muslim stronghold in Granada surrendered to armies of a resurgent, newly-united Christian Spain. The remaining Spanish Muslims were forced to leave Spain or convert to Christianity.

At the end of the first millennium, Arab Spain had the most advanced science and economy of its day. But in the centuries that followed, it fell to a newly-emergent Western Europe.

At the end of the first millennium, Western Europe slumbered in its Dark Ages. But in the next centuries, it emerged into the Renaissance.

We here today inherit the legacy of the Italian Renaissance. We have absorbed the learning of the Arab Caliphates. And we inhabit the land made known to Europeans by another voyage of 1492.

At the end of the second millennium, America has the most advanced science and economy of our day. But we cannot take that leadership for granted.

In the centuries ahead, if America wishes to remain the most advanced economy of our day, we will need to create a new American renaissance.

We need this new American renaissance, because leadership does not come from continuing to do what we do already. Smart people in China and India and around the globe are quickly learning how to do what we do now. And people in China and India and around the globe will be able to do it more cheaply.

Instead, leadership comes from constant innovation. Leadership comes from rapidly adjusting what we do to what the market demands. And leadership comes from serving the customer. Fortunately, these are characteristics at which Americans excel.

This is my eighth Senate floor statement this year on competitiveness. I began in June with a general statement on competitiveness and America's place in the world. In June, I also spoke of education and competitiveness. In July, I spoke of trade and competitiveness and health care and competitiveness. In September, I spoke of savings and competitiveness. In October, I spoke of energy and competitiveness. In November, I spoke of immigration and competitiveness. And today, I conclude this series of addresses with this discussion of the need for the new American renaissance.

My message is this: To foster this continuing American renaissance, American government cannot stand idly by. Remaining economically competitive will require action. Let me summarize my six-step agenda for action. This is what we need to do:

First, we must improve education. The Italian Renaissance relied on the learning of the Greeks that Manuel Chrysoloras helped to spread. The new American renaissance will rely on our having the best educated workforce of the centuries to come.

We need to ensure that children come to school ready to learn. We need to ensure that children have modern and well-equipped schools. And we need to ensure that children have small classes.

We should raise salaries for teachers in poor schools by 50 percent. We should raise the salaries of top-performing teachers and teachers in math, science, and languages by another 50 percent.

We can ensure quality afterschool programs. We can lengthen the school year.

We must support community colleges and link them more strongly to workforce opportunities. We must expand Pell Grants. We must improve, consolidate, and expand education tax incentives. We must expand and extend the deduction for tuition expenses. We must increase scholarships and loan forgiveness for science and engineering students. We must expand the Hope and Lifetime Learning credits.

We need to make it possible for nontraditional students to obtain an education. We need to retrain workers whose jobs are lost to trade and help them reenter the workforce.

We should make it easier, consistent with the requirements of national security, for foreign students to study in America.

We should make visa renewals during multiyear studies routine. And we should change visa renewal requirements policies that are now contingent on students' return to their home countries.

Second, we must foster research. For it was discovery that helped bring about the renaissance.

We need to reward innovation and risk-taking. We need to fully fund research support organizations like the National Science Foundation, the National Institutes of Health, and the Office of Science at the Department of Energy. We need to simplify and make permanent the R&D tax credit.

We should encourage talented foreign students to study, research, and innovate at American universities and research institutions. And we should simplify the permanent residence process for exceptional foreign students with advanced science degrees from American universities.

Third, we have to advance international trade. Insularity characterized the Dark Ages. The Renaissance spread from an international spark. And the ensuing blaze of international commerce brought on the Modern Age.

We must open new markets for American exports worldwide. We must improve enforcement of existing trade agreements. We must do more to defend American intellectual property rights. And we must prompt China to further loosen its currency.

We should look more to Asia for bilateral agreements. We should advance regional trade agreements in Asia. We should seek out further sectoral agreements such as the WTO's Information Technology Agreement. And we should launch an initiative in the advanced medical equipment sector.

We need to expand trade adjustment assistance to service workers. And we need to expand wage insurance.

We can make it easier for major American companies to employ and train their overseas employees. And we can facilitate international participation in meetings and conferences and travel to trade shows.

Fourth, we must address the burden that high health care costs place on American business. And we must help provide health insurance to those who do not have it.

We can provide health insurance tax credits to small employers. We can fund employer-based group-purchasing pools. We can increase funding for high-risk pools. We can expand Medicaid and the State Children's Health Insurance Program. We can permit a Medicare buy-in for the near-elderly.

We need to facilitate the use of health information technology. We need to use health IT to link medication administration to a patient's clinical information. We need to foster standards for the interoperability of health IT systems. We need to improve healthcare providers' ability to exchange clinical data. And we need to provide loans and grants to encourage the use of health IT. The Senate has passed legislation this session to further many of these health IT goals. The House must do it, too, and move quickly to provide higher Medicare reimbursements and work to improve quality of care, known as ''pay-for-performance.''

We should provide higher Medicare reimbursements to providers working to improve the quality of delivered care. And we should coordinate senior care to ensure adequate preventive care and chronic condition management. This year's Senate-passed spending reconciliation bill took the first steps toward pay-for-performance. Although there is much in that bill that gives me pause, we should enact those pay-for-performance changes.

Fifth, we must increase national savings to finance the investment and innovation of the next renaissance.

We need to plug the biggest leak in our national savings pool: the federal budget deficit. We need to truthfully report current and future Federal Government spending needs. We need to restore pay-as-you-go rules for both entitlement spending and tax cuts.

We should reduce the annual tax gap. We should eliminate wasteful and unnecessary spending. We should eliminate wasteful and unfair tax breaks, such as abusive tax shelters and corporate tax loopholes. And we should slow the growth in healthcare costs.

We can increase private savings. We can improve financial education. We can encourage automatic enrollment of

eligible workers in retirement savings plans. We can bring payroll-deduction retirement savings to private sector workers lacking 401(k)s or similar plans. We can make incentives for saving more progressive. And we can extend the Savers' Credit and expand it to Americans with no income tax liability.

Sixth, for a modern renaissance, we must address the need for sustainable and environmentally compatible sources of energy.

We can launch a new ''Manhattan Project'' to develop clean alternative energies. We can foster the use of hydrogen and fuel cells. We can foster wind energy. We can make a clear commitment to the development of biomass and ethanol-based fuels.

We should encourage energy R&D through research grants to industry and educational institutions and tax incentives for R&D. We should offer prizes to spur innovation.

We need an investment tax credit for coal gasification technology. We need a tax credit for companies that generate fuel using an updated version of the F–T process. And we need a Federal loan guarantee so that companies can finance these capital investments. This year's energy and highway bills addressed some of these needs.

Taken together, these policies form a bold agenda to advance American competitiveness. They can help maintain American economic leadership in the world. And they can help to preserve high-wage American jobs here at home.

Beginning next month, I will introduce a comprehensive 2006 legislative package to strengthen America's competitiveness in a changing world. This package will encompass several bills that cover the many aspects of competitiveness. I invite my colleagues to join me in this effort.

The early Renaissance poet, Dante Alighieri, embodied the spirit of his times when he wrote in The Divine Comedy that people ''were not born to live like brutes, but to follow virtue and knowledge.''

And from that grounding of virtue and knowledge flowed naturally Dante's description: ''And thence we came forth, to see again the stars.''

Let us follow virtue and knowledge and foster a new American renaissance. Let us strengthen America's competitiveness in a changing world. And let America again go forth, toward the stars.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

The Senator from North Dakota is recognized.

BAHRAIN FREE TRADE AGREEMENT

Mr. DORGAN. Mr. President, my understanding is that the Senate is taking up the free-trade agreement with Bahrain. Of all the priorities that exist in our country dealing with the subject of trade, somewhere close to last would be a trade agreement with Bahrain. Nothing against the country of Bahrain. I am sure it is a wonderful place. I have not actually visited there. But I believe the total trade between our country and Bahrain is somewhere in the neighborhood of $700 million, less than $1 billion on both sides of the ledger.

There are all kinds of trade problems our trade officials ought to be working on. But a free-trade agreement with Bahrain would not rank right near the top. Let me tell you what would rank near the top.

We are deep in debt with respect to international trade. This country is in desperate trouble with respect to trade. We are now experiencing a trade deficit of over $700 billion a year. That means every single day, 7 days a week, we buy more from abroad than we sell in exports, $2 billion a day every day 7 days a week. How long can a country sustain that?

We have lost 3 million jobs in this country in the past 4 years—3 million jobs—going to China, to Vietnam, Bangladesh, Indonesia, and more.

So what is all of this about? It is about a new strategy, a strategy developed in the past two to three decades, but accelerated now more recently. It is a strategy that says we are a global economy, and because it is a global economy, enterprises, corporations, and others should take a look around this world and find out where these 1 to 1.5 billion people are who will work for pennies an hour, employ them, shut down your U.S. manufacturing plant, hire the employees in China or Bangladesh, for example, and it will all work out because they will work for 30 cents an hour, and they will build bicycles and wagons and produce textiles and other things. And then you can ship it to a big box retailer in this country, and someone can walk through the front door of that big box retailer and buy a cheap product.

I noticed last year at Christmastime there was a woman from Texas who decided she was going to buy her children some presents, and she wanted to make a point of buying American made products. So she started shopping, and she discovered she could not purchase one present for her children that was made in the United States.

What does it mean? It means our country is changing and our country is, in my judgment, being hollowed out. Jobs are being lost, the middle class is shrinking because we have been told now American workers must compete with others around the world who are willing to work for 30, 40, 50 cents an hour, work without health insurance, without a retirement, and work under the threat, in many cases, if they would like to organize as workers, of being sent to prison.

I can actually give names of people now sitting in prison in China whose transgression was deciding to try to organize workers because the conditions in those plants were awful. So there are people who tried to organize workers, were arrested, and now are sitting in prison. Those are the conditions under which we are now trading.

One-third of our trade deficit, incidentally, is with the country of China. Last month, we sold China $3 billion worth of American goods—$3 billion. And we purchased from China $23 billion in goods.

China has almost 1.4 billion people, and we are told this is going to be a huge market for American production. The creation of a middle class in China is going to be terrific for our country because we will be able to produce and sell into the Chinese marketplace.

It is not working out that way, of course. What is happening is China sells us $23 billion worth of goods produced in China, and we sell them only $3 billion worth of goods produced in America, $20 billion-a-month trade deficit with China. On an annual rate, that is a $240 billion deficit with China in a year. That is unbelievable. And this Congress is perfectly content to dose through it all; in fact, probably a very satisfactory sleep for most because they still are willing to stand on street corners and chant about this so-called free trade that is not free at all.

Some will say, and I think perhaps most who have studied economics will say, that this is unsustainable. This country is headed toward some white-water rapids with these kinds of trade deficits. We are not only losing American jobs because American workers are being told they cost too much money, and we are going to produce elsewhere, but we are also up to our neck in debt.

Incidentally, the trade deficits are financed by selling part of our country. Every single day we sell another $2 billion worth of our country to foreigners. That is the way the trade debt is financed.

In most recent months, one of General Motors' top executives called in about 300 of the top executives of the companies they buy parts from and said this to them: You are the companies from which we buy automobile parts. We want you to begin producing those parts in China. You need to move those parts to China. Get your production done in China. We are about driving down the costs.

Then we see Delphi, which was formerly part of General Motors and then spun off as the largest automotive parts producer, going through bankruptcy, and Delphi says to the public: The problem is we have people making $20 to $30 an hour. That is up to $40,000, $50,000, $60,000 a year. What we want to do is get to a point where we have people making $8 to $10 an hour. In fact,

what we want to do is move most of our production offshore to China and elsewhere so we can pay 30 cents an hour. And then the jobs that are retained, we want to pay $8 to $10 an hour.

I ask this question of, yes, General Motors, IBM, and all of these companies engaged in this activity, and virtually all of them are: Who will be your future customers if your job is to lay off American workers so you can produce elsewhere where it is cheap in order to sell back into this established marketplace? Who is going to buy your laptop computers and your automobiles?

If we were going to do something representing a priority today for me on trade, I would deal with China first. But there are all kinds of bilateral trade problems with a number of major trading partners. Let me give you some examples.

I have mentioned many times that in the past year we will have shipped in well over 600,000 automobiles from Korea into this country. In return, we were able to send about 3,900 American vehicles to be sold in Korea. Sound fair? Sound reasonable? Sound like a thoughtful deal for America? The answer is clearly no.

What this means is shifting American jobs elsewhere, produce the cars in Korea, ship them to the United States, and if you start selling any U.S. vehicles in Korea, shut it down. That is what has happened. Incidentally, the Dodge Dakota pickup truck became a little bit popular for a couple of months in Korea. They saw that and shut it down just like that. They do not want American vehicles sold in Korea. They just want to sell their cars here.

China has 20 million cars on the road. It is estimated that by the year 2020 they will have 120 million cars on the road. They are gong to add 100 million cars because they want to start driving in China, even in the rural areas of China. General Motors says a Chinese company has stolen the production blueprints for one of its small cars. They have actually filed a legal action against the Chinese company for stealing what they call the production blueprints for a vehicle.

So a company in China called Chery, which is only one letter away from Chevy, is going to be producing a car called the QQ. The QQ is a car that will be produced in China with what General Motors alleges are the production blueprints that were stolen from General Motors.

Recent Wall Street Journal reports say that the Chinese are gearing up for a very substantial automobile industry, and they want to export around the world.

I ask unanimous consent for an additional 5 minutes.

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

Mr. DORGAN. They want to export those vehicles around the world so very soon. Unless something changes, China will be exporting automobiles as Korea is doing. Does anyone think China wants to take American vehicles into China? No, no. What they want to do is accept the American marketplace as a sponge for all that they produce.

I have spoken at great length on the Senate floor about the people who have lost their jobs in this country when their plants closed down. I talked about Pennsylvania House Furniture. In fact, I talked to the Governor of Pennsylvania about this. Pennsylvania House Furniture, the description of that for almost a century was using the finest Pennsylvania wood and producing high-end furniture, and when people bought Pennsylvania House furniture, they knew they were getting a real piece of furniture.

Well, La-Z-Boy bought that furniture company. After a couple of years, La-Z-Boy decided, we want to produce that furniture in China. The Governor of Pennsylvania and others tried to put together a financing package to keep the jobs in Pennsylvania, to do everything to see if they can keep in this country the Pennsylvania House Furniture Company that had been around a century.

The answer was no. La-Z-Boy said: Those jobs are going to China. Now what they do is ship the wood from Pennsylvania to China and pay the Chinese workers pennies on the hour to put the wood together in furniture and then send the furniture back to our country to be sold. Yes, it is Pennsylvania House furniture but not made in Pennsylvania. So those workers lost their jobs. Is it because they were not good workers? No, they were craftsmen. In fact, the very last piece of furniture they made in Pennsylvania they turned upside down and those craftsmen who made that furniture all signed their name on it, the last piece of furniture that company made in America by American workers. La-Z-Boy, which owned Pennsylvania House Furniture, decided, as so many others have, that those jobs had to go to China because they can pay pennies on the hour, they can work kids if you want to, they can dump the pollution into the sky and into the water, and they will not have anybody worrying about whether they are going to form a union because it will not be allowed. That is not fair trade. That is not something we should continue to allow in this country, stand by and thumb the suspenders and whistle a little bit while Americans lose those jobs and those jobs go to China and then come back to a big-box retailer to be sold at discount prices. Who ultimately is going to buy those products?

My point is this does not work. Instead of dealing with a range of issues, yes, with China, Korea, Canada, Mexico, Europe, with whom we have very large trade deficits and growing trade deficits, I might add, instead of dealing with that, talking about it, responding to that, trying to deal with this country's challenges in trade, we are on the Senate floor talking about the free trade agreement with Bahrain.

Where is the energy to do something real? Once again, it is a small moment to do a free trade agreement with Bahrain. It is a very small country in the middle of the Middle East. Our total trade with them, on both sides, is $700 million a year. We cannot get trade officials in this country, this administration or this Congress, to look truth right in the eye on these kinds of problems, the huge deficits, year after year, that are shipping jobs overseas. There is another corollary to this as well. The same companies that decide that they should not hire Americans, they should shut down the American plant and, by the way, do so with an encouragement by this Congress because this Congress gives them a tax break—and we voted I think four times on my amendment to shut down the tax break that subsidizes jobs going overseas, but, no, this Congress still wants to provide a tax subsidy to those companies that shut down their American plant and move jobs overseas. But this new environment in which companies do not say the Pledge of Allegiance any more but they are an international corporation, they want to produce where they can produce for pennies, they want to sell into this marketplace where they can get high-end consumers to buy it, and then at the same time, by the way, they want to run the income, if they can, through a mailbox in the Bahamas or the Caymans.

I want to mention that there is one building that is a five-story building in the Cayman Islands located on Church Street. I have brought a photo of it to the Senate floor previously, and I should do that again at some point. That building is the official residence and address for 12,748 corporations.

Now, one might ask, how is it 12,748 corporations can share a residence or an address in a 5-story white building in the Cayman Islands? Simple. It is nothing more than an address.

What is the purpose of having an address in a 5-story white building in the Cayman Islands? So that one does not have to pay taxes to this country. Money can be moved through a tax haven and avoid paying U.S. taxes. So one is a U.S. company, they are chartered probably in Delaware, have all the advantages of being an American, but now the new economics tell them they should produce in China, sell in this marketplace and set up an address in a 5-story white building mailbox in the Cayman Islands, so that they can have all the opportunities that come with being an American, except the responsibilities to hire American workers or to pay American taxes. That is what is happening.

People say, well, that is just an anticorporate rant. It is not. I think there are some wonderful corporations in this country, some terrific corporations with inventive people, creative

people, who have advanced this country, have produced wonderful, breathtaking products, but I think there is a culture in this country, with respect to trade and corporate responsibility, that has gone off the track. In this Congress, we cannot get anybody to talk about trade, except perhaps to come and stand around to talk about the Bahrain trade agreement on a Tuesday. Would it not be wonderful if we were talking about this full-blown crisis of $2 billion a day to date, $2 billion that we purchase from abroad more than we sell to abroad, and therefore today someone off the shores of this country owns $2 billion worth of this country. We are selling this country piece by piece.

A budget deficit in this country is financed in the traditional way, but a trade deficit is financed in a very different way. When we purchase those foreign goods, the trade deficit puts American currency in the hands of foreigners. They then use that currency to purchase real estate, stocks, bonds, to purchase part of this country. Every single day we are selling part of this country with an incompetent trade strategy, a jingoistic trade strategy that chants about free trade that has long ago been discredited. We ought to be describing circumstances of requiring fair trade. As a country, we ought be a leader in deciding, yes, let us expand trade in open markets, but it must be fair, and if it is not fair then this country is obligated to take the lead to insist on and demand fairness.

Our job ought to finally be to pull others up, not to push us down. What has happened more recently is we are pushing American workers down, pushing incomes down, the standard of living down in this country and seeing jobs exported, opportunity exported, and exporting part of our future. That is not satisfactory to me. I regret we are here talking about this free trade agreement when in fact we should be talking about the center, the bull's-eye of the target dealing with trade that is causing this hemorrhage of red ink and the loss of American jobs day after day after day.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. DAYTON. Mr. President, I ask unanimous consent I may speak for up to 10 minutes.

The PRESIDING OFFICER. The Senator has that privilege.

The Senator from Minnesota is recognized.

TRIBUTE TO LATE SENATOR EUGENE JOSEPH MCCARTHY

Mr. DAYTON. Mr. President, I rise today to pay tribute to a great Minnesotan and great American, former Senator Eugene McCarthy, who passed away last Saturday at the age of 89. Senator McCarthy served two terms in this body, from 1958 to 1970, after serving five terms in the House of Representatives. In addition to his very distinguished legislative career, he is perhaps best remembered for his historic Presidential campaign in 1968, in which he deposed an incumbent President.

Eugene Joseph McCarthy was born on March 29, 1916, in Watkins, MN. He graduated from St. John's University in Collegeville, MN, in 1935, and then earned a master's degree in economics and sociology at the University of Minnesota.

After college, he spent 9 months as a novice in a Benedictine seminary. The world pulled him away, however, and he played semiprofessional baseball, taught high school social science, was a professor at his alma mater, St. John's, and then chaired the sociology department at St. Thomas University in St. Paul, MN.

During World War II he worked in a military intelligence division of the War Department. He married a fellow teacher, Abigail Quigley, with whom he had three daughters and a son. Abigail McCarthy passed away in 2001.

In 1948 Gene McCarthy was elected to the House of Representatives from Minnesota's Fourth Congressional District. While in the House, Congressman McCarthy founded McCarthy's Mavericks, which was the forerunner of the Democratic study group that would, in succeeding decades, be influential in developing many important legislative initiatives.

In 1952, he was the first Member of Congress to challenge Senator Joseph McCarthy in a nationally televised debate on foreign policy. That political courage presaged his decision 15 years later to challenge an incumbent President. In 1958, Congressman McCarthy defeated an incumbent Senator to become Senator McCarthy. He was reelected to the Senate in 1964 with over 60 percent of the vote. Then, in November of 1967, he announced his candidacy for President, challenging the incumbent President of his own party, Lyndon Johnson. In his announcement speech he said:

> I am hopeful that this challenge may alleviate this sense of political helplessness and restore to many people a belief in the process of American politics and of American government.

His candidacy ignited a new generation of political activists, many of them young college students who shaved, showered, and went ''Clean for Gene.'' They swarmed into New Hampshire for the first political contest of 1968. There they helped Senator McCarthy transform the political landscape by holding President Johnson to 49 percent of the vote in the Democratic primary, with 42 percent voting for Senator McCarthy. Seldom has a second-place finish been considered such a victory. Two weeks later, President Johnson withdrew his candidacy for reelection. Shortly thereafter, fellow Senator Robert Kennedy and fellow Minnesotan Vice President Hubert Humphrey entered the Presidential contest, two actions that Gene McCarthy would never forget or forgive.

The Democratic contest became divisive in subsequent primaries, then catastrophic with the assassination of Robert Kennedy, then destructive at the tumultuous national convention in Chicago that nominated Hubert Humphrey, not Gene McCarthy. The nominee and the party did not recover from that disastrous convention and Richard Nixon was elected President in November. The Vietnam war continued for 7 more years.

Gene McCarthy retired from the Senate in 1970 and never again held public office. Some of his later remarks, reflecting his disenchantment and his defiance, along with his acerbic wit, dismayed some Democrats and disillusioned former supporters. Gene McCarthy, however, was always his own man. He once said his definition of patriotism was ''to serve one's country not in submission, but to serve it in truth.''

He used his pen and his tongue to speak his own truth, regardless of the personal or political consequences. In that respect, he was a true patriot.

After he was decried by Johnson's supporters as a mere ''footnote in history,'' he retorted, ''I think we can say with Churchill, 'but what a footnote.'''

You are much more than a footnote, Senator McCarthy. You were a U.S. Senator. You made history and you changed history. You were true to yourself, to your ideals and to your convictions. You were a poet, a philosopher, and a patriot, a great Minnesotan and a great American. May you rest in peace.

Mr. President, I yield the floor.

Mr. HARKIN. Will the Senator yield for a second before he does yield the floor?

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. I thank the Chair. I commend my colleague from Minnesota for taking the time to speak about an old friend, a remarkable politician, a remarkable Senator, Gene McCarthy.

In my younger days in Iowa, when they still had a bounty on Democrats in my State and Republicans ran everything, we always had the Democrats from Minnesota come down—McCarthy and Mondale and Humphrey, people such as that. But Gene McCarthy was a very rare, a unique individual. I was listening in the cloakroom to what the Senator from Minnesota was saying about Gene McCarthy. He had a way about him that was like Mark Twain. He had a great sense of humor. He could, like Mark Twain, say very succinctly what it might take others a paragraph to say. That was one of the qualities I always envied about McCarthy. I always thought, Gosh, why can't I say it like that? He had a great way with words.

Like Mark Twain, Gene McCarthy had the ability, with very few words, to puncture the inflated egos of puffed-up politicians. If you were on the other

end of it, you didn't feel good about it. He had a way of doing it without being mean, but when you heard him—and he never attacked anyone but he did it in terms of what they stood for, what they were saying—you heard it and you realized McCarthy was right. He had a refreshing and disarming way about him in his approach to politics. He made his point and he made it well.

I do not know if my friend from Minnesota repeated the quote that was attributed to him in the newspaper that I read the other day, which I thought was McCarthy at his best. He said one time that being a politician is sometimes like being a football coach. You have to be smart enough to know how to play the game but dumb enough to think it's important.

Those of us who think all the things we do here are so grandiose should realize we pass on and others take our place. A lot of the things we do here, we may think are important and they are not that important.

So that was Gene McCarthy. He would say things that made you smile, made you think about things.

I say to my friend from Minnesota, I got out of the Navy in November of 1967 and I returned home to Iowa in 1968. At that point I was not active in politics. But like so many of my colleagues and friends in the Navy, I lost a lot of my friends in Vietnam. Slowly but surely over the 5 years that I was on active duty, I became convinced that the war in Vietnam should not go on, that it was wrong, that we ought to get out of there.

But, of course, I was in the Navy at the time. I couldn't say anything about it. I was a Navy person. So I thought, well, now that I am out maybe I can do something. I was looking for someone to give me advice. I was looking for someone out there who would stand up and take the lead on this—Gene McCarthy. Gene McCarthy was the first politician I ever met who wasn't afraid to say the ''emperor has no clothes.'' And once he did that, people realized, you are right; that this war in Vietnam was nonsensical, that we ought to bring an end to it. He encouraged a lot of young people. And I can still remember, and I will bet the Senator from Minnesota has the same memory. I had one of those daisies on the trunk of my car, a blue and white daisy with ''McCarthy'' on it. That was in 1968.

I think he brought a lot of young people in and gave a lot of young people encouragement that they could change the system and that they could make a difference.

Through his later years I became a friend of Gene McCarthy. In fact, when I ran for President in 1991, he was running again. So we found ourselves running against each other.

As we were both fading and Bill Clinton was winning everything, he drew me aside one time and said: Do you ever wonder why we are still here and what we are doing?

I said: Yes; I do wonder that sometimes.

He said: Well, we are here because the liberal position needs to be enunciated and fought for regardless of who the nominee is.

I am paraphrasing, but that is the way I remember him saying that.

I just wanted to take the time to commiserate with my good friend, Senator DAYTON, about a wonderful human being, a truly remarkable U.S. Senator, one of the most intelligent individuals to ever grace the floor of the U.S. Senate, and to remember his legacy, the legacy of having the courage of your convictions, of standing up for what you think is right, and once in a while don't take ourselves too seriously.

That was the Gene McCarthy I knew and loved. We will remember him always.

I thank my colleague from Minnesota for taking the time today to remember our good friend and departed colleague.

Mr. DAYTON. I think Senator McCarthy would be very impressed with the extemporaneous eloquence of the Senator from Iowa and very appreciative of his kind words. Of course, Iowa has the first Presidential contest. Back in those days, I would have seen a lot more of Senator McCarthy.

Mr. HARKIN. He would have taken me to task for talking so long. He would have said: You could have said that in 2 minutes.

Mr. DAYTON. I thank my friend.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

RECONCILIATION

Mr. HARKIN. Mr. President, I know that a motion to appoint conferees has not happened yet on the reconciliation bill, but I understand that the majority leader will sometime today be making that motion. It is a debatable motion, and obviously an amendable motion. I think there are maybe four or five different motions to instruct our conferees regarding the reconciliation bill.

I want to take the time now to talk about it, even though I have an amendment, but it is not timely to send the amendment to the desk. But I do want to talk about what that amendment will do and why I am going to be offering it.

Basically, it has to do with funding cuts for food assistance programs.

It has been a challenging year for all of us, especially here in the Senate. There have been many things upon which this Chamber disagreed. We have had some spirited debates and disagreements. The budget debate and ensuing reconciliation bill has been one of the most challenging of these debates.

But there are also times when agreement rather than discord characterize our proceedings.

While I disagreed with the underlying reconciliation bill passed by the Senate, I was pleased and proud of one of the sources of bipartisan agreement that we had both in committee and on the floor. It was the decision by the Senate not to cut food assistance programs for working Americans, for low-income working Americans.

The Committee on Agriculture, Nutrition, and Forestry considered such cuts. In fact, the President's budget included a proposal to cut the Food Stamp Program by nearly $600 million. But after careful examination of the Food Stamp Program, after deliberation in the committee, both Republicans and Democrats decided against any cuts to the Food Stamp Program.

I commend today, as I did at that time, our chairman, Senator CHAMBLISS, for listening carefully to committee members' concerns by looking at this and for his conscientious decision not to include any such cuts in the committee-passed measure.

I commend as well many members of both parties who have objected to cutting food assistance programs through the reconciliation process.

There are many reasons food stamp cuts should not be enacted.

First, the Food Stamp Program is the first line of defense in the United States against hunger and food insecurity, providing food assistance to nearly 25 million Americans. It is also one of our largest child nutrition programs. Eighty percent of food stamp benefits—over $23 billion in 2005—go to families with children.

Another reason cutting food assistance is not appropriate is because the need is growing and not diminishing.

Just recently, a U.S. Agriculture Department study found that 38.2 million people lived in households that were food insecure in 2004, and that the number increased by nearly 2 million between 2003 and 2004.

Since 1999, the number of individuals classified by USDA as food insecure rose by 7 million people. These are significant numbers.

That any American should live in the shadow of hunger at the dawn of the 21st century is shocking and embarrassing. That the number has increased dramatically in the past 5 years is unacceptable.

We have also been reminded of another reason we shouldn't have food stamp cuts. We have been reminded by the numerous hurricanes and disasters this fall of the tremendous role that the Food Stamp Program plays in times of emergency. The Food Stamp Program rapidly provided emergency food assistance to approximately 2.2 million individuals affected by Hurricanes Katrina, Rita, and Wilma, allowing victims to obtain food assistance within days.

Finally, the Senate Agriculture Committee chose not to cut the Food

Stamp Program because there is not much to cut. It operates efficiently and effectively.

For 5 years in a row, the error rate in the Food Stamp Program has declined to consecutive all-time lows.

Frankly, if there were fraud, waste, and abuse to go after, I would be the first in line to do so.

I say that because I have been on this Agriculture Committee in both the House and the Senate—this marks my 30th year. We have gone through a lot in the Food Stamp Program in that time. We have cut and trimmed. We have gone from food stamps to an electronic benefits card to cut down on fraud, waste, and abuse. It has worked well.

We have a program that by any measurement operates efficiently.

The farm bill we passed in 2002 included a major reform to the quality control system. Just last year, Congress made improvements to Federal child nutrition programs. Again, because of this bipartisan approach, which I believe kind of goes back to the Dole-McGovern years when they forged an alliance to ensure we had a bipartisan agreement on the Food Stamp Program, we have a sound, efficiently, effectively run program. There just is not any—I would not say there isn't any, but to go after what little abuse there may be would cost more than what is happening. We have tightened down on this program over the last 30 years. There is not much fraud, waste, and abuse to go after, so if Congress wants to make any cuts in the Food Stamp Program, they have to go after benefits.

I am pleased to say that was not an option either in the Senate Agriculture Committee or that the Senate wanted to consider.

However, not so across the Capitol. The House of Representatives passed a reconciliation bill that makes significant cuts to the Food Stamp Program of approximately $700 million. According to CBO, the Food Stamp Program cuts contained in the House reconciliation bill would eliminate food stamp benefits for at least 250,000 individuals. These are mainly working families with children and legal immigrants.

Right now in the Food Stamp Program, if you are a legal immigrant—forget about illegal immigrants; illegal immigrants have no access to the Food Stamp Program. I hear that all the time, but they have no access to it and they cannot get an electronic benefit card. But a legal immigrant must be here 5 years before that person can qualify for food stamps. That is the law right now. Now, they still have to meet standards. In other words, they still have to meet the standards of anyone else to be eligible, such as income standards, asset standards, and work requirements. They still have to meet these standards. Even if they meet these standards, they still have to wait 5 years.

The House extended it to 7 years. These are legal immigrants. These are people we want here. What does the sign on the Statue of Liberty say? Give me your tired, your poor. A lot of these people are tired, they are poor, but they are here to build a better life. They are working, they are legal, and their kids are in school here. Yet we want to make it even tougher.

The second thing they did is they changed the system whereby States have said, Okay, if you qualify for Temporary Assistance for Needy Families, then you automatically qualify for food stamps. It makes sense. In the 1990s we made a change to allow the States to align their programs. If you qualified for Temporary Assistance for Needy Families, then you used to have to go to another office to qualify for food stamps. It was twice the paperwork, twice the administrative burdens. We said, Why go through all of that? So we made a change that streamlined the program.

The House takes that out. The House bill takes a step backward from welfare reform. We put this in there for welfare reform back in the 1990s; they take a step backward. We tried to change it so we would move low-income families from welfare to work.

One of the provisions was to provide allow TANF recipients to automatically qualify for food stamps. The House now takes that away. It makes no sense. In fact, it will increase the burden on States. They will have to spend more money, and we will probably have to take people that now qualify off the food stamp rolls. These are low-income people who work and make money who now qualify because they qualify for Temporary Assistance for Needy Families. Yet these are the very people for whom we want to build a bridge. We want to get them off welfare and get them to work. A lot of times, part of that bridge is food stamps and making sure families have enough food to eat.

So all of the cuts the House made retreat from the bipartisan agreements Congress made in recent years to streamline and make the Food Stamp Program more effective and to make welfare reform work.

When the majority leader makes his motion to instruct conferees, I will be back in the Senate to offer a motion to instruct conferees on the reconciliation conference committee to reject cuts to Federal food assistance programs. I might add that we should have a lot of bipartisan support. Senator SMITH of Oregon and I are joining together to offer this amendment to instruct.

There was also a letter written by a number of Republican Senators recently asking that we not make cuts in the Food Stamp Program. I hope we can have a strong vote on this. We should have a recorded vote. I will ask for a recorded vote to send a strong signal to the House of Representatives that the Senate will not accept their food stamp cuts. By voting for this motion to instruct, the Senate can show that it stands side by side with working families, that we do not want to retreat from welfare reform. We do not want to retreat from the changes we have made to make this program meaningful and effective.

I will offer that motion at some point, I hope today—whenever the majority leader makes a motion to instruct the conferees.

LIHEAP

There are a couple of other items on which there will be motions made. There will be a motion offered by Senators COLLINS and REED, again, to instruct conferees to add $2.92 billion in funding for the Low-Income Home Energy Assistance Program. That is the amount required to bring LIHEAP up to its authorized level.

The House reconciliation bill provides an additional $1 billion for LIHEAP. Unfortunately, because of the way the program works, my home state of Iowa would not receive additional funding under the House bill. My State of Iowa gets pretty darn cold, I can tell you. Last weekend I was out there, and it was 6 above zero.

In contrast, the level of funding provided in the Reed-Collins amendment provides an additional $24 million for LIHEAP in Iowa, money that I can say is desperately needed.

Last weekend when I was out there, I met with some families who have applied and have been qualified for LIHEAP. There was one woman with two children who lives in a rented house. She gets no child support from her husband. She works full time every day. The kids go to school. She has a low-income job. She qualified for LIHEAP at $319.

I mentioned that later on to someone, that I met this person who qualified for $319 LIHEAP. This individual said to me: Well, that is pretty good; that will take care of her heating bills for the month. But it is $319 for the year. A year. For Iowa, that means you have to buy heat in October, November, December, January, February, March, April—6, 7 months. That is $319 to help pay heating for 7 months. This individual thought that was for 1 month. I said: No, no, that is $319 for the year. And the price of natural gas—we heat with natural gas in Iowa—has gone up 40 percent in the last year. This program is desperately needed.

According to the Hawkeye Area Community Assistance Program in southeast Iowa, LIHEAP funds are likely to run out in mid-January, one of the coldest months of the year. Last week, I held a discussion in Spencer, IA, to hear firsthand from some citizens. Again, I want to tell you, these people are not just concerned about the high cost of home heating; they are in panic.

Now, because of a State law, they are not going to have utilities cut off. But in order to qualify and pay their bills, they may have to cut other necessities, such as medical care, prescription drugs, clothes, other things.

One of the women I spoke with is on disability. She is on an ''even pay'' program. This is where you pay the same amount every month so you do not get hit with a big bill in the wintertime. Last year, with LIHEAP assistance, she paid 9 percent of her income on heat—9 percent for heat. This year she figures it will be about 13 percent. Her ''even pay'' monthly bill—get this—last year was $39 a month. This year it is $68 a month, a 75-percent increase. This is a person with a disability, living alone, trying to heat her house.

For another woman, her even-pay bill was $72 a month last year. This year it is $84 a month. The testimony I listened to from these women is backed up by hard data. According to a statewide Iowa survey, more than 20 percent of households receiving LIHEAP report going without needed medical care or prescription drugs—1 out of 5. More than 10 percent reported going without food in order to pay their heating bill. And I can tell you the numbers are going to skyrocket this winter.

Last winter, about 86,000 Iowa households received an average of $317 in LIHEAP assistance. Keep in mind that is for the year. Most years, everyone who applies gets some level of assistance. But this year we are not so certain of that.

Community services agencies are being deluged with calls from panicked senior citizens and others who simply do not know how they are going to stay warm. Many have had their utilities cut off and they cannot make the past-due payments to get them turned back on. Others are being threatened with cutoffs just as we head into winter.

Of course, the catch-22 situation most people do not understand is that you cannot qualify for LIHEAP if your gas or electricity has been cut off. Let's say you did not make your payments this summer, so they did not connect you back up. You cannot qualify for LIHEAP now.

The other thing is a lot of low-income families who live in a small town or rural area, such as I do, heat their home using propane. I have a propane tank outside my house. That is how we heat our houses in small towns. Well, when they deliver propane, you pay for the whole thing at one time. That is unlike natural gas, for which once you have it coming in, they cannot cut you off. If you cannot pay your propane bill, you do not get it delivered. That hurts poor people in small towns such as mine. That is another thing we have to remember as to people who live in small towns and communities who heat their homes with propane.

We can do better. We need to boost the LIHEAP funding. I hope the motion that will be offered by Senator COLLINS and Senator REED to instruct the conferees to add $2.92 billion in funding for LIHEAP will again be supported by an overwhelming majority of the Senate.

Mr. President, there is one last one. A motion will be offered by Senator KOHL to instruct conferees to reject cuts in the Child Support Enforcement Program. Again, in the Senate last month when we debated the reconciliation bill, I offered a sense-of-the-Senate amendment opposing the House's drastic plan to gut the successful child support program—a $4.9 billion cut. The Senate accepted it on a voice vote, which around here is tantamount to unanimously accepting something.

It is not right, it is not ethical, it is not moral to cut a program that gave crucial funds to over 17 million children last year. But the bill approved by the House would slash funding for child support enforcement efforts by 40 percent over the next 10 years.

Again, CBO estimates that as a result of these cuts, more than $24 billion in delinquent payments will go uncollected in the next 10 years. This is money that goes directly to feed and clothe children. The biggest negative impacts will be felt by children living in poverty and children in low-income households. In my home State of Iowa, it is estimated that collections will drop by more than a third in the first year.

Now, keep in mind, this is not Government money going out for child support. This is the Government money we send out to States to help them collect child support from deadbeat dads. I think that is something we all support. Yet if you take away the funding that helps them go out and collect it, CBO estimates $24 billion will go uncollected in the next 10 years.

For families in poverty who receive child support, those payments account for an average of 30 percent of their income.

Why is the House doing this? Why would the House want to pull the rug out from underneath our efforts to collect child support payments—child support payments that benefit the most vulnerable, disadvantaged, neglected children in our society? Well, they are doing it in order to make room for yet another $60 billion in tax cuts—tax cuts that overwhelmingly benefit our wealthiest citizens.

Child support payments helped lift more than 1 million Americans out of poverty in 2002. As a result of what the House did, many of these people—and these are mostly children—will go back into poverty. This is cruel. It is counterproductive. Talk about penny wise and pound foolish. Because you take this away, these families will fall back into poverty. They then will end up on food stamps, Medicaid, TANF, Temporary Assistance for Needy Families, other forms of public assistance—unless you cut those, too. And guess what. The House bill cuts food stamps, cuts Medicaid, disconnects the food stamps from the TANF program. Think about what the House is doing here.

According to the Office of Management and Budget, for every $1 we spend on child support, $4.38 is recovered for families in child support payments. Not a bad deal. The President even praised this program.

Reforms have made the program effective. Since 1996, there has been an 82-percent increase in collections. With the House cut, deadbeat parents get off, kids suffer, and the goal of self-sufficiency becomes less attainable for more custodial parents trying to stay off of welfare.

Cutting this program is outrageous. I urge my colleagues again to send a loud and clear message to the House and the American people that the Senate will not accept these cuts in the Child Support Enforcement Program.

Again, I wanted to talk about those three. Now I will offer one motion with Senator SMITH. Senator KOHL is going to offer another. Senator REED of Rhode Island and Senator COLLINS will be offering another.

Last evening, we met, conferees met on the Labor, Health and Human Services, Education appropriations bill. As you know, the Senate passed their version. The conference was abysmal in that the House insisted on all their provisions. It went back to the House. The House defeated it. So we went back to conference again last night.

I pointed out that there are three avenues of cuts that are going to hurt low-income families right before Christmas, at least Christmas to those of us who are of the Christian faith. Think about what is happening right before Christmas.

We are going to cut programs for some of the most vulnerable of our citizens in the Labor-HHS appropriations bill. We are cutting Head Start. We are cutting assistance programs in health. We are cutting programs such as LIHEAP that give people a little hope that they will have enough money to pay their fuel bills. We have all these cuts coming in the Labor-HHS bill.

But that is not the end of it. We now have this reconciliation bill that is going to cut the very things I talked about—the child support enforcement program, Medicaid, food stamp cuts. So we are going to whack the poor right before Christmas with the Labor-HHS-Education appropriations bill. We give them another backhand in the reconciliation bill, if we take what the House has. And then there is one more coming. It is my understanding that the DOD appropriations bill will have a 1-percent across-the-board cut in these discretionary programs, another cut to the most vulnerable of our citizens.

So right before Christmas, we say to the poor in this country, to the low-income families working and struggling to pay their heating bills, keep their families together, trying to make it through the winter: Hang your stockings. And guess what this Congress is going to put in them. Three lumps of coal.

That is what we are doing to the poor. I can't believe we are doing this right before Christmas. Yet right before Christmas, we are going to try to enact a tax cut of which over 50 percent goes to people making over $1 million. If my figures are right, I think

less than 7 percent of the money in the tax cuts goes to people making less than $50,000 a year. Ninety percent goes to people making over $100,000 a year. The most vulnerable people work for the minimum wage, people who are making 8 bucks an hour. Guess what that is a year? That is 16,000 bucks a year. Try feeding two or three kids on that.

I don't understand how we can do this at this time of year. I don't understand how we can do it at any time of year. But you would think now our consciences would bother us in making these kinds of cuts. It is almost as if this Congress is trying to rewrite Charles Dickens' ''Christmas Carol.'' Remember Scrooge in the ''Christmas Carol'' has a change of heart at the end and sees clearly what the spirit of Christmas is all about. It is as if this Congress is rewriting Charles Dickens' tale and Scrooge does not have a change of heart right before Christmas. It is as if this Congress, if we proceed down this path—and it looks as though that is where we are headed—truly will be the Scrooge who is stealing the food from young kids, taking away hope that low-income families have, destroying the hope a lot of low-income families have. All for more tax cuts for some of the most privileged people.

We all have friends, a lot of friends who make a lot of money. I don't hear them clamoring for these tax cuts. In fact, what I hear them saying is: Why are you doing this? Why don't you take care of the business of the country? Why don't you do something about education and health care and getting people out of poverty and getting people jobs and getting people work? That would be a better use than giving the rich a few more dollars with which to buy another diamond or a wristwatch that costs $25,000. I saw a wristwatch advertised in the paper for $25,000. Why would anyone buy a wristwatch for $25,000. All it does is tell the time.

I have a watch. It might have cost me about 75 bucks. I have had it for 10 years. I had it repaired once.

I don't mind if people who have a lot of money want to spend it that way. But why are we cutting the taxes for these people and then, to make it up, cutting food stamps? It would be one thing if you could say with a straight face: We have to do it to cut the deficit. But guess what. Under this reconciliation bill the deficit goes up, not down. So with the tax cut we get a bigger deficit. And then we are still cutting food stamps, Medicaid, LIHEAP, and a number of other programs that are out there that help low-income people.

I hope at this time of year especially we will think long and hard about what we are doing around here and that we will come to our senses. The Senate has acted well. We acted in a good, bipartisan fashion to do these things. I hope tomorrow when we vote on the various motions to instruct, we will have that same bipartisan approach as we had before. Hopefully, there will be a new spirit across the Capitol in that House Members will agree to go along with the Senate provisions and not cut food stamps and LIHEAP and the child support enforcement program, among a number of others.

We await the majority leader making his motion. Until that point, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

The Senator from Oklahoma is recognized.

Mr. COBURN. Mr. President, I come to the floor to advise the American public. We just heard a very eloquent talk by the Senator from Iowa on the motion he plans to offer to instruct conferees on food stamps, but I think it is very important that the American people recognize that 1 out of every 19 people in this country who receive food stamps receive them illegally. In other words, they are not eligible.

In this motion to instruct, it states in No. 5:

The Food Stamp Program operates efficiently and effectively with its error rate at an all-time low.

It is at an all-time low. It is 6.64 percent. In other words, 1 out of 14 who are getting food stamps have an error associated with what they are receiving, or 1 out of 15 or 16. But in terms of overpayments, 5.5 percent of the money spent, $1.6 billion, is spent on food stamps to people who don't qualify.

An easy way for us to control food stamps is to make the error rate less—in other words, to do a better job—instead of to gloss over and say we don't have a problem here and it is running efficiently and effectively. Anybody else in their own personal budget, if they were paying out 5.5 percent more than what they should be, would be quick to change that.

The Federal financial management oversight subcommittee which I chair had a hearing this year. It is true, they have reduced the error rate some. But a 6.9-percent overall error rate is unacceptable, and a 5.5-percent overpayment rate is highly unacceptable. In a time of tremendous budget deficits, in a time of war, and a time of natural disasters that have hit us greater than we have ever seen, accepting 5.5 percent and saying we can't do better is unacceptable. It is unacceptable by everybody who lives by a budget out there who is an American citizen. For us to have a motion to instruct to say that is good, that is effective, that is efficient, it is not the truth.

We need to be cognizant of the fact that we have a long way to go to help those people who need us with food but at the same time to not help those people who are cheating the system, who are squandering money that would otherwise go to people who have needs when those people who don't have needs are stealing from the system. I think it is important for the record to reflect that.

Mr. ROCKEFELLER. Mr. President, this budget is about choices. We in Congress can choose to protect Medicaid, the Federal safety net for over 50 million Americans, by supporting the Baucus motion to instruct.

Or we can turn our backs on the millions of working families who would otherwise be uninsured without the Federal guarantee of Medicaid benefits by giving States the green light to charge more in monthly premiums than are charged in monthly premiums under Medicare; by allowing Medicaid cost-sharing that can grow six times faster than wages; by permitting States to provide fewer Medicaid benefits to recipients in rural areas than those offered to recipients in urban areas; and by asking hospitals, pharmacists, and other health care providers to continue to participate in the Medicaid program even if they cannot cover their costs.

If the Senate recedes to the House on Medicaid, then we will begin to undo one of the most important social programs of our time. And people and health care providers in our respective States will suffer greatly. In West Virginia, nearly 20 percent of our State's population—over 350,000 people—depend on Medicaid for access to health care.

Not only is it unfair to consider such draconian changes to the Medicaid Program in the context of meeting an arbitrary budget number, it is also unwarranted.

Some of my colleagues have argued that Congress must reduce spending in Medicaid in order to decrease the Federal deficit. I would remind my colleagues that this budget does not decrease the Federal deficit. Instead, this budget could increase the Federal deficit by $10 to $20 billion over the next 5 years. And that is not even considering the cost of adding more tax cuts.

Even more important is the fact that there are other options on the table besides Medicaid that provide more than enough savings to meet the $10 billion budget target set by Congress. Reducing Medicare overpayments to HMOs saves nearly $12 billion over 5 years alone.

America has a moral obligation to take care of its most vulnerable citizens. Programs that help low-income working families improve their lot in life should be the last resort when it comes to balancing the budget.

Not supporting this motion to instruct fails our Nation's pregnant women, children, the elderly, and the disabled.

I urge my colleagues to support this motion to instruct. The quality of life of 50 million Americans depends, on it.

HONORING OUR ARMED FORCES

CORPORAL JONATHAN F. BLAIR

Mr. BAYH. Mr. President, I rise today with a heavy heart and deep sense of gratitude to honor the life of a brave young man from Fort Wayne. Jonathan Blair, 21 years old, died on November 19 in Bayji, Iraq when a roadside bomb exploded near his vehicle during a combat operation. With his entire life before him, Jonathan risked everything to fight for the values Americans hold close to our hearts, in a land halfway around the world.

Remembered for his thoughtfulness and patriotism, Jonathan joined the Army shortly after graduating from Elmhurst High School in 2002. The attacks of September 11 inspired him to consider military service, but Jonathan also saw the military as a gateway to further knowledge and a potential ticket to a higher education. One of his high school teachers fondly recounted to the Fort Wayne Journal Gazette that Jonathan was a patriotic and ''cerebral'' student who would contemplate fully any answer in class. Another teacher remembered, ''Jonathan challenged you as a teacher to make him better as a student; he was just a really interesting kid.''

Jonathan was killed while serving his country in Operation Iraqi Freedom. He was a member of the 1st Battalion, 187th Infantry Regiment, 3rd Brigade Combat Team of the 101st Airborne Division based at Fort Campbell, KY.

Today, I join Jonathan's family and friends in mourning his death. While we struggle to bear our sorrow over this loss, we can also take pride in the example he set, bravely fighting to make the world a safer place. It is his courage and strength of character that people will remember when they think of Jonathan, a memory that will burn brightly during these continuing days of conflict and grief.

Jonathan was known for his dedication to his family and his love of country. Today and always, Jonathan will be remembered by family members, friends, and fellow Hoosiers as a true American hero, and we honor the sacrifice he made while dutifully serving his country.

As I search for words to do justice in honoring Jonathan's sacrifice, I am reminded of President Lincoln's remarks as he addressed the families of the fallen soldiers in Gettysburg: ''We cannot dedicate, we cannot consecrate, we cannot hallow this ground. The brave men, living and dead, who struggled here, have consecrated it, far above our poor power to add or detract. The world will little note nor long remember what we say here, but it can never forget what they did here.'' This statement is just as true today as it was nearly 150 years ago, as I am certain that the impact of Jonathan's actions will live on far longer that any record of these words.

It is my sad duty to enter the name of Jonathan Blair in the official record of the U.S. Senate for his service to this country and for his profound commitment to freedom, democracy, and peace. When I think about this just cause in which we are engaged and the unfortunate pain that comes with the loss of our heroes, I hope that families like Jonathan's can find comfort in the words of the prophet Isaiah, who said, ''He will swallow up death in victory; and the Lord God will wipe away tears from off all faces.''

May God grant strength and peace to those who mourn, and may God be with all of you, as I know He is with Jonathan.

REMEMBERING ARMY SERGEANT FIRST CLASS MICHAEL C. PARROTT

Mr. SALAZAR. Mr. President, I rise to reflect for a moment on the service and life of SFC Michael Parrott of Tinmath, CO. Sergeant First Class Parrott was tragically killed last month while serving this Nation in Balad, Iraq. Today would have been Sergeant First Class Parrott's 50th birthday.

Mike Parrott was a native of Canton, NC, where he graduated from Pisgah High School in 1974 and went on to earn a degree from the University of North Carolina at Asheville. His 6-foot-tall frame made him hard to miss in a crowd, but it was his easy smile and brown eyes that first drew the attention of his wife, Meg, when she was a student at UNC-Asheville almost two decades ago. Mike Parrott was honest, opinionated, and unafraid to speak his mind. His wife, Meg, knew how unique Mike was when she discovered that he kept Voltaire in his bathroom. They celebrated their 19th wedding anniversary last month.

Mike Parrott was an avid fan of the outdoors and could often be found biking, camping and hiking, activities he and Meg often enjoyed together. Mike rode his bike to and from work, and made it a point to run every day. In fact, this past year, on the day of the Leadville Marathon, Sergeant First Class Parrott laced up his running shoes and ran 26.2 miles in the blazing Iraqi heat.

Sergeant First Class Parrott was a true American patriot. Sergeant First Class Parrott served in this Nation's armed forces for more than 15 years in active and reserve duties. Three years ago, he signed up for the National Guard, looking to reach his 20 years of service. He was a member of the 115th Field Artillery Brigade in Cheyenne and was on loan to the 28th Infantry of the Pennsylvania Army National Guard at the time of his death. He had already completed a year's tour in Kuwait with his Wyoming unit but signed up as a loaner to return to Iraq.

Sergeant First Class Parrott was an inspiring leader for the men who served under him, some less than half his age. They looked up to his leadership and calm, affectionately calling him ''The Old Man.'' Sergeant First Class Parrott believed that he had a mission to help younger soldiers. He looked forward to being a mentor.

Sergeant First Class Parrott and his wife both disagreed with U.S. policy in Iraq, but he did not shrink from his duties. Instead, he rose honorably to serve his Nation in the time it called for his aid.

Mr. President, what becomes clear upon reflection is that SFC Mike Parrot loved this Nation. He loved its spirit of dissent and discussion. He loved its wide open spaces and natural wonders. He loved it for providing him the opportunity to be with his wife and family, his friends of so many years that gave him so much. He was the embodiment of Voltaire's remark: ''I may disagree with what you have to say, but I shall defend, to the death, your right to say it.''

To the family of SFC Mike Parrott, including his wife Meg Corwin and his mother Suzanne Parrott, know that the thoughts and prayers of an entire Nation are with you today. We are grateful for Mike's courageous service to the people of America and Iraq. The values he lived by will remain far beyond our time on this Earth, a humble legacy that will live on in every life he touched.

A FALLEN HERO: ARMY SERGEANT LUIS R. REYES

Mr. President, I also wish to reflect on a life of promise taken too soon from us—Army Sergeant Luis Reyes of my home State of Colorado.

Sergeant Luis Reyes was 26 years old, a member of the 947th Engineer Company of the Colorado National Guard based out of Durango. He was killed in Kuwait while on his way to Iraq.

A native of Denver, Luis was a husband of 6 years to his wife, Christina, and a father of two: Sienna and Nikko. Luis was devoted to his family and community, a man known for helping his friends and neighbors with repair jobs and who loved to work on his truck.

After graduating Montbello High School in Denver in 1997, Luis enlisted with the Army and married Christina after finishing basic training. He had just re-enlisted for another 3-year term with the Army and in one of his last phone calls home marveled to his wife about his service in the Middle East, telling her it was a ''whole other world.''

When Sergeant Reyes was killed, his unit was on its way to help Iraq with the complicated task of rebuilding its infrastructure and roads. It was an important mission, which will allow the far-flung villages of Iraq to connect once more with each other and foster the blessings of liberty.

A friend of Sergeant Reyes remembered him as a man who would go ''above and beyond'' the call of duty. With his service to this Nation, Luis Reyes did just that. He could have stayed with his young family in the safe confines of Aurora. But he had a passion for serving this Nation and accepted great risk on behalf of all of us.

Isaiah 25:8 teaches us, ''The Lord will swallow up death in victory; and the

Lord will wipe away tears from off all faces.'' To Sergeant Reyes's wife, Christina, and his two young children, his mother Tomasa and his brother Roger, the thoughts and prayers of an entire Nation go with you during this difficult time. Luis served this Nation with honor and distinction and has left all of us forever in his debt. For that, we all offer our humble thanks.

TRIBUTE TO SPECIALIST GREGORY L. TULL

Mr. GRASSLEY. Mr. President, I rise today to honor one of our country's bravest, SPC Gregory L. Tull of Pocohontas, IA. Specialist Tull sadly died November 25, 2005, after an improvised explosive device detonated near his Humvee in Al Anbar province in Iraq. Specialist Tull served with the Iowa Army National Guard's 1st Battalion, 194th Field Artillery based in Storm Lake, IA. He was only 20 years old.

I ask that all Americans join me in remembering and honoring Specialist Tull. He was an upstanding and courageous soldier who fell far before his time. Our country has survived these many years due to the brave men and women who have served in our Armed Forces, and it greatly saddens me to announce that another young man has made the ultimate sacrifice for our country and for the freedom of Iraq.

LTC Gregory Hapgood of the Iowa Army National Guard remembered that Specialist Tull was ''a good guy that didn't shrink from responsibility,'' and was someone who ''wanted in on the action.'' During this crucial time in America's history, we should all remember Greg Tull's courage and dedication to his country.

We should also stand with Specialist Tull's parents, Eileen and Gary, and his brother, Bryan, and all his family in their time of grief. Our thoughts and prayers also go out to Gregory's friends, classmates, and all others who were lucky enough to know him. Greg Tull did not die in vain, but rather gave his life defending America and promoting freedom around the world. He will be sorely missed but also fondly remembered.

WORLD AIDS DAY

Mr. WYDEN. Mr. President, December 1, was World AIDS Day, and I wanted to take this time to both acknowledge the good work that is done around world to prevent and treat this disease and to acknowledge the need is still great around the world and in our own country to fund prevention, treatment, and support.

AIDS kills 3 million people each year, and 13,500 people are newly infected each day. AIDS has already left 15 million orphans in its wake. The theme of World AIDS Day 2005 was ''Keeping the Promise.'' To date, the United States has led the world in contributions to the Global Fund, providing one-third of all contributions. However, the statistics tell us that while we have come far, we still have far to go in preventing this tragic disease, including here at home.

We have experienced many medical miracles in the form of drugs that help people diagnosed with HIV/AIDS live healthier longer. Yet, we seem to be able to fund less and less of the services that help individuals stay healthy and maintain the structure of their lives.

I was recently visited by constituents who were either HIV positive or had full-blown AIDS. They told many moving stories about how their lives had been made better by programs that help them get health services, pay for their drugs, rent and provide other support services. Many of these programs are through the Ryan White Act.

The unmet need grows daily. For example, in Portland, the Russell Street Dental Clinic provides about $60,000 worth of services to HIV patients each month compared with about $15,000 a month 3 years ago. In 2003, a study was released that documented the service gaps in Oregon. The list of services for which there is not enough funding to meet the need is long and includes dental care, help with legal affairs, counseling, housing and help in paying rent or utilities, and transportation.

Despite an increased number of people living with HIV/AIDS, Ryan White funding has decreased. Many of the programs my constituents tell me help them are through Title I of the Ryan White Act. This title provides the vital core services of Medical care, mental health and substance abuse treatment, dental care, and case management.

The Oregon AIDS Drug Assistance Program has had to change eligibility and take other steps to limit enrollment because of budget constraints. This program helps individuals with their drug costs. I view it as a wise investment because it helps people stay healthier, working, and productive.

What I have heard from my constituents is sheer frustration that the programs they know work are yet again on the chopping block. I share their frustration. An investment in health care, whether abroad or in our own country, an investment in a community and in making that community healthier. I hope Congress keeps this in mind as we face difficult decisions about funding in the future.

I ask unanimous consent that my remarks be printed in the RECORD.

HUMANITARIAN ASSISTANCE FOR PAKISTAN

Mr. JOHNSON. Mr. President, this past year, the world has witnessed multiple natural disasters including the tsunami in South Asia and Hurricane Katrina in the gulf coast. Most recently, the devastating earthquake that struck northern Pakistan in early October has been equally catastrophic. More than 73,000 people were killed in the immediate aftermath, while tens of thousands more were wounded. Just as troubling, millions more have been left homeless having lost their life's possessions in this tragic event.

As Pakistan approaches the bitter winter months, many are still without adequate shelter. The United Nations estimates that at least 350,000 will remain in the mountainous regions of Pakistan through the winter and will require sufficient food and materials to winterize their tents in order to survive. Exacerbating the situation is the recent cancellation of helicopter sorties that deliver humanitarian relief due to deteriorating weather conditions. In addition, UNICEF is conducting a massive immunization campaign to vaccinate individuals from the measles following an outbreak at a camp outside of Muzaffarabad in early December. For all these reasons, it imperative that countries honor their commitments to this ravaged country to ensure humanitarian relief is provided to the victims of this tragedy.

To date, the international community and private industries have pledged aid for relief an reconstruction, and the United States has led the effort. After recognizing that our original pledge of $50 million would be inadequate to assist the victims, the United States substantially increased the amount of aid to Pakistan by pledging a total of $510 million.

In addition, the United States has provided rescue teams and aircraft to assist in locating victims in remote areas. The U.S. military has helped deliver humanitarian supplies, as well as evacuating casualties from the region. Currently a Mobile Army Surgical Hospital, MASH, unit has been established in the most devastated parts of the country to perform urgent surgery and attend to less critical patients.

While I applaud these efforts, we should remember that Pakistan has been a critical ally in the war on terror. Unfortunately, our image in the Muslim world has been distorted though propaganda and misperceptions of America's intent in the Middle East. Humanitarian aid can assist in dispelling these myths and will clearly demonstrate that the American people are deeply compassionate toward all those in need.

With the upcoming winter months, it will be vital that the international community continue to honor the commitments it has made to Pakistan. I believe that the United States should lead these efforts. We have a moral obligation to reach out and assist those who are so desperately in need, and I look forward to working with my colleagues to ensure the victims of this earthquake receive adequate humanitarian assistance.

ALLOWING A CONTINUING FRIENDSHIP

Mr. ALLARD. Mr. President, I rise today to discuss the future of Air Force TSgt. Jamie Dana and her working military dog Rex.

When our Nation's leaders called thousands of men and women in uniform to liberate Iraq from its most brutal dictator, Technical Sergeant Dana was among those brave citizens for whom the duty to her country comes before all other luxuries. Technical Sergeant Dana joined the Air Force in 1998 and volunteered to serve in Iraq. Her assignment included supporting Army personnel by clearing vehicles at checkpoints and searching buildings for booby traps and explosives. Jamie was never alone while performing her duties in Iraq. She was accompanied by a working military dog, Rex, a 5-year-old German shepherd. The duo had trained together in the military fo 3 years and deployed as a team first to Pakistan and then Iraq.

Last June, after completing another mission, Technical Sergeant Dana and Rex were traveling in an armored humvee when a roadside bomb exploded under her seat. She suffered severe wounds resulting in massive internal bleeding that required 19 blood transfusions. ''The helicopter ride was the scariest 45 minutes of my life,'' remembers Major Paul Morton, a member of the medical trauma team who helped save Jamie's life.

Even when facing death, Technical Sergeant Dana never stopped thinking about her friend and comrade Rex. While recuperating from the injuries she suffered in Iraq, Rex has always been in Jamie's prayers. Although her future in the Armed Forces remains uncertain to this day, Dana never questions her decision to go to war. As she stated in a recent interview, ''I had begged for it. I wanted to deploy. You want to feel like you're a part of it.''

After her military duty is over, Technical Sergeant Dana plans to become a different kind of vet—a veterinarian, a profession that I admire. Dana asked the Air Force for permission to adopt her beloved friend, and I commend the leadership of the Air Force and Senator WARNER for their efforts to find a legislative solution to Jamie's request. I fully support the inclusion of this solution in the Defense authorization conference report. The work of our Nation's military and political leaders demonstrates their willingness to express our humble gratitude to those who proudly wear our Nation's uniform and endanger their lives to protect the freedom that we often take for granted. Jamie's story traveled thousands of miles and warmed the hearts of her fellow Americans, as well as political and military leaders.

A simple act of Congress will allow Technical Sergeant Dana be reunited with Rex. Both Jamie and Rex gave their best in the fight to protect the ideals of liberty and courageously participated in the spread of democracy across the globe. The least this country can do to honor their service is to allow this friendship to continue.

STOLEN VALOR ACT

Mr. BURNS. Mr. President, today, I join my colleagues, Senators CONRAD, VITTER, SALAZAR, NELSON, JOHNSON, CHAMBLISS, THUNE, HAGEL, ISAKSON, LAUTENBERG, DOLE, and STEVENS, in cosponsoring S. 1998, the Stolen Valor Act of 2005.

During this Christmas season, our forces are deployed around the world, and many serve in hostile locations. Our service men and women continue to make great sacrifices abroad to ensure our safety here at home. It is our duty to recognize and honor that sacrifice and heroism. Unfortunately, some civilians have created elaborate lies to claim some of this honor as their own.

I am disturbed by stories of these despicable frauds who have tried to falsify heroic military records. These people wear medals that they did not earn, and claim honors which they do not deserve. This type of lie strikes at the very heart of the honor of our military and our Nation.

We must act now to protect the reputation of our military heroes with the full force of law. Those who seek to steal recognition that they have not earned must be held accountable and brought to justice. The Stolen Valor Act of 2005 does just that by enhancing penalties for making false claims in regard to personal medals awarded for combat action and valor, such as the Purple Heart, Distinguished Service Cross, Navy Cross, Air Force Cross, Silver Star, or Congressional Medal of Honor. This law will allow law enforcement officials to prosecute individuals who falsely claim to be recipients of these awards, and perpetrators may receive a sentence of up to 1 year as a result.

As a veteran, I will always seek to protect the honored place of our military heroes. I cherish the sacrifices of all veterans, and I will continue to do everything in my power to support and protect their interests. I look forward to working with my Senate colleagues to pass this important piece of legislation.

REPUBLICAN JEWISH COALITION AD SUPPORTING WAR ON TERROR

Mr. COLEMAN. Mr. President, Freedom is Worth Fighting For. That is the headline of a full page advertisement today in The New York Times. I was proud to add my name to this strong statement in support of our troops and our President in fighting the war on terror. The ad is sponsored by the Republican Jewish Coalition, a grassroots organization based in Washington, DC, with five full-time offices, 41 chapters, and over 20,000 members across our Nation.

The ad takes strong exception to a resolution approved last month by about 2,000 members of the Union for Reform Judaism—URJ—at a convention in Houston. The URJ resolution said, ''American Jews, and all Americans, are profoundly critical of this war and they want this administration to tell us how and when it will bring our troops home,'' and called the Iraq war ''unjust.'' The resolution reversed a 2002 URJ endorsement of the war and, according to news accounts, was adopted with very limited debate and only one person speaking against it.

As the Republican Jewish Coalition ad states, the URJ statement that American Jews oppose President Bush on Iraq is misleading and wrong. The URJ does not speak for me. Nor does it speak for all reform Jews or for the American Jewish community.

The Republican Jewish Coalition ad carries the signatures of 180 leaders and prominent figures in the Jewish community. In addition to my name, among those signing the newspaper ad are my colleague in the other body Representative ERIC CANTOR of Virginia, Hawaii Governor Linda Lingle, and two former chairmen of the Conference of Presidents of Major American Jewish Organizations, James Tisch and Kenneth Bialkin. Other signers include rabbis and cantors; as well as State and local elected officials.

The Republican Jewish Coalition ad contains several other important messages. It notes that we support the President and the war on terror. We stand behind our troops and their mission of creating a safe, democratic Iraq. This mission is vital, says the ad, not only for the continuing fight against terrorism and the stability of the Middle East, but also for making the world a safer place for our children. I believe this message of support is particularly important as the Iraqi people prepare to vote for a permanent government later this week.

We can never surrender to terrorism. Those who attacked us on September 11, 2001, will not hesitate to do so again if given the opportunity. We dare not encourage them by weakness and vacillation in our unrelenting war on terror.

I commend the Republican Jewish Coalition for its leadership on this vital issue. I am proud to stand with them in defense of freedom.

ADDITIONAL STATEMENTS

CALIFORNIA HIGHWAY PATROL OFFICER DAVID MARIN ROMERO: IN MEMORIAM

• Mrs. BOXER. Mr. President, Today I rise to honor and share with my colleagues the memory of a remarkable man, Officer David Marin Romero of the California Highway Patrol. Officer David Marin Romero spent 23 years with the California Highway Patrol, providing the citizens of California with safety and service. On September 23, 2005, while on motor patrol in the city of Industry, Officer Romero was struck and killed by a driver suspected to be under the influence of a controlled substance.

The California Highway Patrol was Officer Romero's passion. He began his career with the California Highway Patrol at the Riverside Station near his home, and a year later he transferred to the Sante Fe Springs Station, near his childhood community. Romero served the remainder of his career in Santa Fe Springs, giving back to his community. He loved riding his motorcycle and combined this with his passion for law enforcement to become a very successful motorcycle officer. Officer Romero's colleagues shall always remember his infectious grin, practical jokes, and commitment to his job.

Officer Romero was a devoted family man. He is survived by his wife Sandra and children, Austin, Windsor, David, Victor, and Vanessa. When he was not on duty, Officer Romero enjoyed spending time with his family, riding dirt bikes, and coaching his children's sports teams. Officer David Marin Romero served the State of California honorably and conscientiously, and fulfilled his oath as an officer of the law. Officer Romero gave his life while assisting those in peril or distress. His character, integrity, loyalty, and dedication to law enforcement are greatly appreciated and will never be forgotten.

Officer David Marin Romero sacrificed his life doing what he loved to do—providing protection for the community in which he was raised. We shall always be grateful for Officer Romero's heroic service and the sacrifices he made while protecting the community he loved.●

IN HONOR OF THE MEMORY OF NICK BRONZAN

● Mrs. BOXER. Mr. President, I rise to honor the memory of the late Nick Bronzan, a tireless champion for young people and seniors in central California. Mr. Bronzan, a long-time Fresno resident, passed away in the peaceful company of his family and loved ones on December 4, 2005. He was 90 years old.

Nick Bronzan, the son of Yugoslavian immigrants, was a true son of California's Central Valley. He was born in Stockton and spent his formative years in Manteca. A gifted athlete, Nick excelled as a football player at Fresno State College. Admired by his coaches and teammates for his great leadership qualities, Nick served as the captain of the 1939 championship team.

Upon graduation, Nick taught mathematics and coached a number of sports at Kerman High School for 5 years. Nick and his wife Peggy were beloved for all they did in both school and community activities. He would further his passion for helping young people by working for the YMCA in Fresno, Tulare, and Culver City. In 1961, Nick became the general secretary of the Fresno YMCA, and 7 years later, he was appointed as the executive director of the Central Valley YMCA. Throughout his professional career, Nick demonstrated an unyielding commitment to positively impact the lives of young people.

In his retirement, Nick generously lent his leadership and passion for community service to a number of very worthy and empowering causes. As director of the Fresno Foster Grandparents Program, he spearheaded a volunteer program for seniors to work with children lacking parents and families. Nick also began a house-sharing organization to increase and enhance older companionship. A powerful and determined advocate for the senior community, Nick successfully convinced businesses to hire senior watchmen to work late shifts. In 1984, he was appointed by then-California Assembly Speaker Willie L. Brown, Jr., to the California Commission on Aging and Long-Term Care. Whereas some see their golden years as a time to fade into the background in public life, Nick embraced it as an opportunity to continue to lead, to motivate others, and to make good things happen.

Nick Bronzan devoted 70 of his 90 years to community service. Nick selflessly gave his boundless energy, genuine compassion, and precious humanity to uplifting and empowering those who are most often neglected in our society: the young and the old. Nick has left behind a legacy of service and the admiration of those whose lives he touched over the years. He will be dearly missed.

Nick is survived by his wife Peggy; two daughters, Mary Bronzan and Ann McDonald; son, Bruce; five grandchildren and seven great-grandchildren. On December 11, more than 200 members of his family and friends gathered in Fresno to honor a rich life, well lived.●

TRIBUTE TO LINWOOD CARTER

● Mr. LUGAR. Mr. President, I rise today to pay tribute to and recognize the contributions of an individual who has dedicated three decades of his life to serving the U.S. Congress.

Linwood B. Carter II began his career with the Congressional Research Service in 1975 and will be embarking on a well-earned retirement shortly after the New Year. As an information research specialist in U.S. military and international security affairs, Linwood has responded to literally thousands of congressional research requests over the years with a level of professionalism and skill I have seldom encountered. In carrying out our responsibilities as legislators, we in the Senate and our colleagues in the House confront a constant need for accurate and timely information; often it has been through the efforts of Linwood Carter that those responsibilities have been met. His mastery of the Library of Congress's resources and the informational nooks and crannies in the world of international security affairs has been unsurpassed.

Linwood's dedication to serving the needs of Congress is unparalleled. His quiet professional demeanor will be sorely missed by Members, the Congressional Research Service, and by the Library of Congress. I would like to extend our thanks to him for his efforts on our behalf for the last three decades and to wish him the best in the years to come.●

COMMENDING THE INDIANA WEAPONS OF MASS DESTRUCTION CIVIL SUPPORT TEAM

● Mr. LUGAR. Mr. President, I rise today to commend the certification of the Indiana Civil Support Team and the support it will provide the people of Indiana in the event of an attack utilizing a weapon of mass destruction. During this holiday season, many prefer not to think of the horrors associated with nuclear, chemical and biological weapons, but the 22 members of the 53rd WMD–CST don't have that luxury. It is their job to help protect Hoosiers should a WMD attack occur in Indiana.

On November 28, 2005, the Pentagon announced that the Indiana Civil Support Team was fully ready to assist civil authorities in responding to a domestic weapon of mass destruction incident. Stationed in Indianapolis, the team possesses the requisite skills, training and equipment to make a difference in assisting first responders and local officials in the critical moments immediately following a nuclear, radiological, chemical or biological event. The CST is able to deploy rapidly, assist local first responders in determining the nature of the attack, provide medical and technical advice, and pave the way for the identification and arrival of follow-on State and Federal military response assets.

In March 2004, I was pleased to join with Governor Kernan and Senator BAYH to announce the creation of the WMD–CST in Indiana. The team is made up of highly skilled, full-time members of the Indiana National Guard and Reserve who have completed 20 months of intense training. The team is equipped with sophisticated detection, analytical, monitoring, communications and protective equipment and is under the command and control of Governor Mitch Daniels. This signifies another important step to ensuring that our country, the State of Indiana, and our local communities are prepared should we face terrorists armed with a nuclear, chemical or biological weapon.

Last week's announcement occurred with little fanfare and negligible public interest. This is unfortunate because the threat posed by the proliferation of weapons of mass destruction is the No. 1 national security threat facing our country.

Chemical weapons were introduced on the battlefields of World War I. Nuclear weapons ended World War II. Biological weapons were components of Cold War arsenals. The 20th century

witnessed the brutal use of these powerful weapons by superpowers and nation-states. Technological advancements and the proliferation of weapons, materials and know-how have made weapons of mass destruction accessible to a growing number of national and non-state entities.

Despite the threat of nuclear annihilation throughout the standoff between the United States and the Soviet Union, it was unfathomable that a religious sect could acquire the means to attack a major metropolitan subway system with biological weapons. Yet the Aum Shinrikyo dispersed anthrax in a Tokyo train station in March 1995. Who would have expected rebels from a remote region of the Caucasus to threaten the detonation of a radiological weapon in a Moscow park? Chechens did that in November 1995. Even more difficult to believe would have been the notion that the leader of a deadly terrorist organization would announce that it was the organization's mission to acquire a weapon of mass destruction and use it against the United States. Osama bin Laden did that in December 1998.

The use of a weapon of mass destruction in the United States could cripple our economy, lead to the fall of our Government, and threaten large segments of our population with disease and death. During the Cold War, the Soviet Union had the resources and incentives to carefully guard and maintain these weapons and the scientific knowledge that produced them. But the political collapse of the Moscow government was accompanied by a broader economic collapse throughout the vast nation. Not only did Russia and the other successor states have few resources for maintaining the Soviet-era arsenal, they could not even afford to adequately pay members of the military and scientific community who had responsibility for safeguarding the weapons and related technology. The United States faced the grim possibility that weapons previously held in impenetrable Soviet facilities and technology previously restricted to the minds and computers of elite Soviet scientists could be stolen or sold to the highest bidder.

As a country, we must acknowledge that the weapons that haunted the Cold War are now available to irrational and undeterrable foes. While the threat of nuclear attack from the Soviet Union was awesome, it was certain, in that we knew who and where our enemy was and had the ability to hold them at equal peril. The post–Cold War security environment is anything but certain. Battles are no longer determined by armored divisions taking and holding large swaths of territory, nor is strategic competition marked by the building of the biggest bomb or the longest range missiles. A small group of fanatics with the right contacts and resources can obtain and utilize a weapon of mass destruction that could destroy or make unlivable large portions of Washington, DC, New York, or Chicago. Similarly, toxins introduced into our food supply and distribution systems could spread disease and panic.

There is no silver bullet to these threats. U.S. security will be secured by small numbers of American Government officials and contractors working with former enemies to eliminate the weapons that could threaten the future of our country. It will also depend on American allies working closely and effectively in detecting and interdicting these weapons and local police officers, medical personnel, and guardsmen preparing to respond to a WMD event.

Since the end of the Cold War, I have worked with colleagues here in Congress and the executive branch to defend the American people from these threats. I have often described the best strategy to deal with the WMD threat as ''defense in depth,'' layers of defensive efforts designed to stop a nuclear, chemical and biological weapon from reaching our shores.

The first line of defense is prevention and entails activities at the source to stop weapons, materials and know-how from leaving their current locations. The second is detection and interdiction and involves efforts to stem the flow of illicit trade in these weapons and materials at foreign and domestic borders. The third line of defense is crisis and consequence management and requires domestic preparedness should such threats turn into hostile acts. Individually, each of these lines of defense is insufficient; together, they help to form the policy fabric of an integrated defense-in-depth.

In 1991, I joined with Senator Sam Nunn and co-authored the Nunn-Lugar, Cooperative Threat Reduction Program. The program's goal is to address the threat posed by nuclear, chemical, and biological weapons at their source. Over the program's first decade and a half it has focused on the threats emanating from the former Soviet Union. When the USSR crumbled, it had the largest nuclear, chemical, and biological arsenals in the world. The next day, four new independent countries emerged from the ashes with nuclear weapons. The totalitarian command and control system that secured the chemical and biological weapons arsenals and infrastructure disappeared. Divisions of ballistic missiles, wings of long-range bombers, and fleets of strategic missile submarines were left with a bankrupt, dysfunctional master and numerous individuals and organizations seeking to steal them.

The Nunn-Lugar Program has made excellent progress in eliminating these threats. Ukraine, Belarus, and Kazakhstan emerged as the third, fourth and eighth largest nuclear powers in the world. Today all three are nuclear weapons free. More than 6,760 nuclear warheads, each capable of destroying an American city, have been deactivated. Nearly 2,000 intercontinental ballistic missiles fired from land-based silos, missile submarines, and bombers have been eliminated. Two-thirds of the Soviet Union's strategic bomber force and over half of its strategic submarine force have been destroyed.

The Soviet Union also left behind enormous quantities of chemical and biological weapons materials. Russia declared a chemical weapons stockpile of 40,000 metric tons stored under questionable. A public accounting of the Soviet biological weapons programs has never been made, but it is believed to be the largest and most advanced in the world. Tens of thousands of scientists, engineers, and technicians had assisted in the development of the Soviet Union's weapons of mass destruction. With the economies of Russia and other republics in bad shape, many of these experts faced unemployment, and concerns existed that they might have an incentive to sell their skills to other countries and terrorist organizations. In each of these cases, Nunn-Lugar has responded with innovative dismantlement strategy for the chemical weapons stocks, elimination of biological weapons production capacity and security upgrades for pathogen collections, and partnering with the private sector to find long-term, peaceful employment for former weapons experts.

Nunn-Lugar has also taken on formerly top-secret missions to remove dangerous weapons and materials before they could fall into the wrong hands. In November 1994, the United States launched Project Sapphire to remove 600 kilograms of highly enriched uranium from Kazakhstan and ship it to Oak Ridge, TN. More recently, Operation Auburn Endeavor was carried out in Georgia to remove HEU and transport it to Scotland. In Moldova, the United States removed fourteen MIG–29s capable of launching nuclear weapons because of efforts by a number of rogue states to acquire them.

Despite the progress we made in the former Soviet Union, the skills and capabilities of the Nunn-Lugar Program were confined to that geographical region. In 2004, Congress changed that by approving the Nunn-Lugar Expansion Act which authorized the use of up to $50 million in Nunn-Lugar funds for activities outside the former Soviet Union. This authority will be used for the first time in Albania to destroy nearly 16 tons of chemical weapons and consideration is being given for the program to work in Libya and countries in Southeast Asia.

Earlier this year, I joined with Senator BARACK OBAMA to introduce legislation focused on improving the capabilities of other nations to detect and interdict weapons and materials of mass destruction and bolstering, expanding, and improving the second line of defense. The United States military and intelligence services cannot be everywhere. We need the cooperation and vigilance of like-minded nations if we are to successfully detect and interdict WMD threats before they can be used against their targets. The United

States has constructed the Proliferation Security Initiative, which enlisted the participation of other nations in the interdiction of WMD, but it lacks a coordinated effort to improve the capabilities of our foreign partners so that they can play a larger and more effective role.

The Lugar-Obama bill earmarks 25 percent of the Nonproliferation, Antiterrorism, Demining, and Related Programs account to address the shortcomings in the State Department's response. If currently law, this would have amounted to $110 million this year. Our bill goes one step further by calling on the State Department to also commit 25 percent of annual foreign military financing amounts to nations for the purchase of equipment to improve their ability to detect and interdict WMD. This would represent a potent but flexible tool that could help build a network of WMD detection and interdiction capabilities world wide and contribute to U.S. national security.

Senator OBAMA and I recently wrote in the Washington Post that the United States cannot stop the proliferation of weapons of mass destruction alone. We need the vigilance of like-minded nations, but many of our potential partners lack the capability to detect hidden weapons and interdict shipments. We believe our legislation will address this gap.

If weapons or materials of mass destruction elude U.S. programmatic efforts at the source, at international borders, and our own borders, the next line of defense must take the form of help to local ''first responders''—the firemen, police, emergency management teams, and medical personnel who will be on the front lines.

In 1996, I joined my colleagues Sam Nunn and PETE DOMENICI in offering the Nunn-Lugar-Domenici ''Defense Against Weapons of Mass Destruction'' legislation. For the first time, it directed the professionals from the Department of Defense, Department of Energy, Federal Bureau of Investigation, Department of Health and Human Services, the Federal Emergency Management Agency, and the Environmental Protection Agency to join into a partnership with local emergency professionals in cities across the country, including Indianapolis and Fort Wayne.

The Pentagon developed plans to supply training and equipment to 120 cities across the country. In February 1998, the Nunn-Lugar-Domenici Domestic Preparedness Program visited Indianapolis and Marion County. Six hundred fifty first responders received training to respond to nuclear, chemical and biological incidents. In the years that followed, thousands of additional professionals received instruction through the program's train-the-trainer program. In 2000, Fort Wayne and Allen County received similar training under the Nunn-Lugar-Domenici Program.

The training proved its worth when Indianapolis was confronted with the threat of weapons of mass destruction. Planned Parenthood clinics in Indianapolis and New Albany and at St. Matthews Catholic Church and elsewhere received anthrax threats. We were relieved that the threats were determined to be false but proud to see the professional manner in which the city's first responders reacted to the threat and treated the potential victims.

Over the last 15 years, I have worked closely with both Bush administrations and President Clinton to safeguard the American people from the threats associated with weapons of mass destruction. We still have much work to do, but the certification of the Indiana WMD–CST makes the people of Indiana safer. I am thankful that in the event of a WMD incident, the people of Indiana will not be alone. Local first responders and the WMD–CST will be there to provide assistance and expertise.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations and withdrawals which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MEASURES PLACED ON THE CALENDAR

The following bills were read the second time, and placed on the calendar:

H.R. 4096. An act to amend the Internal Revenue Code of 1986 to extend to 2006 the alternative minimum tax relief available in 2005 and to index such relief for inflation.

H.R. 4388. An act to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes.

H.R. 4440. An act to amend the Internal Revenue Code of 1986 to provide tax benefits for the Gulf Opportunity Zone and certain areas affected by Hurricanes Rita and Wilma, and for other purposes.

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–4769. A communication from the Special Assistant to the President and Director, Office of Administration, Executive Office of the President, transmitting, pursuant to law, the personnel report for personnel employed in the White House Office the Executive Residence at the White House, the Office of the Vice President, the Office of Policy Development (Domestic Policy Staff), and the Office of Administration; to the Committee on the Budget.

EC–4770. A communication from the Acting Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Extraordinary Contractual Actions'' (DFARS Case 2003–D048) received on November 28, 2005; to the Committee on Armed Services.

EC–4771. A communication from the Acting Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Subcontracting Policies and Procedures'' (DFARS Case 2003–D025) received on November 28, 2005; to the Committee on Armed Services.

EC–4772. A communication from the Acting Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Update of Clauses for Telecommunications Services'' (DFARS Case 2003–D053) received on November 28, 2005; to the Committee on Armed Services.

EC–4773. A communication from the Acting Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Acquisition of Telecommunications Services'' (DFARS Case 2003–D055) received on November 28, 2005; to the Committee on Armed Services.

EC–4774. A communication from the Acting Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Contract Administration'' (DFARS Case 2003–D023) received on November 28, 2005; to the Committee on Armed Services.

EC–4775. A communication from the Acting Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Information Technology Equipment—Screening of Government Inventory'' (DFARS Case 2003–D054) received on November 28, 2005; to the Committee on Armed Services.

EC–4776. A communication from the Acting Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Contract Modifications'' (DFARS Case 2003–D024) received on November 28, 2005; to the Committee on Armed Services.

EC–4777. A communication from the White House Liaison, Department of Education, transmitting, pursuant to law, the report of a nomination for the position of General Counsel, received on November 28, 2005; to the Committee on Health, Education, Labor, and Pensions.

EC–4778. A communication from the White House Liaison, Department of Education, transmitting, pursuant to law, the report of the designation of an acting officer for the position of Assistant Secretary, received on November 28, 2005; to the Committee on Health, Education, Labor, and Pensions.

EC–4779. A communication from the White House Liaison, Department of Education, transmitting, pursuant to law, the report of a vacancy in the position of Assistant Secretary, received on November 28, 2005; to the Committee on Health, Education, Labor, and Pensions.

EC–4780. A communication from the Deputy Executive Director, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a rule entitled ''Benefits Payable in Terminated Single-Employer Plans; Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits'' (29 CFR Parts 4022 and 4044) received on November 28, 2005;

to the Committee on Health, Education, Labor, and Pensions.

EC–4781. A communication from the Director, Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Medical Devices; General and Plastic Surgery Devices; Classification of the Low Energy Ultrasound Wound Cleaner'' (Docket No. 2005P–0366) received on November 28, 2005; to the Committee on Health, Education, Labor, and Pensions.

EC–4782. A communication from the Regulations Coordinator, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Federal Enforcement in Group and Individual Health Insurance Markets'' (RIN0938–AN35) received on November 28, 2005; to the Committee on Health, Education, Labor, and Pensions.

EC–4783. A communication from the Regulations Coordinator, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Medicare Program; Hospice Care Amendments'' (RIN0938–AJ36) received on November 28, 2005; to the Committee on Health, Education, Labor, and Pensions.

EC–4784. A communication from the Regulations Coordinator, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Medicare Program; Electronic Submission of Medicare Claims'' (RIN0938–AM22) received on November 28, 2005; to the Committee on Finance.

EC–4785. A communication from the Chairman, International Trade Commission, transmitting, pursuant to law, the Buy American Act Report covering fiscal year 2004; to the Committee on Finance.

EC–4786. 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 ''Applicable Federal Rates—December 2005'' (Rev. Rul. 2005–77) received on November 28, 2005; to the Committee on Finance.

EC–4787. A communication from the Unit Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Revenue Procedure: Reduction of Penalty for Understating Tax by Adequate Disclosure of an Item on Return'' (Rev. Proc. 2005–75) received on November 28, 2005; to the Committee on Finance.

EC–4788. A communication from the Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Market Segment Specialization Paper: Audit Technique Guide—Retail Industry'' received on November 28, 2005; to the Committee on Finance.

EC–4789. A communication from the Regulatory Officer, Directives and Regulations Branch, Forest Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Travel Management; Designated Routes and Areas for Motor Vehicle Use; Final'' (RIN0596–AC11) received on November 28, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4790. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Tralkoxydim; Pesticide Tolerance'' (FRL7722–6) received on November 28, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4791. A communication from the Secretary of the Interior, transmitting, pursuant to law, a report regarding the future of Rocky Flats National Wildlife Refuge; to the Committee on Energy and Natural Resources.

EC–4792. A communication from the Secretary of Energy, transmitting, pursuant to law, a report entitled ''Report to Congress on Energy Savings Performance Contracts''; to the Committee on Energy and Natural Resources.

EC–4793. A communication from the Director, Office of Management, Department of Energy, transmitting, pursuant to law, the Buy American Act Report for fiscal year 2004; to the Committee on Energy and Natural Resources.

EC–4794. A communication from the Administrator, Energy Information Administration, Department of Energy, transmitting, pursuant to law, a report entitled ''Annual Energy Review 2004''; to the Committee on Energy and Natural Resources.

EC–4795. A communication from the Assistant Secretary, Land and Minerals Management, Department of the Interior, transmitting pursuant to law, the report of a rule entitled ''Application Procedures, Execution and Filing of Forms: Correction of State Office Address for Filings and Recordings, Proper Offices for Recording of Mining Claims'' (RIN1004–AD77) received on November 28, 2005; to the Committee on Energy and Natural Resources.

EC–4796. A communication from the Director, Office of Surface Mining, Department of the Interior, transmitting, pursuant to law the report of a rule entitled ''North Dakota Regulatory Program'' (ND–048–FOR) received on November 28, 2005; to the Committee on Energy and Natural Resources.

EC–4797. A communication from the Director, Office of Surface Mining, Department of the Interior, transmitting, pursuant to law the report of a rule entitled ''Illinois Regulatory Program'' (IL–103–FOR) received on November 28, 2005; to the Committee on Energy and Natural Resources.

EC–4798. A communication from the Director, Office of Surface Mining, Department of the Interior, transmitting, pursuant to law the report of a rule entitled ''Alaska Regulatory Program'' (AK–006–FOR) received on November 28, 2005; to the Committee on Energy and Natural Resources.

EC–4799. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report entitled ''Cuban Emigration Policies''; to the Committee on Foreign Relations.

EC–4800. A communication from the Assistant Secretary, 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 Taiwan and Israel; to the Committee on Foreign Relations.

EC–4801. A communication from the Assistant Secretary, 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 $100,000,000 or more to France, Austria, Germany, Italy, Spain, and the United Kingdom; to the Committee on Foreign Relations.

EC–4802. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to the Case-Zablocki Act, 1 U.S.C. 112b, as amended, the report of the texts and background statements of international agreements, other than treaties (List 05–277–05–290); to the Committee on Foreign Relations.

DISCHARGED NOMINATIONS

The Senate Committee on Commerce, Science, and Transportation was discharged from further consideration of the following nominations and the nominations were placed on the Executive Calendar:

Michael Joseph Copps, of Virginia, to be a Member of the Federal Communications Commission for a term of five years from July 1, 2005.

Deborah Taylor Tate, of Tennessee, to be a Member of the Federal Communications Commission for the remainder of the term expiring June 30, 2007.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

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

By Mr. NELSON of Florida:

S. 2084. A bill to direct the Consumer Product Safety Commission to issue regulations concerning the safety and labeling of portable generators; to the Committee on Commerce, Science, and Transportation.

By Mr. BAUCUS:

S. 2085. A bill to provide a supplemental payment to assist agricultural producers in mitigating increasing input costs, including energy and fertilizer costs; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. LAUTENBERG (for himself and Mr. SMITH):

S. 2086. A bill to amend the Internal Revenue Code of 1986 to modify the definition of compensation for purposes of determining the limits on contributions to individual retirement accounts and annuities, and for other purposes; to the Committee on Finance.

By Mr. CHAMBLISS:

S. 2087. A bill to amend the Immigration and Nationality Act to provide for the employment of foreign agricultural workers, and for other purposes; to the Committee on the Judiciary.

By Mr. ALLARD (for himself and Mr. ENZI):

S. 2088. A bill to assist low-income families, displaced from their residences in the States of Alabama, Louisiana, and Mississippi as a result of Hurricane Katrina, by establishing within the Department of Housing and Urban Development a homesteading initiative that offers displaced low-income families the opportunity to purchase a home owned by the Federal Government and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. AKAKA (for himself and Mr. INOUYE):

S. 2089. A bill to designate the facility of the United States Postal Service located at 1271 North King Street in Honolulu, Oahu, Hawaii, as the ''Hiram L. Fong Post Office Building''; to the Committee on Homeland Security and Governmental Affairs.

By Mr. LEVIN:

S. 2090. A bill for the relief of Ibrahim Parlak; to the Committee on the Judiciary.

By Mr. JOHNSON:

S. 2091. A bill to amend title 38, United States Code, to provide for certain servicemembers to become eligible for educational assistance under the Montgomery

GI Bill; to the Committee on Veterans' Affairs.

By Mr. BAUCUS:

S. 2092. A bill to amend the Internal Revenue Code of 1986 to authorize review by the Joint Committee on Tax of Federal income tax returns of United States Supreme Court nominees, and for other purposes; to the Committee on Finance.

By Mr. MCCAIN (for himself and Mr. DORGAN):

S. 2093. A bill to amend the Morris K. Udall Scholarship and Excellence in National Environmental and Native American Public Policy Act of 1992 to provide funds for training in tribal leadership, management, and policy, and for other purposes; considered and passed.

By Mr. MCCAIN (for himself and Mr. DORGAN):

S. 2094. A bill to reauthorize certain provisions relating to Indian tribal justice systems; considered and passed.

By Mr. BIDEN:

S. 2095. A bill to ensure payment of United States assessments for United Nations peacekeeping operations in 2005 and 2006; to the Committee on Foreign Relations.

ADDITIONAL COSPONSORS

S. 521

At the request of Mrs. HUTCHISON, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 521, a bill to amend the Public Health Service Act to direct the Secretary of Health and Human Services to establish, promote, and support a comprehensive prevention, research, and medical management referral program for hepatitis C virus infection.

S. 707

At the request of Mr. ALEXANDER, the names of the Senator from Illinois (Mr. DURBIN), the Senator from Indiana (Mr. BAYH), the Senator from South Dakota (Mr. JOHNSON) and the Senator from Alaska (Ms. MURKOWSKI) were added as cosponsors of S. 707, a bill to reduce preterm labor and delivery and the risk of pregnancy-related deaths and complications due to pregnancy, and to reduce infant mortality caused by prematurity.

S. 716

At the request of Mr. AKAKA, the name of the Senator from Colorado (Mr. SALAZAR) was added as a cosponsor of S. 716, a bill to amend title 38, United States Code, to enhance services provided by vet centers, to clarify and improve the provision of bereavement counseling by the Department of Veterans Affairs, and for other purposes.

S. 737

At the request of Mr. CRAIG, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 737, a bill to amend the USA PATRIOT ACT to place reasonable limitations on the use of surveillance and the issuance of search warrants, and for other purposes.

S. 908

At the request of Mr. MCCONNELL, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 908, a bill to allow Congress, State legislatures, and regulatory agencies to determine appropriate laws, rules, and regulations to address the problems of weight gain, obesity, and health conditions associated with weight gain or obesity.

S. 1100

At the request of Mr. BUNNING, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 1100, a bill to amend the Internal Revenue Code of 1986 to provide capital gains treatment for certain self-created musical works.

S. 1120

At the request of Mr. DURBIN, the names of the Senator from Maryland (Mr. SARBANES) and the Senator from Rhode Island (Mr. REED) were added as cosponsors of S. 1120, a bill to reduce hunger in the United States by half by 2010, and for other purposes.

S. 1313

At the request of Mr. CORNYN, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 1313, a bill to protect homes, small businesses, and other private property rights, by limiting the power of eminent domain.

S. 1508

At the request of Mr. FEINGOLD, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 1508, a bill to require Senate candidates to file designations, statements, and reports in electronic form.

S. 1538

At the request of Mr. ROCKEFELLER, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1538, a bill to amend the Internal Revenue Code of 1986 to expand the incentives for the construction and renovation of public schools.

S. 1687

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

S. 1733

At the request of Mr. THUNE, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 1733, a bill to establish pilot projects under the medicare program to provide incentives for home health agencies to utilize home monitoring and communications technologies.

S. 1791

At the request of Mr. SMITH, the names of the Senator from Washington (Ms. CANTWELL) and the Senator from Washington (Mrs. MURRAY) were added as cosponsors of S. 1791, a bill to amend the Internal Revenue Code of 1986 to allow a deduction for qualified timber gains.

S. 1801

At the request of Mr. HAGEL, his name was added as a cosponsor of S. 1801, a bill to amend the McKinney-Vento Homeless Assistance Act to reauthorize the Act, and for other purposes.

S. 1841

At the request of Mr. NELSON of Florida, the names of the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Washington (Ms. CANTWELL), the Senator from Louisiana (Ms. LANDRIEU), the Senator from Wisconsin (Mr. FEINGOLD), the Senator from Maryland (Ms. MIKULSKI) and the Senator from California (Mrs. BOXER) were added as cosponsors of S. 1841, a bill to amend title XVIII of the Social Security Act to provide extended and additional protection to Medicare beneficiaries who enroll for the Medicare prescription drug benefit during 2006.

S. 1881

At the request of Mrs. FEINSTEIN, the names of the Senator from Minnesota (Mr. COLEMAN) and the Senator from Hawaii (Mr. INOUYE) were added as cosponsors of S. 1881, a bill to require the Secretary of the Treasury to mint coins in commemoration of the Old Mint at San Francisco otherwise known as the ''Granite Lady'', and for other purposes.

S. 1952

At the request of Mr. COLEMAN, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 1952, a bill to provide grants for rural health information technology development activities.

S. 1991

At the request of Mr. BURR, the name of the Senator from North Carolina (Mrs. DOLE) was added as a cosponsor of S. 1991, a bill to amend title 38, United States Code, to establish a financial assistance program to facilitate the provision of supportive services for very low-income veteran families in permanent housing, and for other purposes.

S. 2075

At the request of Mr. DURBIN, the names of the Senator from Maine (Ms. COLLINS), the Senator from Arkansas (Mr. PRYOR), the Senator from Nevada (Mr. REID), the Senator from Rhode Island (Mr. CHAFEE) and the Senator from New York (Mrs. CLINTON) were added as cosponsors of S. 2075, a bill to amend the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 to permit States to determine State residency for higher education purposes and to authorize the cancellation of removal and adjustment of status of certain alien students who are long-term United States residents and who entered the United States as children, and for other purposes.

S. 2076

At the request of Mr. HATCH, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 2076, a bill to amend title 5, United States Code, to provide to assistant United States attorneys the same retirement benefits as are afforded to Federal law enforcement officers.

S. 2082

At the request of Mr. SUNUNU, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 2082, a bill to amend the USA PATRIOT ACT to extend the sunset of certain provisions of that Act and the lone wolf provision of the Intelligence Reform and Terrorism Prevention Act of 2004 to March 31, 2006.

At the request of Mr. LEAHY, the names of the Senator from California (Mrs. BOXER), the Senator from Illinois (Mr. OBAMA), the Senator from Massachusetts (Mr. KERRY) and the Senator from Nevada (Mr. REID) were added as cosponsors of S. 2082, supra.

S.J. RES. 22

At the request of Mr. DURBIN, the name of the Senator from Delaware (Mr. CARPER) was added as a cosponsor of S.J. Res. 22, a joint resolution proclaiming Casimir Pulaski to be an honorary citizen of the United States posthumously.

S. CON. RES. 64

At the request of Mr. CRAIG, his name was added as a cosponsor of S. Con. Res. 64, a concurrent resolution expressing the sense of the Congress regarding oversight of the Internet Corporation for Assigned Names and Numbers.

S. RES. 180

At the request of Mr. SCHUMER, the names of the Senator from Nevada (Mr. REID) and the Senator from Minnesota (Mr. COLEMAN) were added as cosponsors of S. Res. 180, a resolution supporting the goals and ideals of a National Epidermolysis Bullosa Awareness Week to raise public awareness and understanding of the disease and to foster understanding of the impact of the disease on patients and their families.

S. RES. 320

At the request of Mr. ENSIGN, the names of the Senator from California (Mrs. BOXER), the Senator from California (Mrs. FEINSTEIN) and the Senator from New Hampshire (Mr. SUNUNU) were added as cosponsors of S. Res. 320, a resolution calling the President to ensure that the foreign policy of the United States reflects appropriate understanding and sensitivity concerning issues related to human rights, ethnic cleansing, and genocide documented in the United States record relating to the Armenian Genocide.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. NELSON of Florida:

S. 2084. A bill to direct the Consumer Product Safety Commission to issue regulations concerning the safety and labeling of portable generators; to the Committee on Commerce, Science, and Transportation.

Mr. NELSON of Florida. Mr. President, over the last several years, hundreds of Americans have died from the poisonous carbon monoxide emitted from portable gas generators. Congress needs to step in and act quickly to stop these needless deaths. That is why today I am introducing the Portable Generator Safety Act.

As most of us know, portable generators are frequently used to provide electricity during temporary power outages. These generators use fuel-burning engines that give off poisonous carbon monoxide gas in their exhaust.

Every hurricane season, news stories come from Florida and elsewhere about people injured or killed by poisoning caused by portable gas generators. From 1998 to 2003, the most recent year of official statistics, at least 228 carbon monoxide poisoning deaths were reported to the U.S. Consumer Product Safety Commission. At least one person was killed and seven were hospitalized near Miami, FL, this fall after being overcome by carbon monoxide fumes. And over the last two hurricane seasons in Florida, at least twelve people died from poisoning caused by poorly ventilated portable generators. These people died because portable generators are not manufactured to automatically cut off when high carbon monoxide rates are reached and because many manufacturers fail to place adequate warning labels on generators.

Here is what is especially troubling about these senseless deaths: The Consumer Product Safety Commission has known for years that people were dying from carbon monoxide poisoning at an increasingly alarming rate. In study after study, the Commission has recognized the high death rate from portable generators, and Commission staff has found that portable generator warning labels are often inconsistent, vague, and incomplete. Yet the Commission has continued to let the generator industry police itself—without any mandatory Federal safety standards.

Enough is enough. Industry self-regulation—which works in some settings—clearly is not working here. Congress must now step in and do its part to eliminate these tragic and avoidable deaths.

My bill—the Portable Generator Safety Act—takes some simple, commonsense steps. The bill requires the Consumer Product Safety Commission to pass tough Federal regulations within 180 days of the passage of the bill. The new regulations would have three components.

First, every portable generator must have a sensor that automatically shuts off the generator before lethal levels of carbon monoxide are reached. Other products, such as portable heaters, already contain these types of sensors, which save lives.

Second, every portable generator must have clearly written warning labels on the packaging and on the generator itself. These labels must include a pictogram that visually depicts the safety hazard from carbon monoxide. What I am talking about here is labels that are easy to read and can quickly be understood by people who are desperate for power in emergency circumstances.

Third, every instruction manual that accompanies a portable generator must clearly explain the safety hazards associated with operating the generator.

How many more innocent people must needlessly die before we require the Consumer Product Safety Commission and the portable generator industry to take some sensible, pro-consumer steps? It is my goal that after the next hurricane season, we will not be back here asking these same questions.

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. 2084

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 ''Portable Generator Safety Act''.

SEC. 2. FINDINGS.

The Congress finds the following:

(1) Portable generators are frequently used to provide electricity during temporary power outages. These generators use fuel-burning engines that emit carbon monoxide gas in their exhaust.

(2) In the last several years, hundreds of people nationwide have been seriously injured or killed due to exposure to carbon monoxide poisoning from portable generators. From 1990 through 2003, 228 carbon monoxide poisoning deaths were reported to the Consumer Product Safety Commission.

(3) Virtually all of the serious injuries and deaths due to carbon monoxide from portable generators were preventable. In many instances, consumers simply were unaware of the hazards posed by carbon monoxide.

(4) Since at least 1997, a priority of the Consumer Product Safety Commission has been to reduce injuries and deaths resulting from carbon monoxide poisoning. Although the Commission has attempted to work with industry to devise voluntary standards for portable generators, and despite Commission staff statements that voluntary standards were ineffective, the Commission has not promulgated mandatory rules governing safety standards and labeling requirements.

(5) The issuance of mandatory safety standards and labeling requirements to warn consumers of the dangers associated with portable generator carbon monoxide would reduce the risk of injury or death.

SEC. 3. SAFETY STANDARD.

Not later than 180 days after the enactment of this Act, the Consumer Product Safety Commission shall promulgate regulations, pursuant to section 7 of the Consumer Product Safety Act (15 U.S.C. 2056), requiring, at a minimum, that every portable generator sold to the public for purposes other than resale shall be equipped with an interlock safety device that detects the level of carbon monoxide in the areas surrounding such portable generator and automatically turns off power to the portable generator before the level of carbon monoxide is capable of causing serious bodily injury or death to people.

SEC. 4. LABELING AND INSTRUCTION REQUIREMENTS.

Not later than 180 days after the enactment of this Act, the Consumer Product Safety Commission shall promulgate regulations, pursuant to section 7 of the Consumer

Product Safety Act (15 U.S.C. 2056), requiring, at a minimum, the following:

(1) WARNING LABELS.—Each portable generator sold to the public for purposes other than resale shall have a large, prominently displayed warning label on the exterior packaging, if any, of the portable generator and permanently affixed on the portable generator regarding the carbon monoxide hazard posed by incorrect use of the portable generator. The warning label shall include the word ''DANGER'' printed in a large font, and shall include the following information, at a minimum, presented in a clear manner:

(A) Indoor use of a portable generator can kill quickly.

(B) Portable generators should be used outdoors only and away from garages and open windows.

(C) Portable generators produce carbon monoxide, a poisonous gas that people cannot see or smell.

(2) PICTOGRAM.—Each portable generator sold to the public for purposes other than resale shall have a large pictogram, affixed to the portable generator, which clearly states ''POISONOUS GAS'' and visually depicts the harmful effects of breathing carbon monoxide.

(3) INSTRUCTION MANUAL.—The instruction manual, if any, that accompanies any portable generator sold to the public for purposes other than resale shall include detailed, clear, and conspicuous statements that include the following elements:

(A) A warning that portable generators emit carbon monoxide, a poisonous gas that can kill people.

(B) A warning that people cannot smell, see, or taste carbon monoxide.

(C) An instruction to operate portable generators only outdoors and away from windows, garages, and air intakes.

(D) An instruction to never operate portable generators inside homes, garages, sheds, or other semi-enclosed spaces, even if a person runs a fan or opens doors and windows.

(E) A warning that if a person begins to feel sick, dizzy, or weak while using a portable generator, that person should shut off the portable generator, get to fresh air immediately, and consult a doctor.

By Mr. LAUTENBERG (for himself and Mr. SMITH):

S. 2086. A bill to amend the Internal Revenue code of 1986 to modify the definition of compensation for purposes of determining the limits on contributions to individual retirement accounts and annuities, and for other purposes; to the Committee on Finance.

Mr. LAUTENBERG. Mr. President, today I am joined by Senator SMITH in introducing the IRA Equity Act of 2005, which would allow the disabled and those who temporarily leave the workforce to continue to save for their retirement.

We should be encouraging responsible behavior. When those whose income is slashed because they become disabled—or because they take time off to care for a child, volunteer for a good cause, or go to school—want to continue to save for retirement, that is commendable, it is responsible, and we ought to do everything we can to make it easier.

Yet today, people who are injured and have their income replaced by workers' compensation or Social Security disability suddenly are no longer able to contribute to their IRAs. That's because under current law, income contributed to IRAs must be ''compensation,'' or earned through work. Under the current rules, disability income doesn't qualify.

We know that those who become disabled will still need to support themselves in their old age; we know that they may even need to spend more because of their disability; and we know that because of their disability, they have less earning power and that makes it harder to save. So why in the world would we further penalize them for being disabled by taking away one of the most effective savings tools they have? It just doesn't make any sense.

My legislation would fix this problem by allowing wage replacement income, including Social Security disability and workers' compensation, to be contributed to IRAs. Additionally, my legislation would permit those who take up to two years away from the workforce to contribute earnings from prior years to their IRAs so that they can continue to save. Federal law should not force people to break good savings habits.

In the name of fairness and retirement security, I urge my colleagues to support this common-sense legislation.

By Mr. CHAMBLISS:

S. 2087. A bill to amend the Immigration and Nationality Act to provide for the employment of foreign agricultural workers, and for other purposes; to the Committee on the Judiciary.

Mr. CHAMBLISS. Mr. President, I rise to introduce the Agricultural Employment and Workforce Protection Act. My home State of Georgia is one of the most diversified agricultural producing States east of the Mississippi. The livelihood of many of my constituents and many Americans across the country depends on the quality of the crop, the bounty of the harvest, and the health of the livestock.

In drafting this legislation I am introducing today, I was guided by four principles:

1. Prevention—if we do not stem the tide of illegal immigrants coming into our country then there is no point in Congress attempting to have a positive impact on our immigration policy. Strict enforcement of our immigration laws is essential and we should demand no less.

2. Protection—the United States has always been a welcoming country to immigrants, and many non-immigrants are admitted for temporary periods to perform necessary jobs—particularly in the field of agriculture—that employers cannot fill. However, any temporary worker program must provide adequate protections for American jobs. Employers should not view alien workers as a way to get cheaper labor—it is not fair to Americans willing to work hard and looking for a well-paying job and it is not fair to the aliens who are exploited by working for sub-standard wages.

3. Accountability—if Congress, through reform legislation, provides employers with an avenue to obtain legal temporary workers, there should be no tolerance for employers who hire illegal aliens. We all know that many illegal immigrants come to the United States seeking employment. Employers who flaunt the rule of law by hiring illegally are hampering our efforts to secure the border by providing incentives for people to illegally come to the United States, and they must be held accountable.

4. Compassion—We are a Nation of immigrants and immigrants have made many wonderful contributions to our country—not the least of which is helping ensure there is a stable supply of food in the grocery stores for all Americans. We need to ensure that those workers who come to the United States on a temporary basis to perform agricultural work are not exploited and are treated with fairness and respect. The best way to show compassion for illegal immigrants is to stop illegal immigration.

I know the Senate is planning to take up debate on comprehensive immigration reform early next year, and I think it is important that we engage in this discussion. The purpose of my legislation is to ensure that reform for the agricultural community is included in whatever reforms Congress considers. The agricultural sector of our economy has been historically plagued by illegal immigration. We already have an avenue for agricultural employers to obtain legal temporary workers—the H–2A program. However, many agricultural employers do not use the program because its bureaucracy is difficult to navigate, it is costly, and it is litigious. In addition, it excludes certain occupations from agriculture. My legislation provides needed reforms to the H–2A program, provides for the creation of a temporary blue card program, establishes an H–2AA worker program for cross-border commuter workers, and, above all, provides for increased border security.

First, it mandates that the Department of Homeland Security establish and present to Congress a comprehensive plan for increased border security and stricter enforcement of our Nation's immigration laws, including detailed strategies, timelines, and estimated costs. Until such time the Secretary presents and Congress approves the plan, some interim measures would apply.

Second, the legislation streamlines and modernizes the H–2A program. H–2A is not a new guestworker program. It has been around for many years, but underutilized because of its high costs, red tape, and risks of drawn out litigation. To increase the use of the program, the bill expands the definition of ''agriculture'' to include industries that have been excluded from use of the program previously—industries such as poultry, seafood, and meat processors, landscapers, and reforestation contractors. The bill also bases the definition ''temporary'' on the duration a worker is allowed to be in the

United States rather than tying it to seasonality. Some agricultural occupations, like poultry producers and dairy producers, do not follow seasons but require workers year round. If these employers in occupations previously excluded from the H–2A program were offered a viable alternative to an illegal workforce, I have no doubt they would seize it.

Third, my legislation creates a cross-border commuter worker program, called the H–2AA program. This program is modeled after the H–2A program, but recognizes that many farms located close to the Canadian and Mexican borders seek to employ workers who prefer to live in their home countries and simply come to the U.S. each day. The H–2AA program exempts farmers who employ these H–2AA workers from the housing and transportation requirements of the H–2A program, and requires those who use it to enter and exit the United States each day. It allows these agricultural operations to attract workers who live close to the borders but do not desire to move to the United States.

Finally, my legislation establishes a blue card program. This is a temporary program that provides for the transition of employees who are currently here in an undocumented status filling needed jobs. To qualify for a blue card, aliens must have worked at least 1600 hours in agriculture in 2005, have never been convicted or a felony or a misdemeanor in the United States, and must have a petition filed on their behalf by their employer. Only after a background check is conducted by the Department of Homeland Security would these blue card workers be allowed to work in the United States for a period of 24 months before they must return to their home country. The blue card allows employers who are currently utilizing an illegal workforce to transition their workforce into a legal one by having their employees leave the country and return on the legal H–2A temporary worker program without experiencing a complete work stoppage. There is no amnesty with the blue card program—all workers must return to their home country.

The underlying premise of any guestworker program and explicitly provided for in my proposed legislation is that United States employers should not be allowed to utilize a guestworker program unless and until they have actively recruited American workers and are unable to find enough to fill needed jobs. We don't want to stifle American businesses but more importantly we don't want to disadvantage American workers.

I hope my colleagues will join me in supporting practical needed reforms for the agricultural community and I look forward to the time early next year in which this vital issue will be debated here in the United States Senate.

By Mr. ALLARD (for himself and Mr. ENZI):

S. 2088. A bill to assist low-income families, displaced from their residences in the States of Alabama, Louisiana, and Mississippi as a result of Hurricane Katrina, by establishing within the Department of Housing and Urban Development a homesteading initiative that offers displaced low-income families the opportunity to purchase a home owned by the Federal Government, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

Mr. ALLARD. Mr. President, I rise to introduce the Hurricane Katrina Recovery Homesteading Act of 2005. Modeled on the United States' 19th century homesteading initiatives and similar urban programs in the 1970s, this legislation will help us begin to rebuild the Gulf Coast areas destroyed by the hurricane and flooding, providing a fresh start for families victimized by this tragedy.

The new urban homesteading proposal will serve several purposes. First, it is an initial step towards rebuilding and revitalizing the hurricane ravaged Gulf Coast. While we have spent recent months appropriately focusing on rescue and clean up, we must now examine the long term need to rebuild and revitalize.

Second, the new urban homestead initiative will be one way to begin to address the housing needs of those displaced by Hurricane Katrina. But I want to make it clear that this program is not being introduced as the sole answer to all of the housing problems faced by hurricane victims. Getting all of those individuals back on their feet will require multiple efforts on a significant scale. This is one component of a comprehensive response to the housing needs of the Gulf Coast region. I believe the initiative is a very good start.

Third, the Hurricane Katrina Recovery Homesteading Act is a productive way of dealing with government owned properties. Through the Federal Housing Administration (FHA), Veterans' Administration (VA), and other programs, the Federal Government holds title to thousands of properties in the Gulf Coast region. Vacant government owned properties have the potential to be a blight on their neighborhoods, diminishing property values and acting as a magnet for crime and vandalism. Following Hurricane Katrina, vacant properties can also present health and safety dangers. Unless the properties are rebuilt and have families living in them, they will likely be a significant drag on the efforts to rebuild the region. The homesteading initiative will address the health and safety concerns and further the revitalization effort while putting the property to productive use.

I would like to briefly describe how the initiative will work. I am pleased that it is based on a Federal-local partnership, as well as a partnership between government, non-profits, and the private-sector. HUD will identify potential government owned property for transfer without cost to units of local government. The local government would establish an equitable procedure for selecting low income families affected by the hurricane for participation. HUD and the local government would work with partners, such as Habitat for Humanity, mortgage lenders, and others, to help the new urban homesteaders find resources to construct their new homes.

Participating families must agree to occupy the property for five years as their principal residence, to bring the property up to health and safety codes within one year, and to build a house to applicable code standards within three years. They must also agree to periodic compliance inspections. In exchange, the family would receive title to the property.

I would like to thank President Bush, Department of Housing and Urban Development Secretary Alphonso Jackson, and House sponsor Representative JINDAL for working with me on this effort. I look forward to continuing to work with them, long with the rest of my colleagues, to enact the Hurricane Katrina Recovery Homesteading Act of 2005.

By Mr. BAUCUS:

S. 2092. A bill to amend the Internal Revenue Code of 1986 to authorize review by the Joint Committee on Tax of Federal income tax returns of United States Supreme Court nominees, and for other purposes; to the Committee on Finance.

Mr. BAUCUS. The Greek philosopher Plato warned, ''where there is an income tax, the just man will pay more, and the unjust man will pay less on the same amount of income.'' This phrase is telling.

The way people fill out their tax returns is an important window into their private ethical conduct. And it is a good barometer of their integrity, character, and suitability for office. Paying one's fair share of the tax burden is one of an American's most important patriotic duties. Americans from all walks of life pay their taxes out of obligation and fidelity to their country. Isn't it fair to know whether individuals who have been nominated for lifetime positions to the highest court in the land have faithfully paid their taxes?

The legislation that I introduce today, The Supreme Court Tax Accountability Act of 2005, would require that nominees to the Supreme Court—including Judge Samuel Alito—provide 3 years of tax returns for an independent review to ensure compliance with the law. Specifically, the legislation would require the nonpartisan Joint Committee on Taxation to review a Supreme Court nominee's returns and report on the nominee's tax compliance to the Judiciary and Finance Committees. The bill does not extend the power to inspect tax returns to any persons who do not currently

have such authority. And the bill ensures that private taxpayer information is not shared unscrupulously. Certainly, these returns would not be released to the public.

This approach has precedent. Thirty years ago, Supreme Court Justice William O. Douglas retired from the bench. Within days, President Ford nominated John Paul Stevens for the vacancy. The President hoped that the nomination of a moderate who had been given the American Bar Association's highest rating would help restore confidence in government in the wake of the Watergate scandals. As the confirmation hearings drew near, six members of the Senate Judiciary Committee wrote Chairman Eastland requesting ''the most thorough practicable investigation of the nominee.'' The Senators' letter requested full disclosure of Stevens' personal health and finances, including a complete and thorough review of his Federal and state tax returns. Stevens promptly complied.

When the full Senate took up the nomination, Chairman Eastland urged the confirmation of Stevens saying, ''his personal integrity, as reflected in his financial statements and income tax returns, is of the highest order.'' The Senate confirmed Stevens by a vote of 98 to 0 and he took the oath of office 2 days later at the age of 55.

Washington is now under a similar ethical cloud. But the White House has resisted my efforts to have the Joint Committee on Taxation review the tax returns of Chief Justice John Roberts, Ms. Harriet Miers, and Judge Samuel Alito. The administration's decision to put its Supreme Court nominees' tax returns off limits is consistent with its penchant for secrecy.

Its refusal to heed this most basic document request, however, is a barrier to the rigorous due diligence process required for prospective Government officials that come before the Senate Committee on Finance. All nominees, from Cabinet secretaries to Tax Court judges, have their tax returns scrutinized. On more than one occasion, the Finance Committee has admonished the administration for failing to do a better job of determining a candidate's compliance with the tax laws. In some cases, tax issues have contributed to the withdrawal of nominees who were before the Senate.

Despite these warnings and withdrawals, the administration still doesn't do a particularly good job of catching nominees' tax problems. Therefore, it is vital to the constitutional process of advice and consent for the Senate to have the information necessary to ensure fitness to serve. The Senate must not rely on the executive branch to provide oversight.

Finally, I am introducing this bill today to apply to all nominees—those nominated by Democratic Presidents and Republican Presidents. Careful oversight of nominees to the highest Court in the land should not be a partisan issue. It was Ronald Reagan who famously said, ''trust, but verify.'' This bill aims to embody President Reagan's maxim. Trust in government is an issue that Republicans, Democrats, and Independents value.

The noted Supreme Court justice Louis Brandeis said that ''secrecy necessarily breeds suspicion.'' The American people have a right to know that public officials—particularly those appointed for life—have faithfully and fully paid their taxes. Blocking Congressional access to Supreme Court nominees' returns creates questions that can breed public distrust in government. Providing access to those returns can help to provide the transparency and trust Americans deserve in the Supreme Court nomination process. I look forward to working with my colleagues to get this bill enacted.

By Mr. BIDEN:

S. 2095. A bill to ensure payment of United States assessments for United Nations peacekeeping operations in 2005 and 2006; to the Committee on Foreign Relations.

Mr. BIDEN. Mr. President, today I introduce legislation to ensure that the United States does create new arrears at the United Nations. At a time when our Government is seeking important reforms at the United Nations, it would be a mistake for us to fall short on our dues at the U.N. But unless Congress acts promptly, that is what we are about to do.

Here's why.

In 1994, Congress passed a law limiting U.S. payments for U.N. peacekeeping at 25 percent after 1995. At the time, the United States was assessed by the U.N. at a rate of about 31 percent for peacekeeping. Thus, the United States incurred arrears because of the 25 percent limitation—that is, the gap between the 25 percent and 31 percent.

In 1999, Congress approved the Helms-Biden law. It authorized the repayment of U.S. arrears to the U.N. conditioned on certain reforms in the U.N. system. One of those reforms was a negotiated reduction in the United Nations of the U.S. peacekeeping rate down to 25 percent. Through negotiations in 2000, U.S. Ambassador Holbrooke succeeded in reducing the U.S. assessments for peacekeeping to just over 27 percent.

In 2001, Congress amended the Helms-Biden law to allow the arrears payments to be provided to the U.N. at the higher rate—27 percent—that Ambassador Holbrooke negotiated. But the original 1994 law limiting our payments to 25 percent was never repealed.

In the past few years, Congress has amended the 1994 law on a temporary basis by raising the 25 percent limitation to conform it to the rate negotiated by Ambassador Holbrooke. That temporary change in law lasted through fiscal year 2005. But it has now expired.

Therefore, the law today is this: the United States may not pay more than 25 percent for peacekeeping—even though the United Nations assesses the United States at the rate of roughly 27 percent. In the coming weeks, we are scheduled to pay a bill of about $344 million that has come due since October 1. Under U.S. law, we will only be able to pay about $319 million, leaving a shortfall of about $25 million. At a time when our diplomats are in the final stages of negotiating important reforms in the U.N. system, it would be a mistake unilaterally to withhold payments to the U.N. Rather than encourage reform, it may cause an adverse reaction by other nation and undermine our reform agenda.

Earlier this year, the Bush administration recognized this coming train wreck. On March 1, the Department of State transmitted to Congress its official request for the Foreign Relations Authorization Act for fiscal year 2006 and 2007. Section 401 of that legislation would amend current law and raise the limitation on U.S. payments to 27.1 percent through calendar year 2007. The summary of the request said as follows: ''Without further relief, the U.N. peacekeeping cap would revert to 25% and the United States would go into arrears. The proposed section would . . . enable the United States to pay U.N. assessments at the rate assessed by the U.N. up to a rate of 27.1% . . . [t]his would allow the United States to pay its peacekeeping assessment in full, including funding for a new peace support operation in Sudan . . .''

Since then, however, the administration has done little to secure enactment of this provision. On December 1, 2005, the Secretary of State requested by letter to the chairman of the Committee on Appropriations several ''critical legislative proposals that are of a time sensitive nature and warrant enactment prior to the Congress' adjournment in mid-October.'' The request contains four provisions but does not include the provision required to assure full payment of U.N. peacekeeping assessments.

Mr. President, I realize that the Congress has a lot on its agenda in the final days of the first session. But we have a responsibility to ensure payment of our obligations to the United Nations—and to ensure that we do not undermine the negotiations on U.N. reform now underway.

AUTHORITIES FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on December 13, 2005, at 10:15 a.m., in executive session, to consider the nomination of J. Dorrance Smith to be Assistant Secretary of Defense for Public Affairs.

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Tuesday, December 13, 2005, at 10:30 a.m., on the nominations of Deborah Taylor Tate and Michael Joseph Copps to be Federal Communications Commissioners.

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

PRIVILEGE OF THE FLOOR

Mr. GRASSLEY. Mr. President, I have a unanimous consent request, which I would like to make for Senator BAUCUS, that the following fellows and interns be granted floor privileges during the duration of the debate on this measure, Jonathan Coleman, Andreas Datsopoulos, and Holly Luck.

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

UNANIMOUS-CONSENT AGREEMENT—S. 1932

Mr. FRIST. Mr. President, I ask unanimous consent that on Wednesday, following morning business, the Chair lay before the Senate a message from the House to accompany S. 1932, the deficit reduction bill. I further ask consent that the Senate disagree to the amendment of the House, request a conference with the House, and that the Chair be authorized to appoint conferees on the part of the Senate with the ratio of 11 to 9; provided further that before the Chair appoints conferees, the following motions to instruct be the only motions in order and that they be considered under the following limitations: Kennedy, higher education, 60 minutes equally divided; Baucus, Medicaid, 5 minutes equally divided; DeWine, trade, 60 minutes equally divided; Kohl, child support enforcement, 60 minutes equally divided; Carper, TANF, 5 minutes equally divided; Harkin, food stamps, 5 minutes equally divided; and Reed, LIHEAP, 60 minutes equally divided.

I further ask consent that no amendments be in order to the motions and the only debate in order under the statute other than debate on the motions be 30 minutes equally divided for general debate, divided between the chairman and ranking member; further, that all motions be debated on Tuesday and Wednesday and that the vote occur in relation to the motions in the stacked sequence at a time determined by the majority leader after consultation with the Democratic leader; finally, that any votes which do not occur prior to 1 p.m. on Wednesday be stacked to occur beginning at 3:30 on Thursday, December 15.

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

UNITED STATES-BAHRAIN FREE TRADE AGREEMENT IMPLEMENTATION ACT

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 4340, the Bahrain Free Trade Agreement. I ask unanimous consent that all time be yielded back.

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

The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 4340) to implement the United States-Bahrain Free Trade Agreement.

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

Mr. FRIST. Mr. President, the Bahrain free-trade agreement is a very important agreement that reflects in this post-9/11 environment the recommendation that had been made in terms of facilitating trade to nations such as Bahrain. I am delighted we were able to both debate it earlier today and ultimately pass this important free-trade agreement.

Mr. REID. Mr. President, I reluctantly oppose the legislation implementing the U.S.-Bahrain Free Trade Agreement. I have nothing against expanded trade with Bahrain, and I know that there is plenty in this FTA that is appealing to the U.S. business community. However, this agreement is another example of the misplaced priorities in the Bush administration's flawed trade policy, which can best be described as a policy of ''fiddling while Rome is burning.''

If you were to ask Americans to list their top trade priorities, I think they would suggest the following: dealing with the enormous trade deficit, on pace to exceed $700 billion this year; addressing the rise of China; meeting the challenges of outsourcing and globalization; enforcing our existing agreements and rules for fair trade; and perhaps global negotiations in the World Trade Organization. A trade agreement with Bahrain would be nowhere near the top of the list; it probably would not even be on the list at all.

Yet, here we are, with the Bahrain FTA as the big trade item to close out the year. The U.S. has a trade deficit with China that is on pace to exceed $200 billion this year—more than a quarter of the entire U.S. trade deficit. Last year, China passed the U.S. as the largest exporter of high-tech information technology and communications products. There is no doubt that the rise of China presents an extraordinary challenge to the United States. Yet, the Bush administration has essentially no policy dealing with China's currency manipulation and the accompanying U.S. indebtedness to the government of China, rampant piracy of U.S. intellectual property, WTO violations, forced technology transfer requirements, and industrial policy in areas critical to the U.S. like semiconductors and automobiles.

Instead, we have the Bahrain FTA, which involves .03 percent of total U.S. trade.

The Bush administration has proposed no policies in the face of outsourcing and the revolution of globalization to ensure that America keeps good-paying jobs and remains the most competitive economy in the world. They basically say, ''Don't Worry, Be Happy.''

Instead, the U.S. uses the scarce resources of the U.S. Trade Representative to negotiate an FTA with Bahrain, which has an economy one-tenth-of-one percent the size of the U.S. economy.

When it comes to enforcing our current agreements, the Bush administration has been asleep at the wheel. While the Clinton administration brought on average 11 WTO cases per year to knock down foreign barriers to U.S. exports, the Bush administration has filed fewer than three cases per year.

Instead, they have focused their energies on negotiating an FTA which is so small that the independent ITC has stated, ''the effect of the FTA on total U.S. exports is likely to be minimal.''

Meanwhile, the WTO negotiations have delayed and floundered. Ironic may not be the right word, but it is a fitting testament to this administration's skewed priorities that Senators are stuck in Washington debating the Bahrain FTA this week, and so were not able to travel to Hong Kong to provide oversight on the WTO negotiations—which could have an impact thousands of times larger than a trade agreement with Bahrain.

Looking at the merits of the Bahrain FTA in isolation, let me note that I applaud the Government of Bahrain. It has been a good U.S. ally and is an important moderate Arab and Islamic country. I wish the people of Bahrain well and hope that the U.S. and Bahrain will continue to enjoy good relations, including trading relations. I also note that there are many good provisions in this agreement to ensure protection for U.S. intellectual property rights, to prevent expropriations of U.S. investments, to reduce barriers to U.S. exports, and to expand the access of U.S. service providers to Bahrain's market.

It is regrettable, though, that the Bush administration followed its flawed model in this FTA. In short, the interests of the business community are taken care of, but the interests of the average American are not. I certainly understand that many of the businesses that care about these FTAs make important contributions to the U.S. economy and are a critical source of employment, exports, and innovation. I value those contributions and think for the most part the chapters and provisions of the FTA important to the U.S. business community make sense. What I do have a problem with, however, is the fact that our trade agreements provide short shrift to areas of interest to human beings, including workers' rights and environmental protection.

When it comes to transparency in government regulation, telecommunications regulation, financial services regulation, other services regulation,

and e-commerce, we include provisions that force our trading partners to change their laws. When it comes to protection for intellectual property rights, our trade agreements have provisions that force our trading partners to adopt some of the highest levels of IP protection in the world. In each case, if a country violates the rules in the FTA, it is subject to trade sanctions.

Yet, when it comes to respect for the most basic, internationally-recognized worker rights and respect for the environment, our trade agreements say, ''You don't need to change your laws, just enforce whatever you have.'' If our trading partners violate even this weak rule, then they pay a fine; and the fine gets turned around and given right back to them. Somehow, trade sanctions imposed to vindicate the interests of business are just ''tough enforcement,'' but trade sanctions for worker rights or the environment are ''protectionism.''

Worse, our FTAs would allow a country to weaken its laws related to workers' rights and the environment, and the United States would have absolutely no effective recourse. If Bahrain turns around and allows child labor, or turns around and prohibits its guest workers in export industries from joining unions, then the best the U.S. can do is seek consultations with Bahrain. This is a step back from what the Clinton administration negotiated, which would have allowed the U.S. to pursue full dispute settlement on all of the labor provisions in the FTA. It is also a step back from existing U.S. trade preferences programs, which allow the U.S. to impose sanctions on countries that are not adequately protecting basic workers rights.

What is it about worker rights and environmental protection that warrants this disparate treatment? The same people who argue that these provisions do not belong in trade agreements bemoan U.S. labor standards and environmental rules, arguing that they hurt U.S. competitiveness and add to our trade deficit. It is absurd and dishonest to say on the one hand that these rules affect competition, and then on the other that they do not belong in an agreement that is designed to set the terms of competition.

I want to take a moment to acknowledge the good work done by Democrats in the other chamber, who pushed and pushed and got Bahrain to agree to make important reforms to its labor laws to bring them into conformity with internationally-recognized standards. And, to its credit, USTR agreed to monitor Bahrain's implementation and enforcement of these changes as part of the FTA. I applaud the efforts of these congressmen. Their hard work on this and other FTAs should shame anyone who has tried to discredit their cause by calling it protectionist or xenophobic. I regret that I will not be joining them in support of this agreement, however. The bottom line is that this agreement does not contain binding, enforceable rules that treat respect for workers' rights and the environment on the same footing as respect for corporate interests, so I will oppose it.

Separately, I want to address Bahrain's boycott against Israel. For decades now, the United States has had a policy to oppose the Arab League boycott against Israel. There is an entire office in the Department of Commerce tasked with implementing this antiboycott policy. Congress has also directed USTR to ''vigorously oppose'' WTO admission for countries that engage in the boycott. In my view, it is an implicit corollary of this latter rule that the U.S. should not enter into bilateral trade agreements with countries that participate in the boycott.

Bahrain continues to participate in the boycott, however. To its credit, Bahrain has terminated participation in the secondary and tertiary aspects of the boycott. And, Bahrain has stated in a letter to USTR that ''the Kingdom of Bahrain recognizes the need to dismantle the primary boycott of Israel and is beginning efforts to achieve that goal.'' That said, it is worth noting that even the primary boycott can hurt U.S. producers. The primary boycott prohibits imports with Israeli content. So, U.S. companies that use Israeli inputs could be barred from exporting a mostly U.S.-made product to Bahrain.

USTR and supporters of this agreement argue that the quoted statement constitutes a binding commitment by Bahrain to eliminate the primary boycott. I hope they are correct, but I am not so sure. First, the lower house of Bahrain's parliament—the only democratically elected body in Bahrain's national government—recently voted resoundingly to keep the boycott in place. Second, it is not as clear as I would like that the statement at issue has the character of a legal obligation rather than a statement of unilateral intent. While I hope that Bahrain has officially committed itself to eliminating the primary boycott against Israel once and for all, there is certainly no way for the U.S. to bring an enforcement action against Bahrain if it fails to do so.

I think the antiboycott policy we have had in place for decades now is the correct one. We should not be entering into trade agreements—whether bilaterally or through the WTO—with countries that enforce the boycott against Israel—primary, secondary or tertiary. It is disturbing to me that the Bush administration has been quietly moving away from this policy—here in the FTA today, as well as in its support for Saudi Arabia's WTO accession this week.

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

The bill (H.R. 4340) was ordered to a third reading, was read the third time, and passed.

Mr. FRIST. I ask unanimous consent that the motion to reconsider be laid upon the table, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

EXECUTIVE CALENDAR

NOMINATIONS DISCHARGED

Mr. FRIST. As in executive session, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be discharged from further consideration of the following nominations and that they be placed on the calendar: Michael Copps, PN 1051; Deborah Tate, PN 1052.

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

AMENDING THE MORRIS K. UDALL SCHOLARSHIP AND EXCELLENCE IN NATIONAL ENVIRONMENTAL AND NATIVE AMERICAN PUBLIC POLICY ACT OF 1992

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 2093, introduced earlier today.

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

The legislative clerk read as follows:

A bill (S. 2093) to amend the Morris K. Udall Scholarship and Excellence in National Environmental and Native American Public Policy Act of 1992 to provide funds for training in tribal leadership, management, and policy, and for other purposes.

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

Mr. MCCAIN. Mr. President, today I have introduced the Native Nations Leadership, Management, and Policy Act of 2005, originally introduced as a component of the Native American Omnibus Act of 2005. I am pleased to be joined by the vice chairman of the Senate Indian Affairs Committee, BYRON DORGAN, on this bill.

The Native Nations Leadership, Management, and Policy Act authorizes funding for leadership training, strategic and organizational development, and research and policy analysis to assist American Indian nations to achieve effective self-governance and sustainable economic development. This provision renews authorized funding for the Native Nations Institute programs for a period of 10 years, beginning in fiscal year 2007. Dedicated funding for NNI is necessary to ensure the continuation of these important programs without further draining funds from the Udall Foundation's other educational activities.

Mr. President, I look forward to working with my respective colleagues on both sides of the aisle to enact this legislation.

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

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

The bill (S. 2093) was read the third time and passed, as follows:

S. 2093

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

SECTION 1. NATIVE NATIONS LEADERSHIP, MANAGEMENT, AND POLICY.

(a) FINDINGS.—Congress finds that—

(1) the policy of the United States favors self-determination for Indian tribes;

(2) consistent with the policy described in paragraph (1), Indian tribes are increasingly taking control of the affairs of the tribes in order to realize in practice most of the status afforded the tribes in treaties, court decisions, and legislation;

(3) as a result of the increasing control of the tribes, tribes require enhanced leadership preparation and greater access to information relating to research and analysis of successful models for tribal government and business operations, similar to the information regularly available to Federal, State, and local government agencies;

(4) enabling Indian tribes to develop strong leadership and governing policy is consistent with Federal policy supporting tribal self-determination and increases the likelihood that tribal governments will achieve political and economic self-determination; and

(5) during the last 5 years, the Morris K. Udall Scholarship and Excellence in National Environmental Policy Foundation, in cooperation with the Native Nations Institute at the University of Arizona, pursuant to section 6(7) of the Morris K. Udall Scholarship and Excellence in National Environmental and Native American Public Policy Act of 1992 (20 U.S.C. 5604(7)), has provided to Indian tribes the leadership and management training, policy analysis, and research of the quality and type required to assist Indian tribes to achieve self-determination.

(b) DEFINITIONS.—Section 4 of the Morris K. Udall Scholarship and Excellence in National Environmental and Native American Public Policy Act of 1992 (20 U.S.C. 5602) is amended—

(1) by redesignating paragraphs (6) through (9) as paragraphs (7) through (10), respectively; and

(2) by inserting after paragraph (5) the following:

''(6) the terms 'Indian tribe' and 'tribe' have the meaning given the term 'Indian tribe' in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b);''.

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 13 of the Morris K. Udall Scholarship and Excellence in National Environmental and Native American Public Policy Act of 1992 (20 U.S.C. 5609) is amended by striking subsection (c) and inserting the following:

''(c) TRAINING IN TRIBAL LEADERSHIP, MANAGEMENT, AND POLICY.—

''(1) IN GENERAL.—There is authorized to be appropriated to carry out section 6(7)—

''(A) $2,500,000 for the period of fiscal years 2007 and 2008;

''(B) $4,000,000 for the period of fiscal years 2009 and 2010; and

''(C) $13,500,000 for the period of fiscal years 2011 through 2016.

''(2) LIMITATIONS.—An appropriation made pursuant to this subsection shall not be subject to section 7(c).''.

REAUTHORIZING CERTAIN PROVISIONS RELATING TO INDIAN TRIBAL JUSTICE SYSTEMS

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 2094, introduced earlier today.

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

The legislative clerk read as follows:

A bill (S. 2094) to reauthorize certain provisions relating to Indian tribal justice systems.

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

Mr. MCCAIN. Mr. President, today I have introduced the Indian Tribal Justice Systems Act of 2005, originally introduced as a component of the Native American Omnibus Act of 2005. I am pleased to be joined by the vice chairman of the Senate Indian Affairs Committee, BYRON DORGAN, on this bill.

The Indian tribal justice systems amendments extends the authorization for the Indian Tribal Justice Technical and Legal Assistance Act through fiscal year 2010, and extends the Indian Tribal Justice Act for 3 more years.

Mr. President, I look forward to working with my respective colleagues on both sides of the aisle to enact this legislation.

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

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

The bill (S. 2094) was read the third time and passed, as follows:

S. 2094

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

SECTION 1. INDIAN TRIBAL JUSTICE.

(a) INDIAN TRIBAL JUSTICE TECHNICAL AND LEGAL ASSISTANCE.—The Indian Tribal Justice Technical and Legal Assistance Act of 2000 is amended—

(1) in section 106 (25 U.S.C. 3666), by striking ''for fiscal years 2000 through 2004'' and inserting ''for fiscal years 2004 through 2010''; and

(2) in section 201(d) (25 U.S.C. 3681(d)), by striking ''for fiscal years 2000 through 2004'' and inserting ''for fiscal years 2004 through 2010''.

(b) INDIAN TRIBAL JUSTICE SYSTEMS.—Section 201 of the Indian Tribal Justice Act (25 U.S.C. 3621) is amended by striking ''2007'' each place it appears and inserting ''2010''.

NATIONAL TEEN DATING VIOLENCE AWARENESS AND PREVENTION WEEK

Mr. FRIST. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of and the Senate now proceed to S. Res. 275.

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

The legislative clerk read as follows:

A resolution (S. Res. 275) designating the week of February 6, 2006 as ''National Teen Dating Violence Awareness and Prevention Week.''

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

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

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

The resolution (S. Res. 275) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 275

Whereas 1 in 3 female high school students reports being physically abused or sexually abused by a dating partner;

Whereas over 40 percent of male and female high school students surveyed had been victims of dating violence at least once;

Whereas violent relationships in adolescence can have serious ramifications for victims, who are at higher risk for substance abuse, eating disorders, risky sexual behavior, suicide, and adult re-victimization;

Whereas the severity of violence among intimate partners has been shown to increase if the pattern was established in adolescence;

Whereas 81 percent of parents surveyed either believed dating violence is not a problem or admitted they did not know it is a problem; and

Whereas the establishment of a ''National Teen Dating Violence Awareness and Prevention Week'' will benefit schools, communities, and families regardless of socio-economic status, race, or gender: Now, therefore, be it

Resolved, That the Senate—

(1) designates the week of February 6, 2006 as ''National Teen Dating Violence Awareness and Prevention Week''; and

(2) calls on the people of the United States, especially high schools, law enforcement, local, and State officials, and interested groups to observe the week with appropriate activities that promote awareness and prevention of the crime of teen dating violence in our communities.

MEASURES PLACED ON THE CALENDAR—H.R. 4096, H.R. 4388, AND H.R. 4440

Mr. FRIST. Mr. President, I understand there are three bills at the desk due for a second reading.

The PRESIDING OFFICER. The clerk will read the bills for the second time.

The legislative clerk read as follows:

A bill (H.R. 4096) to amend the Internal Revenue Code of 1986 to extend to 2006 the alternative minimum tax relief available in 2005 and to index such relief for inflation.

A bill (H.R. 4388) to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes.

A bill (H.R. 4440) to amend the Internal Revenue Code of 1986 to provide tax benefits for the Gulf Opportunity Zone and certain areas affected by Hurricanes Rita and Wilma, and for other purposes.

Mr. FRIST. In order to place the bills on the calendar under the provisions of rule XIV, I object to further proceedings en bloc.

The PRESIDING OFFICER. Objection is heard. The bills will be placed on the calendar.

ORDERS FOR WEDNESDAY, DECEMBER 14, 2005

Mr. FRIST. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:45 a.m. on Wednesday, December 14. 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 proceed to a period of morning business for up to 30 minutes, with the first 15 minutes under the control of the majority leader or his designee and the final 15 minutes under the control of the Democratic leader or his designee; further, that the Senate then proceed to the consideration of motions to instruct conferees with respect to the deficit reduction bill as under the previous order.

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

PROGRAM

Mr. FRIST. Mr. President, under the time agreement that we just entered into this evening, we have a number of motions to instruct conferees with respect to the deficit reduction bill that we will debate and vote on over the next 2 days. We will vote on three of those motions—the Baucus motion on Medicaid, the Carper TANF motion, and the Harkin food stamp motion—during tomorrow's session. These votes will start somewhere between 11:45 and noon. We will finish the remaining motions to instruct on Thursday.

Over the course of this week, we will be very busy, as I pointed out earlier this morning. We will begin voting around midday tomorrow, and in all likelihood we will be voting Thursday afternoon as well. We will be stacking votes Thursday afternoon. We will be voting on Friday and may well go into this weekend if we are unable to finish our business by late Friday. That means possibly Saturday and then maybe into next week. We have a whole slew of bills that we need to address, that we have been doing and will be doing over the next several days.

Tomorrow I will have more to say about the schedule.

IRAQ ELECTIONS

Mr. FRIST. Mr. President, elections are currently underway in Iraq. It is very exciting. The election formally in Iraq itself will be Thursday, although in the United States those Iraqi citizens are voting. They are actually voting in Tennessee at one of those distant, remote locations, remote from Iraq.

That is a powerful statement to the progress made in Iraq over the last 2½ years, that this is the third election in the last year. At the first election in January, about 8.5 million turned out; at the next election in mid-October, over 10 million people turned out; at the third election, we will have to wait and see, but it looks as though there will be record numbers of individuals voting in Iraq.

Two-and-a-half years ago, we had a country that had no representative government whatsoever and had a tyrant, Saddam Hussein, oppressing the people there. This morning, several of us had the opportunity to talk, by teleconferencing, with our Ambassador in Iraq, as well as General Casey. They did review with us a number of the real advances that have been made. When you look at issues such as Iraqis who are currently participating, they cited several statistics. In August 2004, there were five Iraqi army battalions actually in the fight. There are currently 97 Iraqi battalions in the fight. In July 2004, there were no ready operational divisional headquarters. Today there are at least 7 operational divisional headquarters and 31 operational brigade headquarters.

There has been huge progress over the last year, year and a half. In November 2004, there were about 110,000 fully trained and equipped Iraqi security forces. Today there are almost double that, a year later, 214,000 trained and equipped security forces.

Does all of this make a difference? One of the fascinating statistics cited and brought to my attention was compared to last year, or at some point last year, how many tips were being provided by the Iraqi people. In many ways it reflects the confidence the Iraqi people have in law enforcement and security. In March, there were just under 500 tips to the Iraqi Armed Forces. In September 2005, there were 4,700 tips by Iraqi citizens to Iraqi and coalition forces. Therefore, information is flowing much more freely, which reflects, I believe, the confidence the Iraqis have in their security forces. One tip resulted in the disruption of an IED factory and the capture of 4,000 pounds of explosives and about a dozen 500-pound bombs. That shows the importance of the improved security by the Iraqi people and what it allows to flow, in terms of information.

Mr. President, 75,000 Iraqi policemen are patrolling Iraqi cities, and another 5,700 are in training. I think we are seeing real progress there. There is much progress to make, but the progress being made currently, as we speak, and will be made over the next several days is truly exciting in terms of an operational, permanent government being formed. Lastly, as I mentioned earlier, it won't be until actually April that the new government is in place. The elections are occurring now. Certification takes place in December, and the final is in early January. From that point, the government takes root. So the government itself won't be formed until April of next year.

ADJOURNMENT UNTIL 9:45 A.M. TOMORROW

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

There being no objection, the Senate, at 6:21 p.m., adjourned until Wednesday, December 14, 2005, at 9:45 a.m.

NOMINATIONS

Executive nominations received by the Senate December 13, 2005:

DEPARTMENT OF DEFENSE

MICHAEL L. DOMINGUEZ, OF VIRGINIA, TO BE DEPUTY UNDER SECRETARY OF DEFENSE FOR PERSONNEL AND READINESS, VICE CHARLES S. ABELL, RESIGNED.

DEPARTMENT OF ENERGY

RAYMOND L. ORBACH, OF CALIFORNIA, TO BE UNDER SECRETARY FOR SCIENCE, DEPARTMENT OF ENERGY. (NEW POSITION)

DEPARTMENT OF STATE

GARY A. GRAPPO, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE SULTANATE OF OMAN.

BRADFORD R. HIGGINS, OF CONNECTICUT, TO BE AN ASSISTANT SECRETARY OF STATE (RESOURCE MANAGEMENT), VICE CHRISTOPHER BANCROFT BURNHAM.

BRADFORD R. HIGGINS, OF CONNECTICUT, TO BE CHIEF FINANCIAL OFFICER, DEPARTMENT OF STATE, VICE CHRISTOPHER BANCROFT BURNHAM, RESIGNED.

DEPARTMENT OF EDUCATION

MICHELL C. CLARK, OF VIRGINIA, TO BE ASSISTANT SECRETARY FOR MANAGEMENT, DEPARTMENT OF EDUCATION, VICE WILLIAM LEIDINGER.

INSTITUTE OF MUSEUM SERVICES

ANNE-IMELDA RADICE, OF VERMONT, TO BE DIRECTOR OF THE INSTITUTE OF MUSEUM SERVICES, VICE ROBERT S. MARTIN.

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. RONALD F. SAMS

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIGADIER GENERAL DAVID L. FROSTMAN
BRIGADIER GENERAL JAMES W. GRAVES
BRIGADIER GENERAL LINDA S. HEMMINGER
BRIGADIER GENERAL JOHN M. HOWLETT
BRIGADIER GENERAL HAROLD L. MITCHELL
BRIGADIER GENERAL HANFERD J. MOEN, JR.
BRIGADIER GENERAL WILLIAM M. RAJCZAK
BRIGADIER GENERAL DAVID N. SENTY
BRIGADIER GENERAL ERIKA C. STEUTERMAN

To be brigadier general

COLONEL JOHN M. ALLEN
COLONEL ROBERT E. BAILEY, JR.
COLONEL ERIC W. CRABTREE
COLONEL DEAN J. DESPINOY
COLONEL WALLACE W. FARRIS, JR.
COLONEL JOHN C. FOBIAN
COLONEL THOMAS W. HARTMANN
COLONEL JAMES R. HOGUE
COLONEL MARK A. KYLE
COLONEL CAROL A. LEE
COLONEL JON R. SHASTEEN
COLONEL ROBERT O. TARTER
COLONEL HOWARD N. THOMPSON
COLONEL CHRISTINE M. TURNER
COLONEL PAUL M. VAN SICKLE

IN THE ARMY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be major general

BRIGADIER GENERAL MICHAEL D. BARBERO
BRIGADIER GENERAL SALVATORE F. CAMBRIA
BRIGADIER GENERAL JOHN M. CUSTER III
BRIGADIER GENERAL RICHARD P. FORMICA
BRIGADIER GENERAL DAVID P. FRIDOVICH
BRIGADIER GENERAL KATHLEEN M. GAINEY
BRIGADIER GENERAL WILLIAM T. GRISOLI
BRIGADIER GENERAL CARTER F. HAM

BRIGADIER GENERAL JEFFERY W. HAMMOND
BRIGADIER GENERAL FRANK G. HELMICK
BRIGADIER GENERAL PAUL S. IZZO
BRIGADIER GENERAL FRANCIS H. KEARNEY III
BRIGADIER GENERAL STEPHEN R. LAYFIELD
BRIGADIER GENERAL ROBERT P. LENNOX
BRIGADIER GENERAL WILLIAM H. MCCOY, JR.
BRIGADIER GENERAL TIMOTHY P. MCHALE
BRIGADIER GENERAL JOHN W. MORGAN
BRIGADIER GENERAL MICHAEL L. OATES
BRIGADIER GENERAL ROBERT M. RADIN
BRIGADIER GENERAL CURTIS M. SCAPARROTTI

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS RESERVE TO THE GRADE INDICATED UNDER TITLE 10 U.S.C., SECTION 12203:

To be major general

BRIG. GEN. JAMES L. WILLIAMS

IN THE ARMY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

DEIBY ACEVEDO
DARLENE H. ADAMS
TRAVIS L. ADCOCK
TOMMY H. S. AFLAGUE
MARK T. AHLES
ERIC D. AHLNESS
STEVEN W. AINSWORTH
JAMES G. ALLISON
HECTOR F. ALVARADO
DONALD G. AMBURN
DANIEL R. AMMERMAN
HAROLD G. ANDERSON
SCOTT V. ANDERSON
ADOLFO AQUINO
TERAN L. ARMSTRONG
MARK C. ARNOLD
TODD W. ARNOLD
MATTHEW J. ARTERO
JOSE R. ATENCIO III
DENISE A. ATKINS
JULIE M. AUGERI
CARL C. AUGUSTUS
JOHN J. AULBACH II
CHRISTOPHER C. BACHMAN
HENDERSON BAKER II
CLAIRE E. BANDY
JOSEPH A. BANICH
CRAIG A. BARGFREDE
LELAND E. BARKER
STEPHANIE A. BARNA
RICHARD C. BARR, JR.
LINDA A. BEARD
RICHARD A. BEDARD
VAEVA R. BEEBEMOCILAC
MATTHEW P. BEEVERS
DAVID R. BELCHER
WALTER BENARD
JAMES G. BERENZ
THOMAS S. BERG
ERIC BERMUDEZ
DAVID M. BESSHO
SAMUEL R. BETHEL
FAREED M. BETROS
NIKOLA T. BILANDZICH
JOHN E. BILBURY III
MARTIN B. BISCHOFF
IVAN N. BLACK
DARYL W. BLOHM
CORRINA M. BOGGESS
GARY D. BOMSKE
JEFFERY O. BONNER
STEPHEN T. BOONE
RALPH J. BORKOWSKI
PETER A. BOSSE
JANSON D. BOYLES
MARK D. BRACKNEY
KENNETH C. BRADDOCK
R. CHRISTION BREWER
FREDERICK J. BRITTON
JEFFERY R. BROUGHTON
TIMOTHY L. BROWN
JANICE E. BRUNO
TODD E. BURCH
THRESA BURNES
MARIANNE O. BURTNETT
JEFFERSON S. BURTON
JOHN A. BYRD
SHANNON P. CALAHAN
MICHAEL F. CALCATERRA
SHERRI P. CALHOUN
GLENN S. CAMPBELL
STEVEN J. CAMPFIELD
ALVIN CANNON
ROBERT I. CANON
THOMAS V. CANTWELL
CHRISTOPHER F. CARNEY
GERALD N. CAROZZA, JR.
DANIAL C. CASMIRO
GRAHAM A. CASTILLO
LARRY D. CERNY
MARY CHAN
JOHN G. CHAPMAN
DOUGLAS T. CHARNEY
AMOS M. CHASE
RONALD G. CHEW
LOUIS A. CHIARELLA
LAURA J. CHICHESTER
SHAH A. CHOUDHURY
MICHAEL CHYTERBOK
PAUL V. CIMINELLI
ARTHUR L. CLARK
RICHARD A. CLARK, JR.
TIMOTHY J. CLARK
DIANNA L. CLEVEN
RICHARD D. COLE
TIMOTHY R. COLLINS
CLARENCE COMBS III
JOHN W. CONLEY
ROBERT CONLEY III
MICHAEL A. CONNELL
MICHAEL R. CONSIDINE
RANDALL J. CORDEIRO
PETER L. COREY
MARK W. CORSON
LISA COSTANZA
ANTHONY G. COTTLES
NORMAN L. COTTON
ALBERT L. COX
JOSEPH L. CRAMER
MATTHEW E. CROKE
MARY T. CROTEAU
THOMAS A. CROWDER
PETER C. CUSOLITO
ELIZABETH M. DAMONTE
ANTHONY B. DANIELL
JODY J. DANIELS
DARRYL W. DAUGHERTY, JR.
GARY L. DAVID
JOSE R. DAVIS
RICHARD W. DEAN II
LORETTA A. DEANER
ARLAN M. DEBLIECK
ROBERT F. DEL CAMPO
LUIS A. DELGADO
DAVID J. DEMPS
WILLIAM A. DENT
JOHN T. DEWEY
CLAYTON DIEDRICHS
MARC V. DINGER
BARBARA J. DOUGLAS
CHRIS R. DOWNEY
LAWRENCE C. DOYLE
LAWRENCE E. DRAPER
STUART K. DRIESBACH
RANDY L. DUCOTE
RALPH W. DUDDING
MICHAEL K. DUNN
TIMOTHY G. DUNN
DANIEL A. DUPONT
RON D. DUPREE
LEE K. DURHAM
CINDY DWYER
ALBERT P. EDWARDS
JOHN C. EDWARDS
JAMES S. EICHER
JOHN J. ELAM
FREDERIC C. ELBERT
ISOLINA ESPOSITO
CRAIG A. ESSICK
HENRY R. EVANS
THOMAS P. EVANS
PAUL W. FARROW
JOHN W. FELLEISEN
FRANK S. FERACO
FERNANDO FERNANDEZ
JUAN FERNANDEZ
STEVEN FERRARI
ROBERT A. FINK
DAVID L. FRANCAVILLA
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JONATHAN H. FRY
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GEOFFREY M. GARRISON
MICHAEL J. GARSHAK
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JOSE M. GIROT
KYLE E. GOERKE
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EDWARD B. GUNDERSEN
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ROBERT A. HAMMONS
SCOTT S. HARABURDA
KURT A. HARDIN
JOHN C. HARRIS, JR.
THOMAS W. HARRIS
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SCOTT B. HAYNES
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JOSEPH P. HEUER III
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JAMES H. HIGGINBOTHAM
MICHAEL J. HIGGINS
JAY R. HILDEBRAND
DAVID M. HILDRETH, JR.
RONALD L. HILL
THAD W. HILL
TIMOTHY E. HILL
TIMOTHY J. HILTY
DONNA E. HINTON
BARBARA J. HIRST
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MICHAEL J. HOLLAND
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MICHAEL J. HUDDLESTON
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GARRETT P. JENSEN
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STEVEN T. SCOTT
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LEVONDA J. SELPH
DENNIS R. SEWELL
DAVID R. SHAW
STEVE SHELTON
DAVID P. SHERIDAN
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JULES D. SILBERBERG
SCOTT C. SIMMONS
EDDIE L. SINGLETON
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HOPPER T. SMITH
JAMES T. SMITH, JR.
PAUL G. SMITH
RICHARD S. SMITH
WILLIAM L. SMITH
LEWIS R. SNYDER
WILLIAM M. SNYDER
ALAN K. SOLDAN
DIRK D. SPANTON
RICHARD E. SPEIRS
STEPHEN E. SPELMAN
DAVID W. SPENCE
ROBERT D. SPESSERT
WENDY C. SPRIGGS
GLEN C. STAGNITTA
ROY Q. STATON
JAMES E. STEVENS, JR.
FRANK A. STEWART
JOHN STEWART, JR.
ALAN L. STOLTE
MICHAEL A. STONE
ANTHONY W. STRATTON
JOHN D. STRICKLAND III
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TIMOTHY J. SULLIVAN
TIMOTHY J. SWANN
LEE E. TAFANELLI
VICTOR A. TALL
ROBERT E. TEBERG
STEPHEN F. TELLATIN
DOUGLAS J. TELLESON
PATRICK J. TENNIS
JACQUES D. THIBODEAUX
ARTURO T. THIELESARDINA
SCOTT L. THOELE
CHARLES M. THOMAS
LORETTA S. THOMAS
JAMES W. THOMPSON
BOBBY C. THORNTON
JOHN W. TILFORD
JAMES M. TOBIN
JOHN C. TOBIN
NEIL H. TOLLEY
MITCHELL E. TORYANSKI
STANLEY E. TOY
JAMES E. TRAFTON
LARRY D. TURNER
RONDAL L. TURNER
MICHAEL D. VANCE
STEVEN VANDERHOOF
KIRK E. VANPELT
RANDALL K. VANROOSENDAAL
MICHAEL A. VASILE
JOHN L. VAVRIN
ROBERT R. VESSELIZA, JR.
KARL A. VOIGT
RICK B. WAHLEN
JOHN W. WALERSKI
JOHN E. WALSH
KENNETH F. WALTER
ROBERT P. WALTERS
TIMOTHY L. WALTERS
ROBERT R. WALTON, JR.
MARK R. WARNECKE
NELSON B. WARTHAN
JAMES Z. WARTSKI
BARRY J. WASHINGTON
PAULINE E. WASHINGTON
TIMOTHY A. WATERS
DIANNE B. WATKINS
WALTER T. WEAVER
RICHARD D. WELCH
RUBEL D. WEST
DANA A. WHALEY
JAMES K. WHITE, JR.
JOHN D. WHITE
MICHAEL T. WHITE
SCOTT J. WHITTEMORE
ANTHONY A. WICKHAM
BERND WILLAND
GREGORY K. WILLIAMS
JAMES T. WILLIAMS
JESSE J. WILLIAMS
JAMES M. WILLIAMSON
LARIE J. WILSON
ROBERT E. WINDHAM, JR.
LISA M. WINDSOR
TEY C. WISEMAN
FREDERICK F. WOERNER
JOAL E. WOLF
JEROLD A. WOOD
PATTI D. WOODS
BART L. WOODWORTH
KAREN L. WRIGHT
KENNETH L. WRIGHT
DALLAS F. WURST III
WILLIAM A. ZAMMIT
MICHAEL R. ZERBONIA
DAVID R. ZYSK

THE FOLLOWING NAMED OFFICERS IN THE GRADES INDICATED IN THE REGULAR ARMY UNDER TITLE 10, U.S.C., SECTION 531:

To be lieutenant colonel

HOLTORF R. ALONSO
JAMES A. BAILIE
KELLY N. CAMPBELL
BRYAN A. GROVES
MICHAEL D. HILLIARD
LADONNA M. HOLT
JEFFREY J. HUNT
TINA S. KRACKE
GEORGE A. LUMPKINS
ALBERT J. MCCARN
GEORGE F. MINDE
CAROL S. MOSSBAILEY
LARRY D. NAYLOR
FELIX ORTIZ
ROGER A. PRETSCH
RONALD A. RYNNE
EUGENE SAIN
GLENN G. SCHWEITZER
STEVEN A. STEBBINS
JOHN S. WEAVER
JOEL D. WEEKS
FREDERICK P. WELLMAN
MICHAEL L. WHETSTONE
DARRYL K. WOOLFOLK

To be major

CHRISTOPHER W. ABBOTT
ANTHONY L. ADAMS
JAMES H. ADAMS
LAWRENCE AGUILLARD
JAMES M. AHEARN
DAVID K. ALMQUIST
ROGER S. ALVAREZ
JEFFREY S. AMOS
BRENDEN C. ANDERSON
JOSEPH L. ANDERSON
MIGUEL A. APONTERODRIGUEZ
BRENDAN JOSEPH ARCURI
KRISTINE M. ARMSTRONG
ERIC S. ATHERTON
ANTONIO D. AUSTIN
MICHAEL A. BACHAND
BRIAN K. BAKER
JAY F. BALL
ROBERT S. BALLAGH
CHARLES H. BARBER
CHRISTOPHER M. BARNWELL
KYLE W. BAYLESS
BRADLEY E. BECHEN
BRIAN T. BECKNO
JOHN C. BELANGER
GARY M. BELCHER
PHILLIP D. BENEFIELD
ROBERT J. BERG
CEASAR P. BERGONIA
BARRETT M. BERNARD
DAVID D. BIGGINS
JONATHAN A. BLAKE
MEGAN A. BOGLEY
RONALD A. BONOMO
DON E. BOTTORFF
JEFFERY G. BOUMA
JENNIFER I. BOWER
ERIC L. BRADLEY
TANYA J. BRADSHER
CHARLES E. BRANSON
JASON T. BRIDGES
KAREN L. BRIGGMAN
BRIAN D. BRITTAIN
HARRY D. BROOKS
NICHOEL E. BROOKS
DARRYL B. BROWN
EDWARD F. BUCK
ROBERT A. BURGE
THOMAS E. BURKE
MATTHEW L. BURR
LINNIE W. CAIN
ROBERT A. CAIN
EARL D. CALEB
LUKE T. CALHOUN
CHAD A. CALVARESI
ROMAN J. CANTU
DOUGLAS J. CARBONE
THOMAS E. CARLSON
OWEN B. CASTLEMAIN
JOHN R. CAUDILL
STEVEN CELESTE
MICHAEL A. CHARLEBOIS
DARREN L. CHARTIER
TORRANCE D. CHISM
JOSEPH J. CIESLO
JORGE L. CINTRONOLIVIERI
JOSEPH D. CLARK
MICHAEL J. CLARKE
CLYDE S. COCHRANE
CHRISTOPHER H. COLAVITA
MALCOLM C. COLE
RAHHSHAHUN COLLEY
SCOT A. COLVER
JAMES M. COOK
ROBERT H. COOPER
MICHAEL R. CORBISIERO
SEAN M. COREY
DOUGLAS J. COTE
WILLIAM D. COTTY
KEVIN E. COUNTS
MARVA D. COURTNEY
ERICK C. CREWS
SIDNEY W. CREWS
MARY K. CRUSAN
MANUEL CRUZ
RICHARD E. CURETON
CHRISTOPHER S. CUTLER
WESLEY G. DABNEY
DEXTER C. DANIEL
DAVID J. DANIELS
DANIEL L. DAVIS
MICHAEL E. DAWSON
JEFFREY A. DECARLO
BRIAN N. DELAPLANE
ERIC M. DERYNIOSKI
DWAYNE A. DICKENS
MARCUS K. DICKINSON
BRADLEY S. DOMBY
THOMAS A. DORSEY
JOHN F. DOWNEY
JOSEPH W. EDSTROM
JOHN E. ELRICH
RYAN W. EMERSON
ROBERT E. ERIKSEN
BRIAN B. ETTRICH
BRAD J. EUNGARD
CHARLES A. FALLANG
JAMES A. FAULKNOR
RYAN J. FAYRWEATHER
JOHN A. FEJERANG
KEITH X. FENNELL
GEORGE G. FERIDO

JOHN M. FERRELL
ALFREDO E. FERRER
BARBARA R. FICK
KEVIN FIELD
GARY D. FITTS
WILLIAM G. FITZHUGH
AARON P. FITZSIMMONS
CHRIS A. FLAND
ERIC C. FLESCH
TOY G. FLORES
THOMAS M. FLOYD
ROLAND C. FORD
JONATHAN A. FOSKEY
MATTHEW J. FOX
BARRY J. FRANKS
PHILLIP A. FRERES
RICHARD C. FULGIUM
BLAISE L. GALLAHUE
JOSE L. GALVAN
JESUS GARCIA
JOSE A. GARCIAESMURRIA
HILTON B. GARDNER
TIMOTHY M. GARTEN
STEVEN M. GEORGE
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STEPHEN M. GOLDMAN
ROBERTO GONZALEZPENA
KENNETH S. GOODPASTER
SARAH M. GOODSON
GIUSTI GOVEO
KATHERINE J. GRAEF
SCOTT D. GRANT
MAUREEN J. GREEN
GEOFFREY D. GREENE
CHRISTOPHER P. GRELL
JEFFREY C. GROSKOPF
JOSEPH W. GROSS
CRAIG S. GUTH
PETER J. HABIC
WALTER O. HADLEY
DEAN B. HAGADORN
MICHAEL A. HALES
RONALD HALEY
LAMONT J. HALL
RICHARD A. HALL
JASON M. HANCOCK
JERRY L. HARDING
AARON HARDY
GORDON D. HARRINGTON
SAMUEL HARVILL
KRISTEN A. HASSE
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TAMARA L. HEDBERG
AARON D. HEIMKE
ERIK L. HEINZ
PAUL A. HENLEY
BARTHOLOME J. HENNESSEY
LAWRENCE W. HENRY
PAUL A. HENRY
RENE G. HERNANDEZ
RUFINO HERRERA
PAUL E. HESLIN
ERIC L. HESTER
JEFFREY D. HICKS
JAMES HILLIAN
DANIEL R. HOCHSTATTER
EVERETT D. HOCKENBERRY
CHRISTOPHER W. HOFFMAN
JASON L. HOGE
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LOREN A. HOLLINGER
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WILLIAM K. JAKOLA
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EDWIN B. JANKOWSKI
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STEVEN R. SAMUELSON
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FELTON SMITH
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GREGORY S. TURNER
KEVIN C. TYLER
OSCAR R. TYLER
PAUL B. TYRRELL
JAMES T. VALENTINE
ROBERT H. VALIEANT
VICTOR C. VASQUEZ
GERARD A. VAVRINA
SCOTT D. VERVISCH
DERIK F. VONRECUM
DOUGLAS J. WADDINGHAM
CRAIG S. WAGONER
MARION WALKER
RHETT D. WALKER
CHAD E. WARD
FORTE D. WARD
JOEL E. WARHURST
KENNETH D. WATSON
TY S. WEAVER
SAMUEL J. WELCH
ROBERT B. WENGER
GUY E. WETZEL
RICHARD WHITTINGSLOW
BRIAN L. WILLIAMS
JASON D. WILLIAMS
EDWARD B. WILTCHER
RITA J. WINBORNE
TROY S. WISDOM
EVAN H. WOLLEN
BREN K. WORKMAN
JASON M. WRIGHT
STEVEN YAMASHITA
WILLIAM R. YOUNG
JOHN J. ZEIGLER
PAUL B. ZEPERNICK
RICHARD M. ZYGADLO

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY JUDGE ADVOCATE GENERAL'S CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be colonel

THOMAS E. AYRES
GREGORY T. BALDWIN

TRACY A. BARNES
BRIAN H. BRADY
FRED K. FORD
MICHAEL J. HARGIS
JAMES W. HERRING, JR.
RANDY T. KIRKVOLD
TARA A. OSBORN
JODY M. PRESCOTT
MICHAEL E. SAINSBURY
MARK W. SEITSINGER
KATHERINE SPAULDINGPERKUCHIN
PAMELA M. STAHL
KENNETH J. TOZZI
STEVEN E. WALBURN
PETER C. ZOLPER

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 624:

To be colonel

ROBERTO C. ANDUJAR
DAVID A. BARLOW
KENNETH C. BARTLETT
DEAN F. BLAND
STEVEN A. BOYLAN
THOMAS W. COLLINS
DERIK W. CROTTS
STEVEN P. DAMON
MARK G. EDGREN
PATRICK F. FRAKES
FREDERICK A. HENRY
JOHN J. HICKEY, JR.
ROBERT W. HOELSCHER II
JEFFREY S. JOHNSON
PATRICK M. MANNERS
MARK A. MCMANIGAL
JAMES L. MERCHANT III
JOHN P. MILLAR
MICHAEL J. NEGARD
GERALD J. OHARA
CARL D. PORTER
MICHAEL H. POSTMA
PATRICIA A. QUINN
THOMAS W. QUINTERO
HAROLD W. REEVES, JR.
ROBERT S. REILLY
THOMAS C. RIDDLE
ANDREW B. SEWARD
ROBERT M. SHEPPARD
WILLIAM J. STERNHAGEN
ANDREW W. STEWART
STEPHEN M. WOOLWINE
KENNETH A. YOUNG

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 624:

To be colonel

CRAIG J. AGENA
RICHARD C. AKRIDGE
DANIEL A. ALABRE
JOHN P. ANDERSON
GREGORY V. BARRACK
CHRISTOPHER R. BENYA
BOBBY F. BLACKWELL
JAIME L. BONANO
JON W. CAMPBELL
PHILIP J. CAREY
MARK A. CONLEY
WILLIAM N. COSBY
VENTURA A. CUELLO
RALPH C. DELUCA
DANNY S. DENNEY
KEITH R. EDWARDS
DANIEL J. GETTINGS
JOSEPH A. GREBE
RUSSELL L. GRIMLEY
THOMAS K. HAASE
KIRK J. HASCHAK
JOHN P. HESS
GLENN R. HUBER, JR.
KENNEDY E. JENKINS
STEVEN W. KIHARA
DION J. KING
ANDRE C. KIRNES
LANE J. LANCE
PAUL R. LEPINE
THOMAS C. LOPER II
DANIEL J. MCCORMICK
KIP A. MCCORMICK
DAVID T. MCNEVIN
LAWRENCE W. MCRAE, JR.
BRYAN J. MCVEIGH
SCOTT G. MESSINGER
STEVEN J. MINEAR
DAVID M. MOORE
VINCENT J. MOYNIHAN
FREDDY W. MULLINS
PEDRO A. ORONA
PAUL A. OSTROWSKI
JOHN R. OXFORD, JR.
YEONG T. PAK
JACK A. PELLICCI, JR.
MICHAEL R. PERRY
PHUONG T. PIERSON
ANTHONY W. POTTS
DAVID J. RICE
KEITH W. ROBINSON
HUMBERTO RODRIGUEZ
HECTOR A. SALINAS
MATTHEW C. SCHAFER
KARL R. SEABAUGH
CHRISTOPHER A. SHALOSKY
MICHAEL S. SKARDON
BOBBY L. SMITH
PERRY R. SMITH
RONALD A. STEPHENS
GREGORY E. STEWART
JEFFREY A. STIMSON
VINCENT M. TOBIN
DAVID L. TRELEAVEN
CHARLES W. VANBEBBER
KIRK F. VOLLMECKE
ERIC J. VONTERSCH
FRANK P. WAGDALT
BRIAN C. WINTERS
JOHN S. WRIGHT

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 624:

To be colonel

DANIEL G. AARON
JOSEPH F. ADAMS
JOSEPH C. AMMON
AMANDA L. ANDERSON
ANTHONY P. ARCURI II
DUANE E. BRUCKER
GWYNNE T. BURKE
GREGORY L. CANTWELL
CARLEN J. CHESTANG, JR.
VERNON T. DAVIS
ROBERT L. DEYESO, JR.
JAMES F. DICKENS
JUDE C. FERNAN
ANDREW G. GLEN
MICHAEL B. GLENN
JOSH H. GOEWEY
STEVEN R. GRIMES
THEA HARVELL III
DOUGLAS A. HERSH
ROBERT L. HESSE
DAVID E. HILL, JR.
JOEL R. HILLISON
HERSHEL L. HOLIDAY
PAMELA J. HOYT
ROBERT S. HUME
LAUREL J. HUMMEL
CARL M. JOHNSON
WILLIAM E. JOHNSON, JR.
KATHLEEN L. KNAPP
RICHARD A. LACQUEMENT
GARRETT R. LAMBERT
ROBERT F. LARSEN, JR.
JON M. LOCKEY
JASON C. LYNCH
JOHN M. MATTOX
THOMAS D. MAYFIELD III
TAMER R. MCGUIRE
DEAN W. MENGEL
KARL F. MEYER
KENT M. MILLER
RONALD C. MIXAN
PHILLIP T. NETHERY
DAVID R. NORTON
ROBERT A. POWELL
SCOTT A. PRINTZ
MILTON L. SAWYERS
JOHN C. SEES, JR.
JAMES T. SEIDULE
THOMAS P. SLAFKOSKY
CHERYL L. SMART
JOHN J. SMITH
DAVID A. WALLACE
MICHAEL S. WEAVER
CHRISTOPHER F. WHITE
RICHARD E. WIERSEMA
MARILYN D. WILLS

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY AND FOR REGULAR APPOINTMENT (IDENTIFIED BY AN ASTERISK(*)) UNDER TITLE 10, U.S.C., SECTIONS 624 AND 531:

To be colonel

WILLIAM G. ADAMSON
ROBERT B. AKAM
GEORGE G. AKIN
MICHAEL A. ALBANEZE
ERIC S. ALBERT
DAVID R. ALEXANDER
KEITH A. ANDERSON
BRENDA A. ANDREWS
HODGES ANTHONY, JR.
JUAN L. ARCOCHA
CHRISTOPHER S. ARGO
SPENCER Q. ARTMAN
DAVID A. ATCHER
DAVID D. BAKER
MICHAEL J. BARBEE
RANDALL T. BARNES
WILLIAM M. BARNETT IV
RICHARD E. BARROWMAN
BRADLEY A. BECKER
JOHN A. BECKER
RICHARD M. BECKINGER
KEVIN R. BEERMAN
GERALD E. BELLIVEAU, JR.
CHRISTOPHER F. BENTLEY
DOUGLAS L. BENTLEY, JR.
BRYAN W. BEQUETTE
MEAREN C. BETHEA
RANDOLPH R. BINFORD
KEVIN R. BISHOP
DAVID L. BLAIN
RANDALL W. BLAND
MICHELE P. BOLINGER
CURTIS D. BOYD
STUART W. BRADIN
JOSEPH A. BRENDLER
WILLIAM D. BRINKLEY
MATTHEW W. BROADDUS
EDWARD J. BROCK
DEBORAH P. BROUGHTON
DAVID A. BROWN
OTIS L. BROWN II
STANLEY M. BROWN
STEPHEN E. BRUCH
JAMES E. BRUNDAGE
JOSEPH P. BUCHE
LAURIE G. BUCKHOUT
STEVEN L. BULLIMORE
ROBERT A. BURNS
WILLIAM C. BURRELL
BRIAN A. BUTLER
SEAN M. CALLAHAN
JAMES M. CAMPBELL, JR.
ROBERT K. CARL
RICHARD A. CARLSON
SCOTT M. CARLSON
MARTIN T. CARPENTER
DANIEL L. CASSIDY, JR.
JOHN G. CASTLES II
ROBERT J. CEJKA
THOMAS C. CHAPMAN
J. KEVIN CHESNEY
JAMES H. CHEVALLIER
JONATHON L. CHRISTENSEN
STEPHEN M. CHRISTIAN
KEVIN A. CHRISTIE
NORBERTO R. CINTRON
TROY A. CLAY
SAMUEL CLEAR
CLAYTON W. COBB
ANTONIO S. COLEMAN
JOHN E. COLLIE
PEGGY C. COMBS
CHRISTOPHER E. CONNER
JUDSON A. COOK
LORELEI E. COPLEN
MARK A. COSTELLO
JOHN A. COX
MICHAEL P. CRALL
BRUCE T. CRAWFORD
ANTHONY CRUZ
FRANKIE CRUZ
JOHN P. CURRAN
BEVAN R. DALEY
EDWARD M. DALY
RICHARD S. DAUM, JR.
SUSAN A. DAVIDSON
ALEXANDER D. DAVIS, JR.
MARCUS F. DEOLIVEIRA
JOHN K. DEWEY
MARK A. DEWHURST
JAMES H. DICKINSON
LILLIAN A. DIXON
WILLIAM H. DODGE
TERRANCE J. DOLAN
DAVID W. DORNBLASER
ROBERT L. DOUTHIT
JEFFREY M. DOUVILLE
JOHN F. DOWD, JR.
DAVID R. DRAEGER
DAVID D. DWORAK
GREGORY J. DYEKMAN
ROBERT C. EFFINGER III
RICHARD A. EVANS
SAMUEL S. EVANS
THOMAS H. EVANS
KARI L. EVERETT
BENJAMIN A. EVERSON
KURT W. FEDORS
KEVIN M. FELIX
JOHN FENZEL III
JOSEPH M. FISCHETTI
ANDRE Q. FLETCHER
SCOTT N. FLETCHER
FRANKLIN D. FORD, JR.
BRUCE C. FOREMAN
MARK R. FORMAN
DARRELL D. FOUNTAIN
CYNTHIA L. FOX
MICHELLE M. FRALEY
ROBERT E. FREEHILL
BYRON A. FREEMAN
RONALD A. FROST
ANTHONY C. FUNKHOUSER
PAUL W. GAASBECK
DOUGLAS M. GABRAM
PETER A. GALLAGHER
WILLIAM E. GARNER
MARK L. GARRELL
JOHN F. GARRITY
PATRICK M. GAWKINS
DAVID T. GERARD
JOSEPH I. GILL III
WESLEY G. GILLMAN
PAUL E. GIOVINO
HARRY C. GLENN III
DALE E. GOBLE
GLENN H. GOLDMAN
KERRY M. GRANFIELD
JAMES W. GRAY
GLENN K. GROTHE
BRYAN A. * GROVES
EDUARDO GUTIERREZ
DAVID B. HAIGHT
JOHN F. HALEY
DAVID W. HALL
JEFFREY M. HALL
SHARON R. HAMILTON
LEE E. HANSEN
JOHN W. HARNEY
CHERYL A. HARRIS
JEFFERY T. HARRIS
CLAY B. HATCHER

JEFFREY B. HELMICK
BARRY R. HENSLEY
MARVIN C. HIGDON
TERENCE J. HILDNER
JEFFREY G. HILL
WILLIAM V. HILL III
LAWRENCE B. HOLMES
COLIN L. HOOD
STEPHEN G. HOOD
DAVID S. HUBNER
PAUL C. HURLEY, JR.
CRAIG B. HYMES
DONALD E. JACKSON, JR.
LARRY A. JACKSON
JOSEPH B. JELLISON
DARRELL L. JENKINS
VALERIE T. JIRCITANOTORRES
NORBERT B. JOCZ
CRAIG L. JOHNSON
DARFUS L. JOHNSON
ERIC S. JOHNSON
JAMES M. JOHNSON
JOHN P. JOHNSON
WILLIAM H. JOHNSON
DAVID T. JONES
ROBERT E. JONES, JR.
TIMOTHY A. JONES
BYRON G. JORNS
PHILIP E. KAISER
GREGORY C. KANE
THOMAS J. KEEGAN
JOHN D. KEENAN
SHERRY B. KELLER
JEFFREY P. KELLEY
JEFFREY A. KELLY
THOMAS E. KELLY
JOHN S. KEM
EDWARD J. KERTIS, JR.
DANIEL R. KESTLE
CHARLES W. KIBBEN
GENE R. KING
KENNETH E. KING
RICHARD T. KNAPP
DOUGLAS J. KNIGHT
MICHAEL G. KOBA
JOHN KULIFAY
JEFFREY J. KULP
RAYMOND P. LACEY
DAVID A. LAMBERT
TOMMY L. LANCASTER
RAYMOND R. LANGLAIS, JR.
KERRY R. LARRABEE
DICK A. LARRY
TRACY L. LEAR
MELVIN R. LEARY
SHARON L. LEARY
GLORIA A. LEE
JEFFREY P. LEE
PAUL L. LEGERE
CHARLES S. LEITH
CLARK W. LEMASTERS, JR.
THERESA S. LEVER
BRETT G. LEWIS
RONALD F. LEWIS
JEFFREY C. LIEB
MARK R. LINDON
VERNON L. LISTER
ROBERT P. LOTT, JR.
JAMES P. LUDOWESE
MICHAEL D. LUNDY
THOMAS H. MAGNESS
MICHAEL T. MAHONEY
JOHN E. MALAPIT
JAY S. MALLERY
MARVIN S. MALONE
MICHAEL S. MALONEY
EDWARD P. MANNING
ERNEST P. MARCONE
MATTHEW T. MARGOTTA
JOSEPH M. MARTIN
EDWARD D. MASON
CURTIS A. MATHIS
TODD B. MCCAFFREY
RAY W. MCCARVER, JR.
DAVID R. MCCLEAN
JAMES L. MCGINNIS, JR.
EDWARD J. MCHALE
BRIAN J. MCKIERNAN
MICHAEL H. MCMURPHY
JIMMY L. MEACHAM
STEVEN G. MEDDAUGH
FABIAN E. MENDOZA, JR.
JERRY C. MEYER
CHRISTOPHER L. MILLER
DAVID M. MILLER
JAMES L. MILLER
JOHN W. MILLER III
WILLIAM K. MILLER
WILLIAM B. MIRACLE
DANIEL G. MITCHELL
MYLES M. MIYAMASU
MARK G. MOFFATT
WILLIAM H. MONTGOMERY III
DAVID R. MOORE
TERRY V. MORGAN
JOHN B. MORRISON, JR.
MITCHELL T. MORROW
SEAN P. MULHOLLAND
MARY B. MYERS
ERIC W. NANTZ
LEWIS C. NAUMCHIK
CLARENCE NEASON, JR.
BRADFORD K. NELSON
BRADLEY K. NELSON
BRYAN T. NEWKIRK
CLAYTON T. NEWTON
ALAN W. NEYLAND
MOLLY A. ODONNELL
JOHN E. ONEIL
TIMOTHY S. OROURKE
AUGUSTUS L. OWENS II
JOHN T. OWENS III
JOSEPH V. PACILEO
DAVID B. PARKER
STEVEN W. PATE
RANDOLPH L. PATTERSON
CHRISTOPHER W. PEASE
GARY D. PEASE
DAVID M. PENDERGAST
ERIK C. PETERSON
WALTER E. PIATT
SANDY W. POGUE
STUART R. POLLOCK
FRANKLIN A. POUST, JR.
MICHAEL C. PRESNELL
DAVID C. PRESS
VINCENT L. PRICE
TIMOTHY R. PRIOR
ESMERALDA G. PROCTOR
BRIAN D. PROSSER
CHERI A. PROVANCHA
RONALD J. PULIGNANI, JR.
ROBERT B. QUACKENBUSH
WILLIAM S. RABENA
ANITA M. RAINES
JOSE M. RAMOS
WESLEY L. REHORN
JOHN M. REICH
ALLISON R. REINWALD
BRIAN R. REINWALD
ANTHONY D. REYES
MATTHEW A. RICHARDS
LAURA J. RICHARDSON
KAROL L. RIPLEY
TERRILL S. ROBINSON
DAVID P. RODGERS
DARSIE D. ROGERS, JR.
CHARLES V. ROGERSON
RONALD J. ROSE, JR.
DREXEL K. ROSS
HOWARD M. RUDAT
STEPHEN E. RYAN
TIMOTHY M. RYAN
WILLIAM R. SALTER
JOHN L. SALVETTI
MICHAEL P. SAULNIER
WILLIAM S. SCHAFF
EMMETT M. SCHAILL
BLAIR A. SCHANTZ
PARKER B. SCHENECKER
STEVEN M. SCHENK
GREGORY B. SCHULTZ
JOHN C. SCHULZ
ERIC C. SCHWARTZ
PAUL T. SEITZ
RONALD E. SELDON
TERRY L. SELLERS
MICHAEL SENTERS
STEVEN A. SHAPIRO
STEVEN R. SHAPPELL
CHANDLER C. SHERRELL
JEFFREY A. SINCLAIR
MICHAEL J. SIPPEL
TIMOTHY S. SLEMP
STEVEN A. SLIWA
JONATHAN J. SMIDT
ERIC E. SMITH
PEYTON E. SMITH
STEPHEN C. SMITH
STEPHEN V. SMITH
THOMAS P. SMITH
EUGENIA H. SNEAD
RICHARD L. SOBRATO, JR.
GEORGE R. SORENSEN
NILS C. SORENSON
JOSEPH A. SOUTHCOTT
ROBERT J. SOVA
JOHN M. SPISZER
LUCIE M. STAGG
WILLIAM R. STANLEY
RICHARD A. STARKEY
LEE G. STEWART
JAMES L. STOCKMOE
MELISSA A. STURGEON
PHILIP L. SWINFORD
JEFF B. SWISHER
RODNEY W. SYMONS II
MARISA A. TANNER
THOMAS H. TATUM, JR.
ROBERT J. TAYLOR, JR.
DENNIS D. TEWKSBURY
SCOTT D. THOMAS
DENNIS M. THOMPSON
PATRICK E. TIERNEY
DANE S. TKACS
BILLY G. TOLLISON
HARRY D. TUNNELL IV
CLARENCE D. TURNER
JEFFREY A. TURNER
RANDALL E. TWITCHELL
ROBERT J. ULSES
MARTIN I. URQUHART
BRUCE E. VARGO
JOHN D. VERNON
BRIAN VINES
VANCE P. VISSER
GARY J. VOLESKY
STEPHEN E. WALKER
PATRICK J. WALSH
SHAWN P. WALSH
ROBERT P. WALTERS, JR.
ROBERT A. WARBURG
THOMAS D. WEBB
MICHAEL C. WEHR
BRETT D. WEIGLE
ROBERT W. WERTHMAN
CARY S. WESTIN
DAVID C. WESTON
STEVEN D. WESTPHAL
SAMUEL R. WHITE, JR.
ANTHONY R. WILLIAMS
BENNIE WILLIAMS, JR.
CHARLES E. WILLIAMS
DANIEL E. WILLIAMS
DAVID M. WILLIAMS
DWAYNE T. WILLIAMS
JOHN D. WILLIAMS
MICHAEL S. WILLIAMS
TIMOTHY R. WILLIAMS
GREGORY R. WILSON
ROGER A. WILSON, JR.
DAVID A. WISECARVER
SHARON L. WISNIEWSKI
FREDERICK S. WOLF III
SCOTT G. WUESTNER
JEFFREY K. YOUNG
BARBARA L. ZACHARCZYK
ROBERT G. ZEBROWSKI
DARREN B. ZIMMER
AARON M. ZOOK, JR.
AIDIS L. ZUNDE
X6878
X1665
X1119
X4096
X2175
X2451

IN THE NAVY

THE FOLLOWING NAMED OFFICERS FOR TEMPORARY APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 5721:

To be lieutenant commander

TONY C. BAKER
TOMMY L. BEALS
CHRISTOPHER G. BOHNER
KEVIN M. BONSER
RANDY E. BROWN
ELAINE A. BRYE
JAMIE F. BURTS
BRYCE D. BUTLER
MICHAEL R. CHAPARRO
MOTALE E. EFIMBA
STEVEN T. FILES
HANS A. FOSSER
MATTHEW T. FRENIERE
JOHN T. FRYE
CHRISTOPHER C. GAVINO
SEAN T. GRUNWELL
MATTHEW T. HARDING
CRAIG W. HEMPECK
CALVIN G. HENDRIX
DAVID G. HOFFMAN
MICHAEL P. HOLLENBACH
KITJA HORPAYAK
WILLIAM J. JOHANSSON
JAMES R. JONES
JAMES J. JUSTER
NEIL B. LAPOINTE
KEVIN W. MACY
ANTHONY J. MATA
JOSEPH S. MATISON
MICHAEL C. MOSBRUGER
FRANK E. OKATA
WILLIAM L. PARTINGTON
EUGENE R. ROBERTS
SEAN RONGERS
ERIC M. SAMUELSON
IAN J. SCHILLINGER
LEON B. SCORATOW
MICHAEL S. SHAW II
PAUL B. SPRACKLEN
MICHAEL STEPHENS
RICKY M. URSERY
JAMES J. VOPELLUS

FOREIGN SERVICE

THE FOLLOWING-NAMED CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE AGENCY FOR INTERNATIONAL DEVELOPMENT FOR PROMOTION WITHIN AND INTO THE SENIOR FOREIGN SERVICE TO THE CLASSES INDICATED: CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER:

LISA CHILES, OF CALIFORNIA
GEORGE DEIKUN, OF CALIFORNIA
MARK STUART WARD, OF VIRGINIA

CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR:

JONATHAN S. ADDLETON, OF FLORIDA
HENRY LEE BARRETT, OF MARYLAND
CAROL R. BECKER, OF MARYLAND
JAMES A. BEVER, OF VIRGINIA
JON H. BRESLAR, OF VIRGINIA
JOSEPH FARINELLA, OF NEW YORK
WILLIAM M. FREJ, OF CALIFORNIA
RICHARD J. GOUGHNOUR, OF FLORIDA
WILLIAM HAMMINK, OF FLORIDA
JAY L. KNOTT, OF OREGON
HENDERSON M. PATRICK, OF FLORIDA
DENNY F. ROBERTSON, OF FLORIDA
KEITH E. SIMMONS, OF CALIFORNIA
MONICA STEIN-OLSON, OF WASHINGTON
PAMELA A. WHITE, OF VIRGINIA
MICHAEL J. YATES, OF VIRGINIA

CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR:

TODD HANSON AMANI, OF WASHINGTON
CHERYL L. ANDERSON, OF VIRGINIA
JEFFREY N. BAKKEN, OF MINNESOTA
VICTOR K. BARBIERO, OF VIRGINIA
TIMOTHY THOMAS BEANS, OF VIRGINIA
JEFFERY D. BELL, OF VIRGINIA
LARRY HALL BRADY, OF WYOMING
SUSAN K. BREMS, OF THE DISTRICT OF COLUMBIA
CONSTANCE A. CARRINO, OF THE DISTRICT OF COLUMBIA
REBECCA W. COHN, OF MARYLAND
TULLY R. CORNICK, OF MARYLAND
ALAN L. DAVIS, OF FLORIDA
PAUL FRANCIS DAVIS, OF NEW HAMPSHIRE
CHARLES V. DRILLING, OF NEW YORK
MARGOT BIEGELSON ELLIS, OF NEW YORK
ALONZO L. FULGHAM, OF VIRGINIA
JOHN GROARKE, OF THE DISTRICT OF COLUMBIA
DENISE A. HERBOL, OF PENNSYLVANIA
ELIZABETH ANN HOGAN, OF VIRGINIA
EDWARD T. LANDAU, OF VIRGINIA
NANCY J. LAWTON, OF MISSOURI
AMANDA K. LEVENSON, OF ALASKA
JON DANIEL LINDBORG, OF INDIANA
CECILY L. MANGO, OF MARYLAND
WILLIAM B. MARTIN, OF VIRGINIA
JOHN A. MAY, OF TEXAS
KERMIT CRAIG MOH, OF VIRGINIA
DAVID J. NOBLE, OF MARYLAND
BETH S. PAIGE, OF TEXAS
BARRY K. PRIMM, OF MISSOURI
JOSEPH S. RYAN, JR., OF CALIFORNIA
MIKE E. SARHAN, OF WASHINGTON
JOAN MARGARET SILVER, OF CALIFORNIA
DONNA R. STAUFFER, OF CONNECTICUT
THOMAS MICHAEL STEPHENS, OF VIRGINIA
DAWN ALLISON THOMAS, OF NEW YORK
MICHAEL F. WALSH, OF VIRGINIA

THE FOLLOWING-NAMED PERSONS OF THE AGENCIES INDICATED FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF THE CLASS STATED.

FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF CLASS THREE, CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DEPARTMENT OF STATE

ANNE ELIZABETH LINNEE, OF MINNESOTA
RAYMOND H. MURPHY II, OF TENNESSEE

FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF CLASS FOUR, CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DEPARTMENT OF STATE

ANITA STROHSCHEIN CHILDS, OF FLORIDA
JOHN PAUL MOPPERT, OF FLORIDA

THE FOLLOWING-NAMED MEMBERS OF THE FOREIGN SERVICE TO BE CONSULAR OFFICERS AND/OR SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA, AS INDICATED:

CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DEPARTMENT OF COMMERCE

IRA BELKIN, OF NEW YORK
FRANCIS M. PETERS, OF TEXAS
ALIZA TOTAYO, OF MARYLAND

DEPARTMENT OF STATE

MICHAEL JOSEPH ABEL, OF WASHINGTON
ALEXANDER T. ALLEN, OF VIRGINIA
MICHAEL A. ALLSHOUSE, OF VIRGINIA
CHRISTOPHER J. ANDERSON, OF THE DISTRICT OF COLUMBIA
JUAN L. ARELLANO, OF WASHINGTON
STEPHANIE CHRISTINE ARNOLD, OF ILLINOIS
OLGA ELENA BASHBUSH, OF VIRGINIA
MARK BEANE, OF VIRGINIA
STEWART WILLIAM BEITZ, OF SOUTH CAROLINA
CHRISTOPHER A. BERGAUST, OF IDAHO
MELISSA ANN BERMUDEZ, OF CALIFORNIA
MONICA S. BLAND, OF NEBRASKA
ERIC BOWEN, OF VIRGINIA
DANA CHRISTENE COLE BROWN, OF OKLAHOMA
TRAVIS M. BROWN, OF VIRGINIA
JOSEPH T. BURKE, OF CALIFORNIA
ELLEN CALLAHAN, OF NEVADA
GREGORY J. CAMPBELL, OF NEW YORK
KATHERINE J. CHISHOLM, OF VIRGINIA
TODD V. CHRISTIANSEN, OF NEW YORK
ANDREW B. CLARK, OF VIRGINIA
WILLIAM JUSTIN ALBERT CLAYTON, OF THE DISTRICT OF COLUMBIA
MARISA N. COHRS, OF WASHINGTON
KATHERINE C. CONOVER, OF MARYLAND
BARBARA HERMINIA CORDERO, OF FLORIDA
ANDREI M. COTTON, OF ARIZONA
KYLE A. CROSBY, OF VIRGINIA
MARK A. CUNNINGHAM, OF THE DISTRICT OF COLUMBIA
TAMMY A. DAVIS, OF KANSAS
THOMAS P. DELANEY, OF MARYLAND
LAURENT M. DE WINTER, OF THE DISTRICT OF COLUMBIA
NINA DIAZ, OF CALIFORNIA
NGA BICH DO, OF CALIFORNIA
KATHRYN T. DORMINEY, OF FLORIDA
ROBERT F. DOYLE III, OF ILLINOIS
JEFFRY W. DUFFY, OF THE DISTRICT OF COLUMBIA
CHRISTOPHER R. DUNN, OF TEXAS
GOTTLIEB J. DUWAN, OF VIRGINIA
PETER J. DYCAICO, OF CALIFORNIA
CHRISTOPHER B. EAVES, OF VIRGINIA
MARK D. ESTES, OF GEORGIA
DAVID K. FAGLEY, OF VIRGINIA
HEATHER JUNE FARRAR, OF MARYLAND
JONATHAN FISCHER, OF WASHINGTON
MATTHEW GARDNER FULLER, OF TEXAS
WILLIAM JEFFERS FURNISH, JR., OF LOUISIANA
KANISHKA GANGOPADHYAY, OF THE DISTRICT OF COLUMBIA
VIRGINIA R. GILES, OF VIRGINIA
IXTACCIHUATL GONZALEZ, OF MASSACHUSETTS
ANDREA GOROG, OF WASHINGTON
JEFF GRINGER, OF WASHINGTON
JANELLE R. GUEST, OF MICHIGAN
KAPIL GUPTA, OF THE DISTRICT OF COLUMBIA
PRASENJIT GUPTA, OF IOWA
MATTHEW M. HABINOWSKI III, OF MASSACHUSETTS
ERIN P. HAMRICK, OF GEORGIA
CAROL M. HANLON, OF GEORGIA
SEAN R. HANTAK, OF ILLINOIS
NATHAN NOZOMI HARA, OF OHIO
STANLY HAYES, OF MARYLAND
H. ALEXANDER HENEGAR III, OF GEORGIA
DENIS HIGGINBOTHAM, OF THE DISTRICT OF COLUMBIA
MARILYN J. HOLLERAN, OF CONNECTICUT
DANIEL CHARLES HOLTROP, OF MARYLAND
JESSE B. HUGHES, OF VIRGINIA
ROBERT GEORGE HUNTER, OF VIRGINIA
STEPHEN F. IBELLI, OF NEW YORK
CHRISTOPHER GEORGE ISTRATI, OF PENNSYLVANIA
CHRISTINE PEYTON JACKSON, OF NEW YORK
JENAE DENISE JOHNSON, OF WASHINGTON
JAMES STEPHEN JONES, OF VIRGINIA
GREGORY B. KELLER, OF NEBRASKA
ABDUL-RAHMAN KENYATTA, OF VIRGINIA
EUGENE HYUN KIM, OF THE DISTRICT OF COLUMBIA
MICHELE ANN KIMPEL GUZMAN, OF CALIFORNIA
CHRISTOPHER D. KJELLAND, OF TEXAS
SUZANNE KNIGHT, OF VIRGINIA
MARK R. LANNING, OF WASHINGTON
TIMOTHY LAYMAN, OF MARYLAND
CARRIE K. LEE, OF CALIFORNIA
SONIA MERCEDES LEGER, OF VIRGINIA
LENA LEVITT, OF CALIFORNIA
THERESA LINDO SPAZIAN, OF FLORIDA
CHRISTIE CARMELLE LOPEZ, OF CALIFORNIA
NATHAN L. MACKLIN, OF WYOMING
KANIKA MAK, OF FLORIDA
AARON I. MARTZ, OF TEXAS
MARK C. MATTHEWS, OF MINNESOTA
GENE P. MCCUSKER, OF VIRGINIA
MAUREEN BRIGID MCGOVERN, OF FLORIDA
MATTHEW CARR MCHORRIS, OF VIRGINIA
LUIS F. MENDEZ, OF NEW JERSEY
JOHANNA R. MEREJO, OF NEW JERSEY
MARK LESLIE MOLNAR, OF VIRGINIA
BENJAMIN ABRAHAM MONTANEZ, OF TEXAS
CYNTHIA A. MORGAN, OF MARYLAND
DAVID VAUGHAN MUEHLKE, OF NEW HAMPSHIRE
DAVID R. MYERS, OF THE DISTRICT OF COLUMBIA
GREGG DICKSON MYRUP, OF TENNESSEE
NHAN T. NGUYEN, OF WASHINGTON
CHRISTOPHER MARKLEY NYCE, OF CALIFORNIA
DENNIS H. O'HEARN, OF VIRGINIA
ADAM C. OLSEN, OF VIRGINIA
TULA CRUZ ORUM, OF CALIFORNIA
JENNIFER A. PARKER, OF VIRGINIA
SAMUEL R. PEALE, OF VIRGINIA
YAROSLAVA Y. PETROVA, OF CALIFORNIA
BENJAMIN LOYD PIERCE, OF UTAH
SUSAN MARIE PLOTT, OF TEXAS
IRFAN QAIYUMI, OF VIRGINIA
LORENZO REED, OF MARYLAND
CHARLES K. REGAN, OF NEW HAMPSHIRE
AMANDA J. REI-PERRINE, OF WASHINGTON
VICTORIA CHARLOTTE REPPERT, OF MASSACHUSETTS
DONALD H RIGGS, OF VIRGINIA
KEVIN CONLEY RUFFNER, OF VIRGINIA
CARRIE A. SCHLAUCH, PH.D., OF OHIO
MEGAN LEIGH SELMON, OF OKLAHOMA
CHIRAG P. SHAH, OF VIRGINIA
CHRISTOPHER M. SHAHIDI, OF THE DISTRICT OF COLUMBIA
STEEN W SIMONSEN, OF VIRGINIA
RACHEL M. SMITH, OF NEW YORK
BREEANN MARIE SONGER, OF NEW YORK
ASHLEY B. STEWART, OF THE DISTRICT OF COLUMBIA
SHERRY R. STUP, OF VIRGINIA
RAY RICHARD SUDWEEKS, OF VIRGINIA
SEAN T. SULLIVAN, OF MARYLAND
NATHAN TIDWELL, OF TENNESSEE
ANDRES VALDES, OF FLORIDA
KIMBERLY C. VALDES-DAPENA, OF OHIO
WENDY M. VARNER, OF VIRGINIA
KEVIN VIRGIL, OF VIRGINIA
ANTHONY JOSEPH VITALE, OF WEST VIRGINIA
JONATHAN T. WARD, OF WASHINGTON
HEATHER ANN WATSON-AYALA, OF NEVADA
JEFFREY MICHAEL WEINSHENKER, OF THE DISTRICT OF COLUMBIA
MICHAEL JOHN WHIPPLE, OF TEXAS
LYNN CHRISTINE WHITEHEART, OF VIRGINIA
DAVID WHITTED, OF GEORGIA
CARTER W. WILBUR, OF THE VIRGIN ISLANDS
BRYAN J. WILLATS, OF VIRGINIA
KATHLEEN ANNE YU, OF MARYLAND

WITHDRAWALS

Executive Message transmitted by the President to the Senate on December 13, 2005 withdrawing from further Senate consideration the following nominations:

EDWARD L. FLIPPEN, OF VIRGINIA, TO BE INSPECTOR GENERAL, CORPORATION FOR NATIONAL AND COMMUNITY SERVICES, WHICH WAS SENT TO THE SENATE ON JANUARY 24, 2005.

ELLEN G. ENGLEMAN CONNERS, OF INDIANA, TO BE CHAIRMAN OF THE NATIONAL TRANSPORTATION SAFETY BOARD FOR A TERM OF TWO YEARS, WHICH WAS SENT TO THE SENATE ON APRIL 4, 2005.

JOHN M. MOLINO, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF VETERANS AFFAIRS (POLICY AND PLANNING), WHICH WAS SENT TO THE SENATE ON SEPTEMBER 6, 2005.