United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE *109th* CONGRESS, SECOND SESSION

Vol. 152 WASHINGTON, FRIDAY, APRIL 7, 2006 *No. 44*

House of Representatives

The House was not in session today. Its next meeting will be held on Tuesday, April 25, 2006, at 2 p.m.

House

OMISSION FROM THE CONGRESSIONAL RECORD OF THURSDAY, APRIL 6, 2006

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

A letter from the Administrator, FAA, Department of Transportation, transmitting a copy of the ''Federal Aviation Administration and National Air Traffic Controllers Association Collective Bargaining Proposal Submission to Congress,'' pursuant to 49 U.S.C. Sections 106(l) and 40122(a); jointly to the Committees on Transportation and Infrastructure and Government Reform. Received April 6, 2006.

Senate

FRIDAY, APRIL 7, 2006

The Senate met at 8:30 a.m. and was called to order by the Honorable DAVID VITTER, a Senator from the State of Louisiana.

PRAYER

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

Let us pray.

Eternal Spirit, the fountain of light and truth, we rise and stand because of Your mercies. You make our plans succeed.

Today, shine the light of Your presence upon our Senators. As they wrestle with complexity, show them the way. Give them the wisdom You have promised to all who will simply request it. Remind them of Your mission to bring deliverance to captives and liberty to the bruised. May they focus on pleasing You and not on political consequences. Give them contrite and humble spirits. Teach them new and creative ways to cooperate with each other for the common good. Bless their families and the members of their staffs.

Lord, guide each of us in these challenging days. Make our ignorance wise with Your wisdom. Make our weakness strong with Your strength.

We pray in Your holy Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable DAVID VITTER 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 assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, April 7, 2006.

To the Senate:

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

TED STEVENS,
President pro tempore.

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

RECOGNITION OF THE ACTING MAJORITY LEADER

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

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

SCHEDULE

Mr. ISAKSON. Mr. President, today we resume consideration of the border security bill. After an hour of debate equally divided and the leaders' remarks, we will proceed to a cloture vote on the motion to commit, which is the Hagel-Martinez language. This will occur at approximately 9:45 this morning. This will be the first of several votes we will have today. If cloture is not invoked, we will immediately proceed to the second cloture vote on the underlying bill. If cloture is not invoked on the underlying bill, we will turn to the cloture motions that were filed on the defense nominations. We confirmed two nominations last night, and we hope we will be able to reach agreement on the remaining few. Senators are alerted that we will have a busy morning and should stay close to the Chamber. I thank my colleagues for their cooperation before we recess for the Easter break.

RECOGNITION OF THE MINORITY LEADER

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

Mr. REID. Mr. President, what is the matter before the Senate at this time?

The ACTING PRESIDENT pro tempore. Once the leadership time is reserved, the Senate will resume pending business, which is S. 2454, and there will be 1 hour of debate equally divided. Does the leader wish to proceed on his leadership time?

Mr. REID. No. I wish to proceed under the time allotted, 1 hour equally divided.

RESERVATION OF LEADER TIME

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

SECURING AMERICA'S BORDERS ACT

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of S. 2454, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 2454) to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes.

Pending:

Specter/Leahy amendment No. 3192, in the nature of a substitute.

Kyl/Cornyn amendment No. 3206 (to amendment No. 3192), to make certain aliens ineligible for conditional nonimmigrant work authorization and status.

Cornyn amendment No. 3207 (to amendment No. 3206), to establish an enactment date.

Isakson amendment No. 3215 (to amendment No. 3192), to demonstrate respect for legal immigration by prohibiting the implementation of a new alien guest worker program until the Secretary of Homeland Security certifies to the President and the Congress that the borders of the United States are reasonably sealed and secured.

Dorgan amendment No. 3223 (to amendment No. 3192), to allow United States citizens under 18 years of age to travel to Canada without a passport, to develop a system to enable United States citizens to take 24-hour excursions to Canada without a passport, and to limit the cost of passport cards or similar alternatives to passports to $20.

Mikulski/Warner amendment No. 3217 (to amendment No. 3192), to extend the termination date for the exemption of returning workers from the numerical limitations for temporary workers.

Santorum/Mikulski amendment No. 3214 (to amendment No. 3192), to designate Poland as a program country under the visa waiver program established under section 217 of the Immigration and Nationality Act.

Nelson (FL) amendment No. 3220 (to amendment No. 3192), to use surveillance technology to protect the borders of the United States.

Sessions amendment No. 3420 (to the language proposed to be stricken by amendment No. 3192), of a perfecting nature.

Nelson (NE) amendment No. 3421 (to amendment No. 3420), of a perfecting nature.

The ACTING PRESIDENT pro tempore. Under the previous order, there will be 1 hour for debate equally divided between the managers or their designees.

The minority leader is recognized.

Mr. REID. Mr. President, for my colleagues who are in the Chamber and want to speak under the half hour that is allotted to us, I will leave time for them. I know Senator LEAHY has a matter elsewhere, and I will speak and give him the time next.

The committee bill that was reported from the Judiciary Committee on a bipartisan vote is a bill that virtually all Democrats support. We now are past that piece of legislation and on what we call the Martinez substitute. Virtually all Democrats support the Martinez substitute. I thought yesterday morning we were going today to be able to pass this important legislation. As I was walking from the caucus we had yesterday, Senator TOM CARPER of Delaware said: I have to leave early; I sure hope we can get something worked out on this. That is how the Senate felt yesterday. I sure hoped we could work something out. But as the day went on, things didn't work out as well as we had anticipated.

In the Senate, there are different ways of conducting filibusters. One is to have people stand and talk for long periods of time. The other is the ability Senators have, if they wish, to filibuster by virtue of amendment.

I made a proposal to the distinguished majority leader that we would have the Judiciary Committee do the conferees and have a limited number of amendments and move on. Last night, Senator FRIST said on the floor that he would have 20 amendments and, as we know from conversations we had on the floor, that was just the beginning. There would be more amendments. These amendments, of course, would be offered by those who oppose the Martinez legislation.

The majority leader said last night—and I was surprised—that he thought he would vote no on cloture on the amendment that he offered. Certainly, there could be an argument made, even though I don't think it is a good one, that we are going to vote against the substitute amendment, the Specter legislation, as a result of the fact that the minority filed a cloture motion. That is not the case here. The cloture motion that is pending now was filed by the majority leader, he says, because no amendments have been offered. Why would we reward those who don't like the bill? Why would we reward those who want to kill this bill by amendments?

I would hope that night has brought change, that night has turned to day, and that there will be those on a bipartisan basis who will support this invocation of cloture. That would be the right thing to do. To do so takes courage, I know, but it would be the right thing to do.

Virtually all Democrats support the Martinez legislation. This bill is supported by wide-ranging groups: the Catholic bishops, the Chamber of Commerce, civil rights groups, human rights groups, La Raza—on and on with groups that support this legislation. This legislation is good legislation, national security, real security, border security. It gives guest workers the opportunity to come to America with dignity. Twelve million people would no longer have to live in the shadows.

Franklin Roosevelt said it a lot better than I could in 1938, when he said: My fellow immigrants, remember always that all of us, and you and I especially, are descended from immigrants.

General George Washington, in a letter in 1783, said:

The bosom of America is open to receive not only the opulent and respectable stranger but the oppressed and persecuted of all nations and religions whom we shall welcome to a participation of all our rights and privileges if, by decent and proprietary conduct, they appear to merit the enjoyment.

That is what this is all about—Franklin Roosevelt, George Washington. Let's vote for cloture and move on, have a day of celebration.

I yield 7 minutes to the Senator from Vermont, the distinguished ranking member of this committee.

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

Mr. LEAHY. Mr. President, I thank the distinguished Democratic leader. I thank him for his statement. I also wish to commend him for the work he has done, both he and the distinguished deputy leader, in trying to bring us to this point. I know how hard the distinguished senior Senator from Pennsylvania, the chairman of the committee, has worked to pass a bill. I have been proud to work with him.

I was encouraged this week that the majority leader and other Senate Republicans moved in our direction—a good direction—by recognizing that we need a solution to the problems posed by having millions of undocumented

immigrants inside our borders. Many of us believe that immigration reform, to have any chance to succeed, needs to be comprehensive, with strong enforcement of border security matched with fair and effective steps to bring millions of hard-working people out of the shadows and provide them a path to citizenship and a full measure of America's promise.

The bill now being proposed by the majority leader is not as comprehensive or as good as that produced by the Judiciary Committee in that it leaves many among us out of the equation and may have the perverse effect of driving millions further underground. I thought the bipartisan Judiciary Committee bill represented a better balance of strong enforcement of our borders with fair reforms that honored human dignity and American values. I will continue to work for a bill and a law that is fair to all. We all agree that it will be tough on security, but it also has to acknowledge our American values and, above all, human dignity.

The House-passed bill and the original Frist bill were overly punitive. But wisely, in our deliberations in the Judiciary Committee and in the alternative now being proposed, we have rejected the controversial provisions that would have exposed those who provide humanitarian relief, medical care, shelter, counseling, and other basic services to the undocumented to possible prosecution under felony alien smuggling provisions. That was a cruel, cruel amendment, and I am glad it is gone. You can't tell those who feed the hungry, clothe the naked, those who shelter people, that they are going to become felons for doing so.

We rejected the proposal to criminalize mere presence in an undocumented status in the United States, which would trap people in a permanent underclass. Those provisions understandably sparked nationwide protests and are being viewed as anti-Hispanic and anti-immigrant. They are inconsistent with American values. As one who is only one generation from immigrant grandparents, I am glad we removed those.

I fear that the arbitrary categorization of people in the current proposal is not fair to all. I would not want us to set bureaucratic hurdles and arbitrary timeframes that will serve negatively to continue an underclass in American and drive people underground. The purpose of the path to citizenship is to bring people into the sunshine of American life and into law-abiding status so that they abide by all our laws. That will allow our enforcement resources to be focused on real security concerns. Sadly, those across the aisle have refused to proceed on the bipartisan Committee bill so this alternative proposal is an effort to garner additional support from the Majority Leader and others but it comes at some expense. He opposed the Specter-Leahy-Hagel amendment but now supports the Frist amendment, which he graciously called the Hagel-Martinez amendment. The Majority Leader called it a ''negotiated compromise.''

I was not a party to those negotiations. Given the successful Republican opposition and obstruction of the bipartisan Committee bill, I have now joined in efforts to improve the Frist amendment and the Hagel-Martinez amendment. I am working with Senator OBAMA and Senator DURBIN to improve that measure.

I do not in any way disparage the efforts of my friends from Nebraska and Florida. I appreciate their efforts. I know that they had indicated their support for the bipartisan Committee bill. In fact, a majority of Senators supported the bipartisan Committee bill. Rather, they are trying to point a way toward the best possible legislation that can achieve not just a majority but a supermajority of support within the current Senate.

I will support the majority leader's motion for cloture on the motion to commit. That will bring the Frist amendment before the Senate, and I will continue to work for bipartisan, comprehensive, smart, tough, and fair immigration reform.

I was surprised to hear the Majority Leader say last night that he was considering opposing his own motion. We should have invoked cloture yesterday on the bipartisan Committee bill. I hope that we do so today on the Frist motion on the Frist amendment.

I appreciate that for those undocumented immigrants who can prove they have been in the U.S. for more than five years, the path to citizenship that we voted out of Committee would still govern. To earn status and eventual citizenship, the immigrant must undergo background checks, work, pay taxes, pay fines, and learn English. That is not an amnesty program. The Republican Leader has now reversed his position and supports those provisions. That is progress. In addition, the bill we will be considering continues to contain the Ag Jobs bill and the DREAM Act, and the amendments the Senate voted to add to the bipartisan Committee bill, including the Bingaman enforcement amendment and the Alexander citizenship amendment.

Those undocumented immigrants who have been here for two to five years would, under the provisions of the new bill, have to leave the U.S. and seek approval to return and to work under a temporary status for four years. They could eventually seek legal permanent status, probably after a total of 8 to 10 years, and only after those who have ''seniority'' to them by being in the group that has been in the U.S. for more than five years. Thus, this new grouping of people is treated under a combination of rules drawn from a bill introduced by the senior Senator from Nebraska and the Kyl-Cornyn bill. Perhaps those who negotiated this scheme will garner the support of Senator KYL and Senator CORNYN and others with whom they have been working.

At least, this new categorization preserves a potential pathway to regularized status. The test will be whether it is made so onerous by its implementation that those in this designated category will come forward at all. We will all need to work to make that a reality so that they know that we value them, their families and their hard work.

The most recent arrivals, those immigrants after January 1, 2004, are offered no special treatment. I was concerned about similar aspects of the Committee bill. There are no incentives to come forward. They are merely told to leave the U.S. and apply for one of the limited visas that will be authorized. They could try to come back as legal temporary workers.

If we do not, I worry that the Majority Leader's announcement of a ''breakthrough'' will have the unintended effect of having created a false impression and false hopes. I commend him for changing his position over the course of the last week. I am delighted that he and others who had been opposing comprehensive immigration reform with a path to citizenship are joining us in the effort. But an announcement is not the enactment of a new law. I urge people, especially the undocumented, to remember that. We are still a long way from enacting fair, comprehensive and humane immigration reform. None has yet passed the Senate. And certainly fair immigration reform has not passed the House. The cruelest joke of all would be to raise expectations and false hopes by premature talk of a solution when none has yet been achieved, especially if it remains elusive and that promise is not fulfilled.

So while I am glad that some Republicans have dropped their opposition to establishing a path to citizenship for many, I worry that many others may be left behind. I also urge everyone concerned about the lives of those who are undocumented to remain cautious and focused on enacting a law, and on what it will provide in its final form. It would be wrong to just pass a bill that ends up serving as a false promise to those who yearn to be part of the promise of a better life that is America.

Our work on immigration reform is a defining moment in our history. We are writing laws that will determine people's lives and what it is that America stands for. I continue to urge the Senate to rise to the occasion and act as the conscience of the Nation. I will continue to work on immigration reform so that the laws we enact will be in keeping with the best the Senate can offer the Nation and the best that America can offer to immigrants. I hope that our work will be something that would make my immigrant grandparents proud, and a product that will make our children and grandchildren proud.

There will be more rallies around the country next week by thousands of people in cities across the United

States. They know what we Senators now know—our immigration system is broken and we need to fix it. We need to fix it with effective, comprehensive reforms. The question is still open whether the Senate is committed to making real immigration reform.

I have said from the outset that Democratic Senators could not pass a good immigration bill on our own. With fewer than 50 Democratic Senators, we will need the support of Republican Senators if the Senate is to make progress on this important matter.

The majority leader had often spoken of allowing two weeks for Senate debate of this important matter. We now approach the end of that work period. I had hoped we would be farther along. When the Senate did not complete work on the lobbying reform bill on schedule—because Republicans refused to vote on the port security amendment—it cut into time for this immigration debate. When the majority leader decided to begin the debate with a day of discussion of the Frist bill, we lost more time. We were left then with one week, not two. We have lost time that could have been spent debating and adopting amendments when some Republicans withheld consent from utilizing our usual procedures over the last days. We have endured the false and partisan charges of obstruction came from the other side. We have experienced seemingly endless quorum calls without debate or action.

I thank the Democratic leader for his efforts. He has been working for a comprehensive, realistic and fair immigration bill. We still are. I regret that over the last several days some tried to make this into a partisan fight. I hope that we are now able to draw back together in a bipartisan effort to pass a good bill that becomes a good law.

Mr. REID. Mr. President, as soon as the distinguished chairman finishes his remarks, I will yield 8 minutes to Senator DURBIN, and following his statement, 8 minutes to the ranking member, Senator KENNEDY. If a Republican comes in between, that is fine with us. So 8 minutes to both Senators DURBIN and KENNEDY.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. SPECTER. Before the distinguished ranking member, Senator LEAHY, leaves the floor, I would like his attention for a minute. He has to leave because he has other commitments. First, I congratulate him on the work he has done on this bill. I congratulate him on the work he has done in his 31 years in the Senate generally, but especially in the last 15 months, when he and I have worked together on the Judiciary Committee. I wanted to say this while he was still on the floor.

As chairman, I am committed to make this immigration bill the No. 1 priority of the Judiciary Committee. When we are unable to complete action on this bill today, as it now appears, I want everyone to know when we come back after the recess, this is our No. 1 priority. We succeeded in the Judiciary Committee, where everybody thought we would fail. Senator KENNEDY was on the committee and Senator DURBIN was on the committee. I mention them because they are in the Chamber. We were given an impossible deadline, but we met it. We met it by having a marathon markup on a Monday, which is unheard of around here—especially a Monday after a recess. We did it by voting 57 times. We had in that marathon markup 14 rollcall votes and 43 voice votes.

We had a lot of tough votes, but we finished the bill and we reported it to the Senate. We are going to go back to work on this bill because if the full Senate cannot find the answer, then the Judiciary Committee is going to find the answer. We are going to return to the floor of the Senate a bill which I believe the Senate will find acceptable, and we will set forth procedures that I think the full Senate will find acceptable. That is the commitment.

Mr. LEAHY. If the Senator will yield a moment on that, I have commended the Senator before for his indefatigable leadership. He worked extraordinarily hard. I commit to the senior Senator from Pennsylvania that on the Democratic side we will continue to work with him on any amount of time he needs in committee. Our committee demonstrated that we can produce a bipartisan bill. We will continue to work with him in any way necessary to finish this. I agree with him that it is important. On this of the aisle, we will continue that work.

Mr. SPECTER. I thank the distinguished ranking member.

Addressing the situation generally as to what we face now on the immigration bill, I think it is most unfortunate, really unacceptable, that the compromise arrangement has fallen through. I believe this legislation is vital for America's interests, vital for our national security interests, vital for our economic interests, and vital for our humanitarian interests.

The agreement has been decimated, has fallen through, because of partisan politics. Regrettably, partisan politics plays too large a role on both sides of the aisle, with Democrats and Republicans, and there is more concern about political advantage in this situation—as it is in many situations—than there is on public policy and the public welfare. The procedures for not allowing tough votes, regrettably—that practice has been undertaken by both Democrats and Republicans. I have been in the Senate for 25 years now, and this has been a repeated practice which I have noted at least from the past decade and a half. It has occurred even beyond that period of time. Both the Democratic and Republican leaders—minority leaders, but mostly leaders—have been in the position to do what is called ''fill the tree.''

Senate procedures are arcane and complicated. I would not begin to try to explain them now. But the conclusion is that you can use the rules to avoid having votes come up, if you want to do it. It is called filling the tree. Republicans on this immigration bill have been stymied from offering amendments. But at the same time, on other bills, on prior days, Democrats had been stymied from offering amendments. So it is a matter of bipartisan blame.

But what is happening is that the public interests are being damaged. A very similar situation occurred last year on the filibusters. The Democrats filibustered President Bush's judicial nominees in retaliation for tactics employed by Republicans to stymie President Clinton's nominees from having votes, from coming out of committee or, once out of committee, from having votes on the Senate floor. That impasse, that confrontation on judges, almost threatened to destroy a very vital part of the institution of the Senate, and that is the right of unlimited debate. Where the filibusters were used, in my view, inappropriately, consideration was given to changing the rules of the Senate to change the number of Senators necessary to cut off debate from 60, which is the current rule, to 51. Fortunately, we were able to avoid that confrontation.

Now as I said to the distinguished minority leader in a private conversation, that reason is going to have to prevail, and Democrats and Republicans in the Senate are going to have to come together and stop this reprehensible practice of denying votes. We are sent here to vote. When a bill comes to the floor, as we reported the immigration bill out of committee, other Members are entitled to offer amendments to see if they can persuade 51 Senators to vote their way or, if cloture is necessary, to cut off debate, to see if they can get 60 Senators to vote their way, and then to change a committee bill.

The committee doesn't speak for the Senate. The committee makes a recommendation. The Senate must speak for itself, in accordance with our procedures, with 51 votes to pass amendments or a bill, or 60 votes if it involves cutting off debate. But it is totally an unacceptable practice to stymie a bill by refusing to give votes. That is what has happened here.

In the negotiations between Senator FRIST and Senator REID yesterday, Senator REID said the maximum number of votes that would be permitted was three. I don't think he was concrete on three, but he wasn't going to go much beyond three—perhaps, as a suggestion was made, there might be a compromise for six. But on the Republican side, Senators wanted to offer a minimum of 20 amendments. An arrangement could not be agreed upon and, obviously, Senator FRIST could not accept three votes, or even six votes. The position was taken to avoid having Democratic Senators take tough votes. In committee, Republicans and Democrats took tough

votes—57 votes, with 14 rollcall votes, during a marathon session on that Monday on the markup.

It is an open secret that there are many people who do not want to have an immigration bill. I think it is a fair comment—although subject to being refuted—that there is advantage for the Democrats to have only the bill of the House of Representatives before the public, which provides only for border security, and which doesn't take care of the 11 million undocumented aliens. That bill has provoked massive rallies—500,000 people in Los Angeles, 20,000 people reportedly in Phoenix, and more rallies are coming. The view is—and I think it is accurate—that it is very harmful to the Republican Party to have the Hispanics in America angry with the Republican position, as taken by the House of Representatives, to have only border security and not have a program to accommodate the 11 million undocumented aliens.

The Senate bill, of course, directs our attention to that bill, and the Judiciary Committee bill has a very rational, humanitarian, sensible approach—not amnesty, because there is not forgiveness, because these undocumented aliens have to pay a fine, have to pay back taxes, have to learn English, have to work for 6 years; they have to undertake many conditions in order to be on the citizenship track. With refinements put in by the Judiciary Committee, they are at the end of the line.

Then, in order to achieve an accommodation, changes were made on suggestions by Senator HAGEL and Senator MARTINEZ to modify that proposal, treating those who have been in the country more than 5 years differently from those who have been here less than 5 years. Frankly, I preferred the Judiciary Committee bill; I preferred our bill without amendments. But people have a right to make amendments. I was prepared to accept the compromise that brought into play the ideas of Senators HAGEL and MARTINEZ so we would have a bill. The issue that a legislator faces is not whether it is a bill he would prefer but whether the bill is better than the current system. In my mind, there is no doubt that had we moved forward with the compromise that was struck yesterday, it would be a vast improvement over the current system. It would secure the borders. It would provide a rational way to handle the 11 million undocumented aliens. It would provide a rational way to handle the guest worker situation. And it should have gone forward. It has not gone forward because there is political advantage for the Democrats not to have an immigration bill, not to take tough votes, to have the opprobrium of the House bill, which is objected to by the Hispanic population, illustrated by the massive rallies, to have that as the Republican position. Contrasted with what would have happened had the Senate produced a bill which was bipartisan, which was sponsored by Republicans, then the opprobrium, the edge would have been taken from the House bill.

So we are going to leave here, by all indications, without having completed action on the immigration bill or without having come to a point where we would have a definitive list of amendments, to have an agreement that on our return from the recess we could, in short order, finish the bill. That is totally unacceptable.

Again, I emphasize that the partisanship exists on both sides of the aisle. When I say the Democrats are wrong on this bill to avoid hard votes, I say simultaneously that we Republicans have been wrong in the past to deny Democrats votes on amendments which they wanted to offer. The distinction has been made by some of my colleagues—and I think it is accurate—that they have been denied votes in most situations on matters where they are nongermane to the bill.

Senator REID mentioned stem cells, and I agree, we ought to resolve the stem cell issue. I don't know if there was ever a stem cell vote offered in a way which would be nongermane, but we ought not take up an issue such as stem cells on the Transportation bill, for example.

There have been amendments offered by Democrats which were germane. They wanted to offer amendments which were germane, which have been denied.

It is my hope that we can come together. I have already talked with the distinguished Democratic leader this morning saying that we ought to come to some agreement that neither side will use the technicalities at our disposal to deny the other side votes. The Democratic leader has been very lavish in praise in supporting the work Senator LEAHY and I have done. That spirit of accommodation ought to be carried forward to the floor of the Senate when we consider matters such as this immigration bill. For the future, it is my hope that we will come together and stop this practice of denying votes to the other side.

Again, my commitment is to make this immigration bill the first priority item for the Judiciary Committee when we return after the Easter recess because America needs immigration legislation reform.

I inquire as to how much time our side has remaining?

The ACTING PRESIDENT pro tempore. There is 14 minutes remaining.

Mr. SPECTER. I thank the Chair and yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Illinois is recognized for 8 minutes.

Mr. DURBIN. Mr. President, I come to the Senate floor weary—weary after 2 weeks of working on this historic legislation, both in the Senate Judiciary Committee and in the back rooms of the Senate Chamber and on the Senate floor; weary after a long, sleepless night thinking about how we might have done this better; weary with the knowledge that we come here this morning, having missed a historic opportunity. This opportunity is slipping through our hands like grains of sand.

It is hard to imagine that we have reached this point when one looks at the people of goodwill who have tried to bring this bill to passage and completion.

I first salute the chairman of the Senate Judiciary Committee. It took extraordinary courage for him to vote in favor of the bipartisan bill which came to the floor. He stuck with it. I thought he was fair in the way he handled his committee, and I thought we produced a good work product which I was proud to support.

I salute the Senator from Massachusetts who, for decades, has made this cause, immigration reform, his passion. He has never given up. In the weeks we have spent up to this moment, his strength has been remarkable.

On the Republican side, Senator MCCAIN, Senator GRAHAM, Senator BROWNBACK, Senator DEWINE, Senator MARTINEZ, Senator HAGEL, and so many others were bound and determined to defy the critics who said we couldn't come to a bipartisan agreement.

Yesterday, for one brief moment, one shining moment, we believed we had a bipartisan agreement. Senator MARTINEZ and Senator HAGEL worked all night and put together an amendment, came to us on the Democratic side and said: Can you accept these modifications, and then can we move forward together? We agreed. We stood together.

I think the most dangerous place in America for a politician is the front row of the St. Patrick's Day parade in the city of Chicago. I have been there. I have been pushed and shoved and elbowed aside by men and women who follow in the grand Chicago tradition of Dick Butkus and Brian Urlacher. But there is a second place I recall as the most dangerous for politicians in America, and it was in the press gallery yesterday as Senators were preening and priming themselves to appear before the cameras and announce we have an agreement, we have a bill, pushing one another aside to get to the microphone so they could announce the success of our efforts.

I was there. I stood back and thought: There is plenty of time for congratulations. Let's wait until we have done something before we congratulate ourselves.

Sadly, 24 hours have passed. The world has turned, and things have changed.

I stand here today uncertain about where the Republican Party of the United States of America stands on the issue of immigration. I know where the House Republicans stand. They are very clear. It is a punitive, mean-spirited approach to immigration, which most Republicans in the Senate have rejected. The idea of charging volunteers, nurses, and people of faith who

help the poorest among us with a felony if one of those poor people happens to be an undocumented immigrant is the ultimate. That is the position of the House Republicans.

For the life of me, I don't know what the position of the Senate Republicans is on immigration. Their leader stood before us yesterday and accepted this bipartisan compromise, came before the cameras and said this was his bill, too. He filed a motion so that we could limit debate and move to final passage of this bill and announced last night that he would vote against his own motion.

In the history of the United States, there was a political party known as the mugwumps. They were called mugwumps because people said they had their mug on one side of the face and their wump on the other. That is what I see when I look at the Senate Republican caucus. Where are they on immigration?

I listened to Senator SESSIONS who has been open. He opposes immigration reform. He has 15 amendments. He wants to stop this process, slow it down. I watch as the leadership of the Senate Republican team files before the television cameras rejecting the very compromise their leader has embraced. Where are they? Who are they? And do they believe that the people across America, carefully following this debate because their faith, their future, and their family is at stake, are going to ignore the obvious, that in just a few moments, a vote will be taken on the floor of the Senate and Senate Republicans will march down and vote against the Senate Republican leader's motion?

When it is all said and done, the House Republicans are very clear. They are opposed to immigration reform. They have taken the most punitive stand. But where do the Senate Republicans stand? We won't be able to tell after this vote. But I will tell you this: The people who are following this debate will know that the Senate Republicans did not stand for comprehensive immigration reform. There are heroes among them. I have listed some of them, and I will stand by them and defend them to any group because I do believe they are sincerely committed to immigration reform. But when it comes to the majority of that caucus, when it comes to the leadership on that side, it is impossible to divine what their position is on this critical issue.

The saddest part of it is this: Across America, millions of people are living in fear, living in the shadows, people who have come to me in tears because their children's future is at stake, people who have come to me crying because their mothers came to this country from Poland years ago and never filed the right papers and are technically illegal. These people wanted us to do something, to achieve something in the Senate, and we have failed. We have failed because the Senate Republican leadership will not say to its own membership: There is a limit as to how far you can take us with these debilitating amendments.

Last night, the Senate Republican leader said all we want is about 20 or so amendments. With 20 amendments and second-degree amendments, we would eat up a week of time just on the Republican amendments, and there is no promise it would end there.

This was clearly a moment for the Senate Republican leader to step forward, not just at the microphone, but in his own caucus and say that we as a party are going to be counted as to whether we are really for this immigration reform.

I think it is time, Mr. President, that we acknowledge the obvious. It is time for us as a nation to have comprehensive immigration reform with enforcement—enforcement on our borders and enforcement in places of employment—but also to give a legal pathway to those good people who want to be our fellow citizens, who want to share this dream in America.

This morning we will not achieve it. And when the Senate Judiciary Committee chairman tells us we will return to this bill when we get back from the Easter recess, I don't have much hope that we will either have the time or the will to overcome what we have seen on the floor in the last several days.

I will work, put every ounce of my strength into making it a success. But as I stand here today, I think we have allowed this historic opportunity to escape us.

The ACTING PRESIDENT pro tempore. The Senator from Illinois has consumed 8 minutes. The Senator from Idaho is recognized.

Mr. CRAIG. Mr. President, it is an interesting time on the floor of the Senate. We just heard the most fascinating speech about fingerpointing I have heard in decades—fingerpointing from the other side that is trying to suggest they are blameless, absolutely without blame, because the Senate is stalled in its attempt to gain a comprehensive immigration reform bill.

This is one Republican Senator who, several years ago, stepped across the aisle and stood with Senator TED KENNEDY in a clear recognition that something had to be done to deal with illegal foreign nationals in our country in a just, reasonable, humane, and legal way.

To suggest that the Democratic caucus has not had conflict behind closed doors over the last week is, in fact, a false statement because today we see this veneered front. To suggest that they are without blame because the Senate for 1 week has stood still doing nothing because they would not allow amendments on the comprehensive bill? May I say shame on you? I am saying that because the veneer doesn't fit. It is paper thin like the front page of the legislation before us.

The Senate Judiciary Committee worked its will, and it brought forth a bill to this floor. Is it perfect? No. Is it the best they could do? Absolutely, yes. Did they work hard? You darn bet they did. Does it have all the components in it that we would want for tough border security and control to contain our borders, to secure them? It must have that, and it does have that. Because I don't care how good the legislation is that I think I have created with a coalition of over 500 groups of Hispanics and labor and agriculture over the last 5 years, as good as my legislation is, known as AgJOBS, it is not going to work if the border isn't secure. You have to stop the flow of illegals, and we do that. But we don't do it by pointing a finger at all of them and saying: You are all felons. We cause them to earn, in the course of years of hard work, the right to continue to work and, if they choose—if they choose—to become an American citizen by another lengthy process. Is that unfair? Is that irresponsible? It is absolutely not. Was that created by Republicans? Yes, it was. By Democrats? Absolutely.

So let me suggest that when the assistant minority leader stands up and says: No, not me, not us, not ours, that simply is not true. Yes, the Republican side is conflicted. Yes, we have differences. Yes, there were amendments. But those amendments, as would be the normal process on the floor of the Senate after a bill came out of committee, have been denied by that paper-thin veneer you have just heard this morning from the other side.

Immigration has been and will always be a bipartisan issue. It must be. It should be. Is it to our advantage to make it partisan? Absolutely not. But some are now playing that game, and that in itself is most dangerous.

I will continue to work with all of my colleagues to resolve this issue. It is fundamentally important to America that we do.

Yesterday, on the floor of the Senate, I said: America, turn and look at yourself in your mirror, and you will find a multiethnic, a multinational image. We as Americans are the phenomenal mosaic of the world, and we are because we have historically had an orderly, responsible immigration policy that didn't point fingers and didn't play partisan politics and worked its will. I must tell you there have been and there always will be those who got here yesterday who don't want those coming tomorrow. Yet America's great energy is simply that we continue to bring people from around the world who become Americans in search of the great American dream, who live under our constitutional structure, who embody it because of the new energy as a free citizen they employ. It is in itself the only Nation in the world that has been able to do that.

I say, when I am out in Idaho and around the country, is it possible for you to become Japanese if you are not born one? Absolutely not. Or to become an Italian if you are not born one? You

can't become that. But you can become an American. Why? Because this great country was never one nationality, never one religion; it was the place the world came to find freedom and to be able to use its individual energies underneath the framework of a constitutional system that established laws.

What are we attempting to do here today? We are attempting to clarify a law, to strengthen a law, to make sure that the wonderful process we have seen throughout our history continues to be orderly and just and responsible.

Who is to blame here? The U.S. Senate, the Congress of the United States, when, in 1986, they passed a law about immigration, but they didn't recognize in doing so that they were creating a natural magnet and they didn't control the border, dominantly to our south; and then again in 1996 we did the same thing and we didn't control the border. This great economic engine of ours became the magnet for the downtrodden to come to work, to earn a little money, to improve themselves. We took advantage of that, hopefully in a positive way, hopefully in a humane way—not always, but we did take advantage of it. Then, after 9/11, we awakened to this phenomenal reality that there were millions in our country who were illegal, and some of them were bad guys bent to do us harm. Now we are playing political games on the floor as to who is on first and who is on second on this issue. Shame on us. Because the veneer on the other side is just that: paper thin.

This has been and will remain a bipartisan issue, it is an American issue, and it is responsible for this Senate to deal with it. It is right and proper under our rules that if someone has an amendment in disagreement to what I have done—and now I see my colleague from California, Senator FEINSTEIN, who worked with me and introduced into the committee mark a very valuable component as it relates to American agriculture. We didn't play the partisan game. We came together because she has in her State and in the great San Joaquin Valley, which is, without dispute, the greatest agricultural valley in the world, a true need to stabilize and build a legal workforce; and in Idaho, at the peak of our labor season, I have anywhere from 25,000 to 30,000 illegals. She has more illegals in one county in California working than I have in my entire State. Still, Senator FEINSTEIN and I understand one thing very appropriately: that what we do must be legal, that American agriculture cannot build its strength on an illegal foundation, and it knows it, too. That is why we have worked with them to solve this problem.

We think that within the committee bill, there is a solution. There are some on my side and on the other side who probably disagree with that, and there are amendments over here that would change what Senator FEINSTEIN and I have proposed, and that is within the committee mark. I think I can defeat those amendments. I am certainly willing to debate them. It would be appropriate under the rules of the Senate that some of those amendments would be offered, but that has been denied. I am disappointed in that.

I hope that over the course of the next 2 weeks, calm heads will prevail. I hope the idea of finger-pointing goes away. We all have a responsibility here, not only to our home States but to our Nation, to develop a comprehensive immigration reform policy to secure our borders for the sake of our Nation's security. That is what this Senate has attempted to do, and that is what we are now being denied. I don't believe that is the appropriate position for any of us.

Immigration reform has been—let me repeat—and will always be and must be a comprehensive approach, a bipartisan issue where we work together to resolve what is in itself a major national issue of the day. Our citizens have asked that we do this. While they are divided by our effort in every way, we attempt to bring together that division in what we hope is a comprehensive, responsible, legal approach that first embodies national security and secondly, and as importantly, though, represents a balance for our economy, a reasonable and responsible approach toward humanity for those who come to work and for those who want to be citizens. In my opinion, that is a responsible position.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Massachusetts is recognized for 8 minutes.

Mr. KENNEDY. Would the Chair tell me when I have 2 minutes remaining, please?

The ACTING PRESIDENT pro tempore. The Chair will so advise.

Mr. KENNEDY. Mr. President, at this stage of the whole consideration of immigration reform, I wish to mention my friend and colleague, Senator MCCAIN, whom I have had the good opportunity to work with—I have worked with many others but particularly with Senator MCCAIN over the last 3 years—in terms of developing a comprehensive approach on this issue.

There was a bipartisan group that came together, including members of our Judiciary Committee and people who had a particular interest who were outside of our committee. I am very grateful to them and the chairman of our committee, Senator SPECTER, and, as always, a valued friend and also a leader, Senator LEAHY. I thank my own leader, Senator REID, for all of his good work and counsel and advice. The Senator from Illinois, Mr. DURBIN, and Senators SALAZAR, MENENDEZ, LIEBERMAN, and OBAMA have all been good supporters during this period of time.

On the other side, Senators GRAHAM, BROWNBACK, DEWINE, MARTINEZ, and HAGEL have worked very closely with us.

Senator FEINSTEIN has been a person of enormous knowledge, understanding, and awareness of the range of immigration issues, with very special attention to California, which presents such challenges. She has not only been in this debate and discussion an extraordinary ally, but to any debate and discussion on immigration and immigration reform, she brings a special dimension. She worked with Senator CRAIG in a very strong, bipartisan way in the initial proposal Senator MCCAIN and I introduced. We recognized that the AgJOBS bill was enormously important. It had a few different approaches, but rather than making this issue more complicated, we did not include it. We welcomed it, but we had the leadership of Senator FEINSTEIN and Senator CRAIG.

So this has been a bipartisan effort in trying to bring about immigration reform. I will not review the very powerful and strong arguments about the border being broken and the need for our focus and attention on the border, about our national security interests and issues in trying to get it right, and about considering who comes to the United States and who does not come. As to our sense of humanity, I will speak about that for just a few minutes, in terms of how we are going to treat those who have come here and worked hard, played by the rules, who are devoted to their families and their religion, and who join the Armed Forces of our country and serve nobly.

So I rise this morning recognizing that the Senate has failed to adopt urgently needed immigration reform, and in doing so, we failed in our duty to our Nation and our democracy and our American people. We only make progress on issues of civil rights and immigration when we have bipartisanship. We haven't had a great deal of bipartisanship over the recent past. We certainly did on this issue, and that is why it is doubly disappointing and sorrowful that we have missed the opportunity at this time. I believe we also failed our immigrant heritage and the 11 million undocumented workers and families who looked to us for hope.

Clearly, the obstacles to progress are many, but for those who are committed to immigration reform, this debate certainly is not over. We will continue, if not today, then tomorrow and in the days ahead because the battle must go on.

As one who has been in the trenches on this issue since I first came to the U.S. Senate over 40 years ago and who has been a part of this effort to try to put into perspective the enormous magnet of America to people who look to it with hope and opportunity and progress and those who understand that we have to do this in an orderly and rational and reasonable and thoughtful way, there is always tension. But we are proudly a nation of immigrants, and I certainly believe we have lost an important chance and opportunity to make important progress on this issue.

What is at stake is not just our security but our humanity as well. We can't set that aside. We vote today on our security but also on our humanity. We cast a vote on what Congress will do about Sheila, an undocumented immigrant originally from Cork, Ireland, who has lived on Cape Cod for the last 10 years. She left Ireland due to the economic depression. Now her whole life is here in the United States. Her citizen brother is fighting in Iraq. But upon petitioning for her, he found he had a 15- to 20-year wait. Sheila listened to her grandfather's funeral through a cell phone because she wasn't able to travel to Ireland. A talented musician, she has worked and paid taxes for the past decade as a carpet cleaner and a secretary.

We vote today about what to do about William, who came to Massachusetts 14 years ago from Guatemala to make a better life for his family. He is a factory worker who has paid taxes for the past 14 years. He has a 7-year-old son, David, with cerebral palsy. David is severely blind, disabled, and can't walk. William is his sole provider.

The PRESIDING OFFICER (Mr. ISAKSON). The Chair would remind the Senator he has 2 minutes remaining.

Mr. KENNEDY. Mr. President, I am reminded now, in these last moments, Cardinal Mahony, the Archbishop of Los Angeles, has been a courageous voice on these issues: Now is a historic moment for our country. We need to come together and enact immigration reform that protects our national security and upholds our basic human rights and dignity. That is the challenge before us.

Fifty years ago President Kennedy wrote a book called ''A Nation of Immigrants.'' In this book—I will just mention a very brief part—he writes:

In just over 350 years, a nation of nearly 200 million people has grown up, populated almost entirely by persons who either came from other lands or whose forefathers came from other lands. As President Franklin D. Roosevelt reminded a convention of the Daughters of the American Revolution, ''Remember, remember always, that all of us, and you and I especially, are descended from immigrants and revolutionists.''

As Walt Whitman said,

''These States are the amplest poem, Here is not merely a nation but a teeming Nation of Nations.''

To know America, then, it is necessary to understand this peculiarly American social revolution. It is necessary to know why over 42 million people gave up their settled lives to start anew in a strange land. We must know how they met the new land and how it met them, and, most important, we must know what these things mean for our present and for our future.

Those words are as alive today as they were at that time. The challenge is here. We want to give assurances to those who have given us great support over this period of time that we are in the battle to the end.

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

Mr. REID. Mr. President, I am yielding 1 minute of my leader time to Senator FEINSTEIN and 1 minute of my leader time to Senator MCCONNELL.

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

The Senator from California is recognized for 1 minute.

Mrs. FEINSTEIN. Mr. President, I offer these words on behalf of Senator BOXER, my friend and colleague, and myself. Senator CRAIG said it correctly. Senator BOXER and I have more illegal people in one county than most Senators have in their entire State. Therefore, what happens here is of serious consequence for the people of California and for us as well.

We are both going to vote for this motion to commit. We are going to vote for it with the hope that the ensuing weeks are going to enable some parts of it to be worked out more clearly.

I serve on Judiciary. I serve on the Immigration subcommittee. The beauty of the original McCain-Kennedy legislation was that once you accepted that approach, you accepted an approach of balance which was simple and which was able to be carried out.

My concern is by developing the three tiers of individuals, as the Martinez plan does, that you create a much more complicated scenario in terms of enforcement and therefore run the risk that it cannot be carried out well, particularly for those here for less than 2 years—who are in the millions. They simply disappear into the fabric, once again, of America, and you have the same problem all over again.

I hope during the 2 weeks cool minds will prevail and that we will be able to work on this legislation further. We have been on rather a forced march, a forced march in Judiciary to mark up a bill. There have been more than a half dozen guest worker plans in committee. It has been a difficult and complicated path.

I urge that we come together as one body, that we work together as one body. I think the lives to be affected by what we do are perhaps more deeply affected than with virtually any other piece of legislation. Both Senator BOXER and I offer our time and our energy to try to help in this.

We will vote yes on cloture. It is our hope a majority of this body will do so also.

I yield the floor.

Mr. GRASSLEY. Mr. President, I would like to speak for 20 minutes on immigration.

Immersed in the routines of daily life, many people don't make an extra effort to track legislation as it winds through Congress. It usually takes an issue that hits close to home before it motivates people to take notice.

This issue has hit home to many. We have dived into a very passionate and emotional debate in the U. S. Senate. Our country was founded by immigrants, and continues to be a Nation of immigrants. We have benefited from the achievements of many new residents. And, today, people in foreign lands want to be a part of this great country.

Generation after generation tirelessly pursues the American Dream. We should feel privileged that people love our country and want to become Americans. We are a wonderful nation, and it is evident by the number of people who want to come here.

But it is hard to empathize with those who thumb their noses at the rule of law. Estimates say more than 11 million undocumented immigrants already live in the country. They deliberately bypassed the proper channels and broke our laws to enter the country.

We are a nation of laws. Our country was founded on the rule of law. And now our welcome mat is being trampled on.

I am a member of the Judiciary Committee, and I was a part of the 5-week markup session. I voted against the committee bill. But I think we made great strides on the border security and interior enforcement titles.

I supported amendments to provide more authority and resources to our State and local law enforcement. One of my amendments increased the number of ICE agents we have in each State. I supported amendments dealing with expedited removal and increased detention space.

We enhanced border security and increased our manpower to patrol the border. We reformed the L visa program and the Temporary Protected Status program. We addressed the problem with countries which don't take back their illegal citizens by denying them visas.

We did a lot of positive things. But these reforms will mean nothing if an amnesty in sheep's clothing goes forward.

Some say that our enforcement-only approach in 1996 didn't work. Let me remind my colleagues that the 1996 bill contained measures that still have not been implemented. The best example is the entry-exit system. It is not fully operational because Congress and our bureaucrats keep delaying its implementation.

The compromise before us may contain enforcement measures, but they mean nothing if Congress and the administration don't make the commitment to follow through. And our strong enforcement measures are worthless if we pardon every illegal alien.

I was here in 1986. I voted for the amnesty during the Reagan years. I know now that it was a big mistake. I have been here long enough to know the consequences of rewarding illegal behavior.

Let me take a moment to raise some concerns about the compromise before us.

The compromise provides for a three-tier system. It puts illegal aliens into three categories. Those who have been here for 5 years or more automatically get a glide path to citizenship. Those who have been here for 2 to 5 years

have to go home—at some point in the future—and re-enter through a legal channel. Those who have been here for less than 24 months are illegal aliens, and we assume that they will return to their home country.

Some have estimated that there are 7.7 to 8.5 million illegal aliens who have been here for more than 5 years. That is more than 75 percent of the illegal population. But that is not all. The compromise says that the family of the illegal alien—their spouses and children—can also apply. It doesn't say that their family has to be in this country. In fact, those back in their home countries are now getting a free pass to cross the border. They, too, are on their way to a citizenship.

Those in the second tier who are required to go home and re-enter through a legal channel won't go home. Why would they if their neighbors are getting citizenship? They will hold out for their reward. They will wait for Congress to pass another amnesty bill. We are sending a bad signal. We are saying some can get amnesty and some cannot.

I know my colleagues say this isn't amnesty, but it is. I know some say that the alien has to pay their taxes, pay a fine, have worked for 3 years, and learn English. They say that the aliens are earning their citizenship. I respectfully disagree.

Yes, an alien has to pay $2,000 to come out of the shadows. But individuals under 18 don't have to pay. And the fine probably won't cover the costs of implementing the program, nor will it cover the costs of a background check.

I have said it before, and I repeat is now: $2,000 is chump change. These same people probably paid a smuggler $15,000 to get them across the border. We are selling citizenship.

The proponents say that illegal aliens have to pay their taxes. Don't let them fool you. Sure, they have to pay all outstanding Federal and Sate taxes before their status is adjusted, but they only have to pay the taxes they owe for the 3 years that they are required to work. What about the other years? They have been here for at least 5. What about those under the age of 20 who are exempt from having to work? What if they work? Don't they have to pay their taxes?

Another point about this provision on taxes is that it is going to be a burden on the IRS. As chairman of the Finance Committee, which oversees the IRS, I can tell you that the taxman is going to have a difficult time verifying whether an individual owes any taxes. It will be impossible for the IRS to truly enforce this because they cannot audit every single person in this country. We need to place the burden on the alien, not the Federal Government. We need to require them to come forward and show us their tax returns.

When an alien applies for legal status, they have to prove that they have been working for 3 out of the last 5 years. If an illegal alien can't get their IRS records or an employer to attest to their working, then they can get a friend to attest. They can have anybody on the street sign a sworn affidavit to attest for them. That is fraud and corruption waiting to happen. Do you think the Federal Government is going to have time to check out their sources and prove their claims?

The proponents of amnesty also say that the alien is not eligible if they do not meet certain health standards. It does not say that one has to undergo a medical exam. In fact, those who fall under the second tier, who have been here for 2 to 5 years, may be required to take a medical exam.

My home State of Iowa is currently dealing with a mumps epidemic. Some speculate that the disease was brought over by a foreign student. That is the point of a medical exam. This compromise would place heavier burdens on our public health departments because we won't know what types of diseases these individuals have. They should be required to undergo a medical exam at their own expense. We need to require them upfront in order to prevent outbreaks of contagious diseases.

The English requirement is weak. It is weaker than current naturalization requirements. Under current law, an immigrant has to demonstrate an understanding of the English language and a knowledge of the fundamentals of our history and government. Under this compromise, an alien only has to prove that they are pursuing a course of study in English, history, and U.S. Government. Anybody could make that claim.

The compromise would require the Department of Homeland Security to do a background check on the illegal aliens in the United States. In fact, this compromise has placed a time limit on our Federal agents. They have 90 days to complete them. That is unrealistic. It is possible. It is a huge burden. And it is a huge expense.

Homeland Security will surely try to hurry with these background checks. They will be pressured by Congress to rush them. They will rubberstamp applications despite possible gang participation, criminal activity, terrorist ties, and other violations of our laws. This is a national security concern.

The compromise before us prohibits the Government from using the information in an application against an alien. So if an illegal alien writes in their application that they voted, or that they smuggled in drugs, or that they are related to Osama bin Laden, then our Government cannot use that information for critical investigations. In fact, the compromise would fine bureaucrats $10,000 if they use the information in an application for purposes other than adjudication.

But wait—there is more. If an alien has been ordered removed, and is sitting in jail ready to be deported, the alien still gets the chance to apply for this amnesty. The thousands of illegal aliens with orders to leave the country can apply. Their country won't take them back, so our country will give them citizenship. That doesn't make sense.

Everything that I have spoken about so far is based on the amnesty program for those who are currently in the United States. I would like to express two concerns about the future flow provisions. When we say future flow we mean those who aren't here but who can apply for legal entry through a ''temporary'' guestworker program.

First, on day 1 of their entry into the U.S., an employer can sponsor the alien for a green card. If they are not sponsored within 4 years, then the alien can petition for him or herself. Yes, this temporary program for temporary workers becomes a citizenship program for anybody and everybody.

Second, there is a numerical limit of 400,000. It is intellectually dishonest to say that this is the ceiling. The cap can be increased automatically without congressional approval if the limit is reached. It will never decrease; it can only increase.

This compromise will have enormous economic and employment implications for the Nation. If we enact it, we will sell out the middle class in America. We would also push aside the lower, uneducated class of American citizens.

Foreign workers won't have to take low-skilled jobs anymore. They won't be required to do the jobs that Americans supposedly won't do. Their spouses and children will permanently take jobs away. These aren't temporary workers anymore.

What happens when this country goes into recession? Americans will be banging on our door, asking why we did this to them.

We are allowing businesses to hire people at lower wages because they are illegal, rather than hire Americans at somewhat higher wages. Maybe this country needs to focus more on training and educating our own people, and less on how businesses can make more money by hiring illegals. By opening the floodgates for these kinds of low-skilled immigrants, we are taking away opportunities for our own.

Businesses have no problems paying under the table or paying lower wages. They also don't have problems paying CEOs and executives astronomical salaries. There is something wrong with this equation.

I have an amendment to create an Employer Verification System. This amendment, worked out between the Finance and Judiciary Committees, will require employers to check the eligibility of their workers.

It will give businesses the tools they need to be compliant with the law. Right now, the system is voluntary, but it is time to make this system a staple in the workplace. We will increase worksite enforcement and penalties, safeguards and privacy protections.

But this system needs to be in place if we are going to have a guest worker program. Employers are put on notice—we will hold them accountable, and we will penalize them if they violate the law.

We are taking a huge step here in shaping the future of our country. What we do here with immigration will impact every aspect of our daily lives.

An amnesty program for millions of people will increase the fiscal burden on our country. It will further strain our health care, education, and infrastructure systems. If these folks are not paying their taxes, then American citizens will have to pick up the tab. Americans will have to build bigger schools, and pay for the huge medical expenses of these people.

So I ask my colleagues to think twice. Read the fine print. Ask yourself this: What about fairness? What about those who waited their turn in line? What about those who abide by the rules?

I know many of my colleagues will support the compromise that was agreed to in the last day. I know they are saying to themselves: This is better than nothing. We had to do something. I ask my colleagues this: Do you think voting for this without the process of amending and debating is what we were elected to do? Voting for this bill because it is supposedly the best thing out there isn't a good enough reason.

As a U.S. Senator, I took an oath of office to honor the Constitution. I bear a fundamental allegiance to uphold the rule of law. And that is why I cannot in good conscience support granting legal status to illegal immigrants who have violated our laws. Lawbreakers should not be rewarded. The compromise sends the wrong message to millions of people around the world. If you vote for this compromise, you obviously don't respect the rule of law.

With a wink and a nod, Uncle Sam would turn America's historic welcome mat into a doormat trampled upon by millions and millions of illegal immigrants.

Mr. FEINGOLD. Mr. President, today I voted in favor of cloture on the Hagel-Martinez compromise on the immigration bill. I did not like the changes that this compromise made to the Senate Judiciary Committee bill, and I would vastly prefer that the Senate pass the committee bill intact. But we lost the cloture vote on the committee bill yesterday, and I saw this as the only way to move forward with comprehensive immigration reform this year. I remain hopeful that after this coming recess, we will be able to come to some agreement on meaningful, comprehensive reform. This issue is too significant to put off—too important to our national security, to our economy, and most importantly to the millions of people whose lives will be affected. Like so many of my colleagues, I am willing to work on a bipartisan basis to address the critical problems facing our Nation with regard to immigration, just as the Judiciary Committee was able to do.

I do want to lay out some of my concerns about the Hagel-Martinez substitute. But first, I should note that this compromise leaves intact most of the committee bill, including very important provisions like the guest worker program for foreign workers who want to enter the country in the future for jobs that Americans are not filling, the family reunification provisions, the AgJOBS title to help agricultural workers, and the DREAM Act to provide higher education opportunities for children who are long-term U.S. residents and came to this country illegally through no fault of their own.

Nonetheless, the compromise makes some troubling revisions to how we would deal with undocumented individuals who are currently in the country. I appreciate that Senator KENNEDY was able to secure some important changes to the original Hagel-Martinez proposal that help protect workers, such as stronger wage protections. Those were important concessions. But I am concerned about the core modification that the compromise makes to the committee bill; that is, treating differently those people who have been here for more than 5 years and those who entered the country illegally in the last 2 to 5 years. This approach is overly complicated and difficult to administer, and it is unfair to treat these two categories of people differently.

Mr. President, we must enact realistic, comprehensive reform, and I will continue to work with my colleagues toward a solution. I hope that we can accomplish that this year.

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

Mr. MCCONNELL. Am I correct there is now 4 minutes left on this side?

The PRESIDING OFFICER. The Senator is correct.

Mr. MCCONNELL. I yield 2 minutes to the Senator from Alabama.

Mr. SESSIONS. Mr. President, let me say the bill that came out of the committee, the Kennedy-McCain bill, was substituted there over the Specter bill. It lurched the bill even further toward amnesty than we already were heading. When it came up for a vote yesterday, it needed 60 votes to proceed. It got 60 votes against it—only 39 to proceed. It was defeated overwhelmingly.

Then they hatched a compromise among Members who already supported the Kennedy bill and they claimed they were producing a compromise that could be supported. But people who should have been involved in that compromise, who worked so hard on this, such as Senator KYL, Senator CORNYN, Senator FEINSTEIN, Senator DORGAN, Senator NELSON, and Senator KAY BAILEY HUTCHISON, who is here—I am not aware they were involved in it. So they bring that up now and expect us to support it.

Ninety-five percent of what was in the bill rejected yesterday is in this one and there is no substantial change in matters of amnesty. In fact, with regard to green cards, it increases significantly the number that would be granted over the bill we rejected yesterday. It is an unprincipled approach, in my view, and not a well thought out plan.

With regard to this question, who will say on the floor of this Senate that the enforcement provisions will be carried out and we will actually have enforcement on the border? That is why the Presiding Officer, Senator ISAKSON, had a perfectly important amendment. That was not allowed to be voted on. It would at least have taken a strong step toward ensuring that whatever we passed becomes law.

Finally, when asked what the cost was, nobody knew until last night and we find that the cost of this bill is $29 billion over 5 years. Nobody had even thought about it. That clearly is a budget-busting matter.

This bill is a dead horse, in my view. It should be rejected because amendments have not been allowed, and it should be rejected most importantly because it does not do what it purports to do.

I yield.

The PRESIDING OFFICER. The majority whip is recognized for 2 minutes.

Mr. MCCONNELL. Mr. President, no one has been the beneficiary of legal immigration more than this Senator. My wife, who has the privilege of serving in the President's Cabinet, came to this country at age 8 not speaking a word of English and has realized the American dream and been an important part of my life, obviously, as my partner for a number of years. So I am one Senator who wishes to see a comprehensive immigration reform bill pass.

But the Hagel-Martinez bill is a lengthy, complicated measure, and it was suggested last night by my good friend, the Democratic leader, that somehow it is extraordinary to request 20 amendments on a bill of this magnitude and complexity.

Routinely on bills of this size we have at least this many amendments. In this Congress alone, for example, we had 21 votes on the Energy bill, 37 votes on the budget resolution, and 31 votes on the bankruptcy bill, including a couple of nongermane amendments on minimum wage. All of those bills, of course, were arguably complex, but certainly this one is as well.

We have been allowed to have only three votes on amendments to this bill, and we have been on this bill well in excess of a week. So what Republicans are arguing for today is fairness in the process, the routine, normal way with which we deal with complex legislation here on the floor of the Senate, after which we will produce, hopefully, a comprehensive bill that will be passed on a bipartisan basis. In the meantime, it is my hope and expectation that all Republican Senators will oppose cloture until we are allowed to offer this rather reasonable and modest number of amendments—about 20.

I yield the floor.

The PRESIDING OFFICER. The Senator's time has expired.

The Democratic leader.

Mr. REID. If the majority agrees here, I will make a brief statement and use my leader time.

The PRESIDING OFFICER. The Democratic leader is recognized.

Mr. REID. Mr. President, I spoke yesterday about the American people's need for a win on immigration—not the Republicans, not the Democrats. Today we have another chance to give them that win if we vote for cloture and move forward on legislation that will protect our borders and fix our badly broken immigration system. All of us, Democrats and Republicans—we all need the courage to do what is required of us now. It is time to move forward on tough and smart immigration reform.

The amendment before us does what we need of an immigration bill. An immigration bill will secure our borders, crack down on employers who break the law, and allow us to find who is living here by giving 12 million undocumented workers a reason to come out of the darkness, out of the shadows, pay a fine, undergo a background check, stay out of trouble, have a job, pay the penalties, and become legal when their number is called, even though it is many years from now.

Americans have demonstrated literally in the streets for a bill like this. They have spoken. It is up to the majority to answer their call. If tough, comprehensive immigration reform fails to move forward, it will be the Republicans' burden to bear. Virtually all Democrats supported the Specter bill that came before the Senate. Virtually all Democrats support the Martinez substitute. So the majority must explain to the American people why they are permitting a filibuster of immigration legislation, a filibuster by amendment.

On such an important national security issue, this is no place for stonewalling and obstruction. Yet that is where we are. We are ready today to fix our broken immigration system and give Americans the real security they deserve. They are looking for a win. They deserve a win. We can do it with a vote to invoke cloture.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. FRIST. Mr. President, a lot of people are asking what happened between the optimism of yesterday morning that centered on real progress, as people did come around working together, both sides of the aisle, on a Hagel-Martinez amendment, and this morning where it looks as if everything has been obstructed, stopped, stonewalled. There are talks of obstruction from the other side of the aisle. What has happened is no amendments have been allowed by the other side of the aisle to come to the floor to be debated, to be discussed, to be voted upon. Rollcall votes or voice votes—zero over the last 24 hours, where the clear understanding yesterday morning was that we would have an opportunity to allow Senators to express themselves on votes.

The Democratic leadership has effectively stopped, put a halt to that great progress that was being made yesterday morning, by not allowing amendments. Yes, they put a stranglehold on the right of every Senator to offer amendments and to have his or her views expressed and acted upon. The facts tell the story. Over the last 9 days, on complex issues based on a very good, solid product generated by the Judiciary Committee, about 400 amendments have been filed and only 3 of 400 have been allowed by the other side of the aisle to come to the floor to be voted upon. Only 3 out of 400. That tells the whole story. In the process on a bill that is a challenging bill, a large bill, a bill that will affect almost 300 million Americans now and many more in the future, we have only been allowed to have three votes over the last 9 days.

Viewers, I know, ask, people at home ask all the time: How can that possibly be, if you have good support and people look as though they are working together and all? And the answer is if anything takes unanimous consent around here, anything does, the Democratic leadership can effectively stop, put a halt to that debate and amendment process. Of 400 amendments, 3 have been considered over the last 9 days. It is a process that has been broken. It is a process we have to fix if we are going to be able to address the issues before us, whether it is immigration or other important bills.

It has been interesting, listening to some of the comments this morning and last night, and as has been reflected in both the Democratic leader's statements and in mine and others, it is true the Democratic leader—to me this is almost laughable—has said we are going to dictate who is on the conference committee, the minority leader, the Democratic leader, saying we are going to dictate who is on the conference committee. It is absurd. It is laughable. It has never been done. But it is proposed as if that is even a reasonable proposal before allowing us to take up amendments and debate them and have them voted upon.

I asked unanimous consent last night—because it is frustrating having 400 amendments over there and in 9 days only being allowed 3 votes—let's take up one of those amendments. That was refused. Let's take up another one. That was refused, my unanimous consent request, and a third was refused just to demonstrate—yes, it is frustration, and it is the right of the minority to obstruct, but that explains the difference between the optimism moving forward for a solution before we began the recess and now what is obviously going to occur; that is, we are going to have to postpone and delay full consideration of this bill.

The Democratic leader earlier this morning asked: Why aren't we allowing these amendments to come forth from the other side? Indeed, out of 400, I said: Can't we consider 20 of them at some point in the future? The answer was no. Why don't we consider amendments? Why are we shutting down the amendment process because some Members might not agree with everything in that 425-page bill?

There are going to be things in there that need to be fixed, modified. There may be some dangerous things in there in many people's minds. And to not even allow them to bring them to the floor to debate them is just flat out wrong.

I can understand the other side trying to advantage themselves in the outcome in their favor, but to shut out all amendments, to say that only 3 of 400 amendments are to be considered is simply wrong. It really does come down to a matter of fairness.

I began this debate a week and a half ago saying: Let's have a civil process, a dignified process. It is an important issue with many millions of people coming across our borders. We need to secure our borders. We need to have worksite enforcement and interior enforcement. We need to have a temporary worker program. There are 12 million people in the shadows. We need to bring them out.

It has effectively been brought to a halt by the other side. It is unfair to deny Members on both sides of the aisle the right to express their voice and have their amendments considered. It is unfair to the authors of the bill and the Judiciary Committee that generated this bill. It is unfair to this body, and I believe to the institution as a whole and to the American people.

Although I am strongly supportive of a border security bill—tighten those borders—a bill that addresses worksite enforcement, a temporary worker plan, and one that brings people out of the shadows, I feel it is important that we oppose bringing debate on the Hagel-Martinez amendment to a close in order to protect the rights of Members to offer amendments and to have them debated and voted on.

I yield the floor.

CLOTURE MOTION

The PRESIDING OFFICER. All time having been yielded, under the previous order, pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the pending motion to commit S. 2454, the Securing America's Borders Act.

Bill Frist, Arlen Specter, Michael B. Enzi, Lindsey Graham, Trent Lott, Chuck Hagel, John McCain, Mitch McConnell, George V. Voinovich, Mel Martinez, Lamar Alexander, Norm Coleman, Pete Domenici, Orrin Hatch, David Vitter, Johnny Isakson, Jim DeMint.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the pending motion to commit S. 2454, the Securing America's Borders Act, to the Committee on the Judiciary with instructions to report back forthwith shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. MCCONNELL. The following Senator was necessarily absent: the Senator from Alaska (Mr. STEVENS).

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

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

The yeas and nays resulted—yeas 38, nays 60, as follows:

[Rollcall Vote No. 89 Leg.]

YEAS—38

Akaka	Harkin	Menendez
Bayh	Inouye	Mikulski
Biden	Jeffords	Murray
Bingaman	Johnson	Obama
Boxer	Kennedy	Pryor
Cantwell	Kerry	Reed
Carper	Kohl	Reid
Clinton	Landrieu	Salazar
Dayton	Lautenberg	Sarbanes
Dodd	Leahy	Schumer
Durbin	Levin	Stabenow
Feingold	Lieberman	Wyden
Feinstein	Lincoln	

NAYS—60

Alexander	Crapo	Martinez
Allard	DeMint	McCain
Allen	DeWine	McConnell
Baucus	Dole	Murkowski
Bennett	Domenici	Nelson (FL)
Bond	Dorgan	Nelson (NE)
Brownback	Ensign	Roberts
Bunning	Enzi	Santorum
Burns	Frist	Sessions
Burr	Graham	Shelby
Byrd	Grassley	Smith
Chafee	Gregg	Snowe
Chambliss	Hagel	Specter
Coburn	Hatch	Sununu
Cochran	Hutchison	Talent
Coleman	Inhofe	Thomas
Collins	Isakson	Thune
Conrad	Kyl	Vitter
Cornyn	Lott	Voinovich
Craig	Lugar	Warner

NOT VOTING—2

Rockefeller	Stevens

The PRESIDING OFFICER. On this vote, the yeas are 38, the nays are 60. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

The majority leader.

Mr. FRIST. Mr. President, I enter a motion to reconsider the vote by which cloture was not invoked.

The PRESIDING OFFICER. The motion is entered.

Mr. FRIST. Mr. President, I ask unanimous consent that the next vote be a 10-minute rollcall vote.

The PRESIDING OFFICER. Is there objection?

The Chair hears none, and it is so ordered.

Mr. FRIST. Mr. President, for the information of our colleagues, the next vote will be a 10-minute rollcall vote. If cloture is not invoked, we are working on an agreement that will have about 55 minutes—hopefully less—before we will have another rollcall vote. That will be immediately followed by another rollcall vote, and then, depending on the outcome of that vote, that would either be the last vote or we might have one more vote. So a 10-minute vote, about 55 minutes, two rollcall votes, and then we will have more to say.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on Calendar No. 376, S. 2454, a bill to amend the Immigration and Nationality Act to provide for comprehensive reform, and for other purposes.

Bill Frist, George Allen, Mitch McConnell, Pete Domenici, R.F. Bennett, Jim Talent, Craig Thomas, Elizabeth Dole, Conrad Burns, Jim DeMint, Saxby Chambliss, Johnny Isakson, Ted Stevens, Wayne Allard, Norm Coleman, Trent Lott, John Thune.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on S. 2454, the Securing America's Borders Act, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. MCCONNELL. The following Senator was necessarily absent: the Senator from Alaska (Mr. STEVENS).

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

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

The yeas and nays resulted—yeas 36 nays 62, as follows:

[Rollcall Vote No. 90 Leg.]

YEAS—36

Alexander	Cornyn	Lott
Allard	Crapo	McConnell
Allen	DeMint	Murkowski
Bennett	Dole	Nelson (NE)
Bond	Domenici	Santorum
Bunning	Enzi	Sessions
Burns	Frist	Shelby
Burr	Grassley	Smith
Byrd	Gregg	Sununu
Chambliss	Hatch	Talent
Coburn	Hutchison	Thune
Cochran	Isakson	Vitter

NAYS—62

Akaka	Carper	DeWine
Baucus	Chafee	Dodd
Bayh	Clinton	Dorgan
Biden	Coleman	Durbin
Bingaman	Collins	Ensign
Boxer	Conrad	Feingold
Brownback	Craig	Feinstein
Cantwell	Dayton	Graham
Hagel	Levin	Reid
Harkin	Lieberman	Roberts
Inhofe	Lincoln	Salazar
Inouye	Lugar	Sarbanes
Jeffords	Martinez	Schumer
Johnson	McCain	Snowe
Kennedy	Menendez	Specter
Kerry	Mikulski	Stabenow
Kohl	Murray	Thomas
Kyl	Nelson (FL)	Voinovich
Landrieu	Obama	Warner
Lautenberg	Pryor	Wyden
Leahy	Reed	

NOT VOTING—2

Rockefeller	Stevens

The PRESIDING OFFICER. On this vote, the yeas are 36, the nays are 62. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

Mr. DOMENICI. Mr. President, I wish to express my dismay regarding the collapse of the Senate's work on border security legislation.

As a border State Senator, I know first-hand the need to secure our international borders because every day I hear from constituents who must deal with illegal entries into our country. We have a crisis on our borders and the status quo is not acceptable. We need to address this situation but are not being allowed to because of Democrats' refusal to allow votes on amendments to border security legislation on the Senate floor.

Their refusal to allow votes means that my amendments, which are very important to New Mexico, the southwest border, and the Nation, cannot be considered. Those amendments would have provided for two more Federal judges in New Mexico to deal with immigration cases, provided 250 new deputy U.S. Marshals to transport and guard criminal illegal aliens, authorized $585 million for land port of entry infrastructure and technology, and called for Mexico's cooperation on border security.

My amendments are based on needs that are imperative to border security. I have been told of the need for new Federal district judges in New Mexico by the Chief Judge for the Tenth Circuit Court of Appeals, the Chief Judge of the New Mexico District, and several other Federal district judges in my home State. In fiscal year 2005, more than 1800 immigration cases were filed in the District of New Mexico. We must have more Federal judges to handle this caseload that the Judicial Conference has referred to this situation as a ''crisis.'' I have been told of the need for new deputy U.S. Marshals by the U.S. Marshal for New Mexico. His deputies are responsible for transporting illegal aliens to court and guarding them when they appear in Federal district court. I have seen firsthand the need for port of entry improvements in New Mexico, and since I worked with Senator DeConcini on the last major land port of entry overhaul in 1986, I know that the time has come to again address our land port needs. Lastly, I am convinced that we must have Mexico's cooperation to secure our porous southwest border, and my amendment

would have provided a path to secure that cooperation.

The refusal of Democrats to allow consideration of these amendments is nothing short of irresponsible behavior towards the security of America.

The Democrats' refusal to limit debate on the majority leader's border security bill today confirms their lack of understanding regarding the need for border security. Senator FRIST's Securing America's Borders Act includes 1,250 new customs and border protection officers, 1,000 new DHS investigative personnel, 1,250 new DHS port of entry inspectors, 1,000 new Immigration and customs enforcement inspectors, and 2,400 new border patrol agents. The bill authorizes funding for new border security technologies and assets, including new unmanned aerial vehicles, vehicle barriers, cameras, sensors, and all-weather roads. This bill would have addressed many of our border security needs, and I am frustrated that we were not allowed to vote on this bill.

As it stands now, we will not see any of the comprehensive border security improvements that New Mexico and other States desperately need. I could not be more disappointed.

On February 10, 2005, I introduced legislation to create additional Federal district judgeships in the State of New Mexico.

On November 17, 2005, I introduced the Border Security and Modernization Act of 2005, S. 2049, with bipartisan support. That bill calls for improvements to our port of entry infrastructure, increased Department of Homeland Security, DHS, and Department of Justice personnel, new technologies and assets for border security, increased detention capacity, and additional Federal assistance for States.

On February 17, 2006, I introduced the Welcoming Immigrants to a Secure Homeland Act. That bill calls for an increase in the number of DHS personnel who investigate human smuggling laws, employment of immigrants, and immigration fraud and increased penalties for violations of immigration laws. It also creates a new guest worker visa that lets individuals who want to, come to the United States to work. Lastly, it creates a way to account for the millions of undocumented aliens residing in the United States without creating an automatic path to citizenship.

I supported the efforts to jointly address border security and immigration reform legislation, but I am convinced that if we cannot agree regarding immigration reform, we must still secure our borders. The President must budget for our border needs, and Congress must appropriate for those needs.

EXECUTIVE SESSION

NOMINATION OF DORRANCE SMITH TO BE AN ASSISTANT SECRETARY OF DEFENSE

Mr. FRIST. Mr. President, in executive session, I ask unanimous consent that the cloture motion be withdrawn with respect to Calendar No. 485, and that the Senate proceed to its consideration; provided further that there be 55 minutes for debate as follows: Senator WARNER 10 minutes, Senator LEVIN 25 minutes, Senator HARKIN 10 minutes, and Senator REED 10 minutes.

I further ask that following the use or yielding back of time, the Senate proceed to vote on the confirmation of the nomination; provided further that the Senate then proceed to the vote on invoking cloture on the nomination of Calendar No. 252.

Finally, I ask unanimous consent that if either nomination is confirmed, the President be immediately notified of the Senate's action.

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

The clerk will report the nomination.

The assistant legislative clerk read the nomination of Dorrance Smith, of Virginia, to be an Assistant Secretary of Defense.

The PRESIDING OFFICER. Who yields time?

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mrs. HUTCHISON. Mr. President, I ask unanimous consent to speak for up to 5 minutes as in morning business.

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

IMMIGRATION REFORM

Mrs. HUTCHISON. Mr. President, I want to comment on what has happened over the last 2 weeks on a very important bill—maybe the most important bill for the future of our country that we will take up this year, and that is immigration reform.

I was very disappointed that we were not able to have a vehicle on which we can have amendments in the normal course of action that we have on the floor of the Senate. I cannot think of a more complicated, comprehensive issue that we could amend and make a better bill that would have the support of the vast majority of the Senate. Yet we have spent 2 weeks and were only able to have three amendments.

There are many differing views on what to do with the 12 million illegal immigrants that are in our country. But I think there is a consensus that we need better control of our borders, that we need security measures to know who is in our country, and that we need a guest worker permit program that would allow people to come into our country legally to work and earn a living for their families, contribute to the economy of the United States, and perhaps become citizens, if they decide to, or not become citizens if they wish to remain citizens of their home country.

However, the issue of what to do with the 12 million people was not able to be discussed, debated, or refined on the Senate floor. I think that is a mistake, and I think we have missed a very important opportunity. The negotiations got down to allowing 20 amendments—20 amendments—on one of the most complicated bills that we will take up this year. We take up appropriations bills that have 70 amendments. We take up authorization bills that have 40 amendments. The negotiation was down to allowing 20 amendments, and we were not able to get the consent of the minority to take up 20 amendments to try to refine a bill that would allow the Senate to speak with an overwhelming majority, or at least to have all the voices heard so that we could start beginning to craft a bill that would help with an issue in our country of security and economics.

Mr. President, I am very disappointed. I think we have missed an opportunity. I hope very much that, as we go home for a 2-week break, we will think about how we can come together, come back here and not give up on having an immigration reform bill that secures our borders, that creates a guest worker program that will be productive for the participants and for the economy of our country, that will not displace American jobs but will welcome the immigrants who seek to come here, as we have done for over 200 years in our country on a regularized basis.

I thank the chairman of the Armed Services Committee. I know he is going on to very important work. I hope that we can address this issue when we return, and I hope the minority will work with the majority not to block future amendments that would make this a better bill.

I yield the floor.

The PRESIDING OFFICER (Mr. ENSIGN). The Senator from Virginia is recognized.

Mr. WARNER. Mr. President, we wish to confine ourselves strictly to the time the joint leadership agreed upon in the event we need recorded votes.

Mr. President, Dorrance Smith, the nominee, is designated to be the principal advisor to the Secretary of Defense on matters relating to public affairs in the media. Mr. Smith is a four-time Emmy Award-winning television producer, a political consultant, and a media strategist who has worked for over 30 years in television and politics. He spent 9 months in Iraq, in the years 2003 and 2004, where he served as senior media advisor to the setup at that time.

He was responsible for developing a state-of-the-art communications facility in Baghdad for the Coalition Provisional Authority and a public diplomacy strategy for the U.S. Government. In addition, Mr. Smith was asked to overhaul certain aspects of the Iraqi media network, which he did. He was quite successful, such that they had a television channel that was launched on satellite.

For those efforts, he was awarded by the Secretary of Defense a medal for exceptional public service.

I have met with Mr. Smith on several occasions. I believe him to be highly qualified, and I fully support his nomination.

At a full Armed Services Committee hearing on October 25, 2005, and later, at an Executive Session on December 13th, at which Mr. Smith was present, he was questioned about an Op Ed article he wrote that appeared in the Wall Street Journal on April 25, 2005, which I also attach. In this article, based on his in the trenches experience as Ambassador Bremer's Senior Media Advisor in Baghdad, Mr. Smith questioned the practice relied on by major media outlets in the United States of airing video of insurgent attacks supplied by the Arab satellite news channel Al Jazeera. Mr. Smith has clarified his intent about the role of U.S. Networks in his in raising these issues for discussion and public scrutiny. He has emphasized publicly that he has never written or stated that the United States networks aid and abet terrorists. In this regard, I have attached Mr. Smith's response to a question for the record he provided after the hearing.

I ask unanimous consent that a biography of Dorrance Smith, and some questions and answers during his nomination hearing be printed in the RECORD.

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

DORRANCE SMITH

Dorrance Smith is a four-time Emmy award winning television producer, political consultant, and media strategist who has worked over 30 years in television and politics.

Mr. Smith spent nine months in Iraq in 2003–2004 Senior Media Adviser. He was responsible for developing a state of the art communications facility in Baghdad for the Coalition Provisional Authority and a public diplomacy strategy for the United States government. In addition, Mr. Smith was asked to overhaul the fledgling Iraqi Media Network. By April, 2004 this effort was deemed so successful that the terrestrial channel—AI Iraqiya—was launched on satellite. For his efforts he was awarded the Secretary of Defense Medal for Exceptional Public Service.

A four time Emmy Award winning ABC News and Sports producer, he has held a number of positions at the network, including serving as the first executive producer of ''This Week with David Brinkley.''

From 1989 until 1991, Smith was the executive producer of ABC News ''Nightline.'' During his tenure he was responsible for the weeklong ''Nightline'' series originating from South Africa, which covered the release of Nelson Mandela. The broadcasts won an Emmy award. In addition he served as executive producer of the prime time special ''Tragedy at Tiananmen—The Untold Story,'' which was honored with the duPont Columbia University Award, the Overseas Press Club Award and an Emmy. ''Nightline'' also won an Emmy in 1991 for outstanding news coverage of the Iraqi invasion of Kuwait.

Prior to his work on ''Nightline,'' Smith was the executive producer of the number one rated Sunday public affairs program, ''This Week with David Brinkley,'' a post he held from the program's inception in 1981 until 1989. During his tenure the broadcast received the first Joan Barone Award, the George Foster Peabody Award, and was named the Best National TV Interview Discussion Program by the readers of the Washington Journalism Review.

In 1991 Smith left ABC News to become Assistant to the President for Media Affairs at the White House. In this capacity Smith handled all television and radio events involving President Bush, members of the White House staff and Cabinet. In addition his office handled all regional media; coordinated media strategy for administration officials seeking confirmation; and organized the debate preparation during the 1992 political campaign.

In 2001, Smith was designated by FEMA Director Joe Allbaugh to handle all media following the events of September 11th. In this capacity Smith was responsible for FEMA's media strategy for print, radio and television. Smith organized and distributed the now famous FEMA video feeds from Ground Zero. He reorganized the Public Affairs Office to meet the post September 11th media demands.

At ABC News, Smith became executive producer of all weekend news programming in 1980. He was responsible for the production and programming of ''World News Saturday,'' ''World News Sunday,'' ''The Weekend Report,'' and ''The Health Show.''

Prior to his weekend assignment. Smith was Washington producer of ABC News' ''The Iran Crises: America Held Hostage.'' He also served as ABC News Senior Producer at the 1980 Winter Olympics, the 1984 Winter and Summer Games, and the 1988 Winter Olympics in Calgary.

From 1978–1979, Smith served as ABC News' White House producer. Smith joined ABC News as a Washington producer in 1977. Previously he was staff assistant to President Gerald Ford.

He began his broadcasting career at ABC Sports in 1973 as an assistant to the producer. In 1974 he was made Manager of Program Planning for ABC's Wide World of Sports.

Smith is a member of the Advisory Council for the George Bush Library in College Station, Texas.

He graduated from Claremont Men's College in 1973 with a Bachelor of Arts degree. He lives in McLean, Virginia.

NOMINATION HEARING FOR MR. J. DORRANCE SMITH, SENATE ARMED SERVICES COMMITTEE, OCTOBER 25, 2005

Member: Senator John Warner, Witnesses: Young, Smith, Etter, Bell, Smith

Question #1

ARAB SATELLITE NEWS

Question: 1. Mr. Smith, on April 26, 2005, you wrote an article for the Wall Street Journal titled ''The Enemy on our Airways.'' In the article you stated that ''. . . Al-Jazeera continues to aid and abet the enemy . . .'' Have you ever stated or written that U.S. broadcast networks have aided or abetted terrorists by airing video that first appeared on the Arab satellite news channel? Do you believe this to be the case?

Answer: I have never written or stated that the United States networks aid and abet terrorists by airing video that first appeared on the satellite news channel Al-Jazeera. I did write an Op Ed piece in April, 2005 for the Wall Street Journal which raised a number of questions following the airing of hostage video by Al-Jazeera and all 6 U.S. news networks. In that piece I wrote, ''the battle for Iraqi hearts and minds is being fought over satellite T.V. It is a battle we are losing badly. And I wrote, ''As long as Al-Jazeera continues to aid and abet the enemy, as long as we are fighting a war on the ground and in the airwaves, why are we not fighting back against Al-Jazeera . . .''

My past experiences running the Iraq Media Network in Baghdad gave me insight into the communications strategy of our enemy. Raising the tactics of the enemy in a newspaper piece was an effort to spur public discourse. I believe the public, the networks and policy makers should examine the tactics of the enemy including providing video to the Arab satellite network with the knowledge that it will be broadcast in the United States as well. Understanding the communications strategy of the enemy is a prerequisite to developing a communications strategy that is effective. In the WSJ, I was not writing as a policy maker or government official, nor was I a candidate for the Public Affairs job at the Pentagon.

Newspaper accounts that I believe the U.S. networks aid and abet terrorists are incorrect. When asked at the confirmation hearing ''But you think it's a fair characterization now to say that the networks in the United States aid and abet terrorists by showing that.'' I said, ''No, I do not.'' That is and always has been my belief.

I worked in network television for over 22 years and I maintain a professional working relationship with the today. During my nine months with the CPA in Iraq, I worked very closely with U.S. networks to meet their coverage needs. Most recently I was a media consultant to the United States Senate for the Joint Congressional Committee for Inaugural Ceremonies (JCCIC). For four months I represented that institution to the U.S. network pool with the aim of producing the best event for both parties. After the inauguration Tom Shales wrote in the Washington Post, ''ABC's Peter Jennings noted that for the relatively few viewers able to see them in high-definition TV, the images were often ''fabulous.'' Indeed they were.

As a network executive I appreciate the difficult decisions facing journalists during wartime especially potential conflicts between journalistic integrity and national security. If confirmed, I look forward to conducting my relationship with U.S. networks in a professional and respectful manner as I did when working in Iraq for nine months and for JCCIC. I also look forward to working closely with this committee on these important issues.

Do you agree with these goals?

Yes, I support the goals of the Congress in enacting the reforms of the Goldwater-Nichols legislation.

Do you anticipate that legislative proposals to amend Goldwater-Nichols may be appropriate? If so, what areas do you believe it might be appropriate to address in these proposals?

I am unaware of any need to modify Goldwater-Nichols at this time. If I am confirmed, I will raise any such requirements that I may identify within the Department. The Department would consult closely with Congress, especially this Committee, on any changes that might be appropriate.

DUTIES

What is your understanding of the duties and functions of the Assistant Secretary of Defense for International Security Policy?

I understand that, if I am confirmed, my duties as Assistant Secretary of Defense for International Security Policy will be to serve as the principal assistant and advisor to the Under Secretary of Defense for Policy in formulating and implementing national security and defense policy in a wide range of areas, including: nuclear forces; technology security; missile defense; Europe and NATO; Russia, Ukraine, and Eurasia; arms control, non-proliferation, and counter-proliferation.

Assuming you are confirmed, what duties and functions do you expect that Secretary Rumsfeld would prescribe for you?

I would expect Secretary Rumsfeld to look to the Assistant Secretary of Defense for International Security Policy to fulfill all the duties assigned to that office under the authorities of the Secretary of Defense and the Under Secretary of Defense for Policy in particular, assistance and advice on the formulation of national security and defense policy in the areas noted in the response to the previous question.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. LEVIN. Mr. President, I yield myself 15 minutes to speak on the nomination of Dorrance Smith to be Assistant Secretary of Defense for Public Affairs.

I oppose this nomination for a very critical reason, which is that Dorrance Smith has spoken out against the very media in the United States that he would be involved with, engaged in, as the public affairs official for the Department of Defense.

Mr. Smith has shown in his writing and in his testimony before the Senate Armed Services Committee that he believes that our media undermines our national security when they perform their legitimate role of providing newsworthy information to the public about what is going on in Iraq and Afghanistan. He has gone so far as to accuse our major networks of acting in partnership with al-Qaida.

That extreme position is not appropriate for the spokesperson of the Department of Defense. This is what Mr. Smith said in his April 25, 2005, article in the Wall Street Journal, entitled ''The Enemy on Our Airwaves,'' in which he complained about what he called ''the ongoing relationship between terrorists, Al-Jazeera, and the [major U.S. television] networks.'' The basis of this alleged relationship is the fact that the networks played video of hostages in Iraq, which Al-Jazeera allegedly obtained from terrorist sources.

The text of Mr. Smith's article leaves little doubt about his belief that the ''enemy on our airwaves'' are our major television networks themselves, all of them—ABC, NBC, CBS, FOX, CNN—all of them. Here is what Mr. Smith said in this article:

> Osama bin Laden, Abu Musab al-Zarqawi, and al-Qaida have a partner in Al-Jazeera and, by extension, most networks in the U.S. This partnership is a powerful tool for the terrorists in the war in Iraq.

That is the view taken by the proposed spokesperson for the Department of Defense—that our networks are partners with Osama bin Laden, the man who orchestrated the slaughter on 9/11.

The smear then continues as Mr. Smith raises ''ethics'' issues about the conduct of the media.

> The arrangement between the U.S. networks and Al-Jazeera raises questions of journalistic ethics. Do the U.S. networks know the terms of the relationship that Al-Jazeera has with the terrorists? Do they want to know?
>
> What if one of the networks had taken a stand and refused to air the [video of an American hostage] on the grounds that it was aiding and abetting the enemy, and from that point forward it would not be a tool of terrorist propaganda?

Mr. Smith is entitled to his views. I will defend that right any day and any place. But we should not confirm him to represent the Department of Defense to the very media that he calls a partner with our deadly enemy, al-Qaida. That is over the top. It is extreme. It is not the kind of view that should be represented by the Department of Defense in their dealings with the media.

The Armed Services Committee held a hearing on Mr. Smith's nomination on October 25, 2005. At that time, I asked Mr. Smith about his statement that Osama bin Laden and al-Qaida ''have a partner in Al-Jazeera and, by extension, most networks in the United States.'' Mr. Smith testified that he still believes this statement to be a fair characterization of the relationship between the networks and al-Qaida. He insisted that ''there is a relationship that exists'' and ''the relationship is a cooperative one.''

I pressed him:

> Does this ''relationship'' make the networks partners of our terrorist enemies, as you wrote? Do you really believe this, that they are partners?

Mr. Smith declined to provide a direct answer to that question.

I then asked him about his rhetorical question:

> What if one of the networks had taken a stand and refused to air the [video of an American hostage] on the grounds that it was aiding and abetting the enemy, and that from this point forward it would not be a tool of terrorist propaganda?

Mr. Smith testified he does not believe that the networks aid and abet terrorism by showing film of hostages. He insists that he was ''raising the point that you never know where this video comes from and that . . . simply because it plays on al-Jazeera does not mean that it should necessarily play on any given network.''

That is not being straight with the committee. That is not what his question clearly implied. There is only one implication from the question which he wrote, and that is that networks are aiding and abetting terrorism by airing this video. So if Mr. Smith does not believe this to be the case, it appears that Mr. Smith was willing to smear our television networks by implying something that he does not actually believe.

On December 13, 2005, the committee met with Mr. Smith in executive session to afford him a further opportunity to explain his position. And while I cannot quote from Mr. Smith's statements in closed session, I believe it is fair to say that it was consistent with his testimony in open session.

Mr. President, the free press in this country is not our enemy. Freedom of the press is not only guaranteed in our Bill of Rights, it is a fundamental part of what we stand for as a country. Every one of us disagrees with stories and characterizations that appear in the press from time to time, but to label our networks as partners with those who attacked us on September 11 is over the top, it is extreme, it is unacceptable, and it is not the kind of position that is going to be useful for a representative of the DOD with our media.

The Assistant Secretary of Defense for Public Affairs is the primary Department of Defense official responsible for providing timely and accurate information to the press and to the public about the activities of the Department of Defense. A person who believes that the U.S. media is the enemy is not the right person for this position. A person who shows a willingness to try to intimidate the press, to try to limit or color its cover, is not the right person to serve in this position. That is why I urge my colleagues to oppose this nomination.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, it is my understanding that our distinguished colleague from Rhode Island will be addressing another matter.

Mr. LEVIN. No, this matter.

Mr. WARNER. Let me interject an observation or two, and then I will be happy to yield the floor.

Mr. President, the good Senator from Michigan and I have been partners on this committee now the 28th year and rarely do we have matters of—particularly with executive positions—difference because we screen them carefully. But on this one, we do. That is the way the system works.

I cannot impress upon my colleagues too strongly several points.

One, we did have an executive session, and I shall observe the confidentiality of that session, but I got quite a different impression when Senator LEVIN and I largely—I think Senator REED was present—cross-examined Mr. Smith very carefully. I felt he more or less acknowledged a better selection of words in hindsight he should have made.

In no way do I believe he was trying to smear the press. I think the best evidence I can produce for my colleagues that it wasn't sort of a smear is that, to the best of my knowledge—and I will put the question to all Members of the Senate, most particularly my distinguished ranking member—we did not

receive—at least I did not—any comments from the media industry, individual stations, or trade associations, or anything else. I think they took this in stride as a 30-year veteran of their profession with great distinction.

Everybody makes an error now and then. Who among us on this floor has not made a public statement that he or she wishes perhaps they had couched in different words?

To deny this man the position of the Assistant Secretary for Public Affairs, having been nominated by the President of the United States, having really been personally screened by the Secretary of Defense and others for the position—the Secretary of Defense, with whom I have discussed this matter, has total confidence in this individual. He has been performing in an acting capacity in the Department now for some period of time.

I urge my colleagues to look at the overall picture, but most importantly, is anybody going to stand up and say: Oh, no, this is what the media industry communicated with me, and for that reason I feel I should oppose the nomination? I don't think that evidence is before us.

That industry is tough, tough on itself, and it wants to maintain its reputation. The industry, as such, has accepted this as an event which happens to all of us who speak in public life.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. REED. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator is recognized for 5 minutes.

Mr. REED. Mr. President, I stand to support the position of Senator LEVIN with respect to the nomination of Dorrance Smith to be Assistant Secretary of Defense for Public Affairs. I, too, participated in his hearings. I listened to Mr. Smith, and I think he lacks the judgment necessary to be the Assistant Secretary of Defense for Public Affairs.

Senator LEVIN has quoted the Wall Street Journal op-ed piece. This was not the example of making an offhand statement. This is not the situation where someone was being quizzed and extemporaneously suggested something that later one regrets. This was a very carefully crafted editorial which was sent to the Wall Street Journal for publication. In it, Mr. Smith says:

> Osama bin Laden, Abu Musab al-Zarqawi, and al Qaeda have a partner in al-Jazeera and, by extension, most networks in the U.S.

Mr. President, can you think of a more provocative and a more incendiary comment, to suggest that anyone is equivalent, by extension, to bin Laden and al-Zarqawi? That is essentially what he said about the media in the United States. I believe it represents extremely poor judgment. Perhaps that is why he is getting the job, because we have heard before these very loose suggestions that somebody is just like Zarqawi, somebody is just like that.

We also heard coming out of the Department of Defense the notion that we have problems not because of strategic mistakes that have been made, we have problems because the media just doesn't get the story right. This may be part of their approach to the media, but I don't think it represents the judgment necessary for an individual to discharge the responsibilities of that nature for the United States and the Department of Defense.

The other point is that Mr. Smith later went on to say:

> Al-Jazeera continues to broadcast because it reportedly receives $100 million a year from the government of Qatar. Without this subsidy it would be off the air, off the Internet and out of business. So, does Qatar's funding of al-Jazeera constitute state sponsorship of terrorism?
>
> As long as al-Jazeera continues to practice in cahoots with terrorists while we are at war, should the U.S. Government maintain normal relations with Qatar?. . . . Should the U.S. not adopt a hard-line position about doing business with Qatar as long as al-Jazeera is doing business with terrorists?

All of these quotes are from the Wall Street Journal article.

I think what he fails to recognize is that Qatar is a major base of American military operations in the region. I asked at the hearing if he seriously thinks we ought to break diplomatic relations to Qatar. The answer was rather unsatisfactory, sort of: I was just posing a question. But these are the kinds of provocative questions that suggest he doesn't have the judgment to do the job.

Let me just suggest our involvement with Qatar. Qatar has invested over $1 billion to build Al-Udeid Air Base, one of our principal air operations in the region. There are 2,200 U.S. air men and women stationed today at that airbase. During our operations in Afghanistan, that number was over 4,000.

U.S. military flights leave and arrive from Iraq every single day going into Qatar. All of us on the Armed Services Committee have traveled in Qatar, have stayed in Qatar, have visited with the Government of Qatar, and to suggest, even rhetorically, that we should consider abandoning our normal relations with Qatar is absurd.

This was not some cocktail-party comment where he was just thinking out loud; this was a very well-crafted editorial. Again, it just goes to my conclusion that he lacks judgment.

It is a very intricate arrangement we have with the Government of Qatar. Yes, they do support al-Jazeera. Al-Jazeera is not an entity that is trying to promote American interests in the region. That is clear. But we have to recognize not just the simple black-and-white comic book approaches to policy but the reality of our engagement with Qatar, their support of our operations, and the essential facilities that are there. Statements such as these are totally, in my mind, indefensible and demonstrate a gross lack of judgment. That is not the kind of individual we want in a position that is supposedly designed to craft a policy that will, through ideas and engagement, get the people of this region to be supportive of the United States and its policies. So I join my colleague in opposing this nomination.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I know of no other Senator who is going to speak with regard to Mr. Smith.

Mr. LEVIN. Mr. President, I wonder if the Senator will yield? I don't know how much time I used on the previous comments.

The PRESIDING OFFICER. The Senator has 17 minutes remaining.

Mr. LEVIN. I yield myself 2 minutes more on Mr. Smith.

Mr. President, I have no better friend in the Senate, nor have I ever had a better friend in the Senate than JOHN WARNER. I know of no finer Senator and no finer gentleman. We have a disagreement on this nomination, and we respect each other's points of view.

As he has pointed out, we have been partners, and we are partners. And the use of the word by Mr. Smith, ''partner,'' carries very special meaning. For him to say in writing, in a prepared oped piece, that Osama bin Laden and al-Qaida have a partner in al-Jazeera and, by extension, most networks in the United States—and he rattles them off: ABC, NBC, CBS, FOX, CNN, and MSNBC—is absolutely indefensible, it is extreme, it is over the top, and it is unbecoming somebody who is going to be representing the Department of Defense with the media.

If any one of us had said this on the Senate floor, that FOX News is a partner with the people who attacked us on 9/11, we would think that person not only owed FOX an apology but would probably owe every single victim of 9/11 an apology. I find this such an extreme statement. And the use of the term ''partner'' and his defense of that when we pressed him on it I find to be one of the most extreme, irresponsible, and reckless kinds of statements anyone can make. Again, I will defend Mr. SMITH's right to make it; that is not the issue here. He can write any article in the Wall Street Journal or any other paper and I will defend his right to do so. But the issue here is whether someone who has this position—this position—on the issue of whether tapes of al-Jazeera should be played on American television is, it seems to me, the wrong representative for our Department of Defense.

I want to thank my friend from Virginia. As always, he is putting differences in context. We have very few of them, and when we do have them, we deal with them with great respect for each other and our points of view, and I will always not only admire him for that, but always relish this particular relationship which we have had for so many years.

Mr. WARNER. Mr. President, I thank my long-time friend and good colleague for his thoughtful remarks, and I assure you, I offer the same long-term

feelings for you. But in this instance, I come back to the simple proposition that there is not a one of us who has not at times in our public career uttered or written statements that we wish we could have revised. I felt in executive session he was sufficiently contrite and acknowledged that he still has the basic concerns about al-Jazeera, and I share those concerns, but a better choice of words might have avoided it. Then all of the networks he enumerated, I didn't get any communications on it from any of them.

I suggest at this time, so that we can move and accommodate all of our colleagues—and I am very grateful to the majority leader and the Democratic leader for allowing these nominations to be acted upon today. For all Members, last night, I am pleased to say, we voice voted the Deputy Secretary of Defense Gordon England, so we made good progress in putting into position those persons who have been designated by the President for the Department of Defense.

NOMINATION OF PETER CYRIL WYCHE FLORY TO BE AN ASSISTANT SECRETARY OF DEFENSE

Mr. WARNER. We now turn to Peter C. W. Flory who became the principal Deputy Assistant Secretary of Defense for International Security Affairs in 2001. In this capacity he serves as the principal assistant to the Assistant Secretary of International Security Affairs who is the principal adviser to the Secretary of Defense on the formulation and coordination of international security strategy and policy for East Asia, South Asia, the Middle East, the Persian Gulf, Africa, and Latin America. I wish to put further facts regarding this distinguished gentleman into the RECORD, but I am very anxious to keep the momentum. I think the concern of my colleague can be best expressed by himself momentarily, perhaps not to Mr. Flory himself but to the matter of process, and that process is an issue that in some respects I share with my distinguished colleague.

I yield the floor.

Mr. LEVIN. Mr. President, how many minutes remain?

The PRESIDING OFFICER. There is 14 minutes remaining.

Mr. LEVIN. Mr. President, I want to explain to my colleagues why the Senate should not proceed to the nomination of Peter Flory to be the Assistant Secretary of Defense for International Security Policy.

At its core, this is an issue of the executive branch refusing to provide the Senate with documents that are relevant to the confirmation proceeding.

This issue dates back to the summer of 2003 when I directed the minority staff of the Committee on Armed Services to conduct an inquiry into the flawed intelligence prior to the war in Iraq. As part of that inquiry, I wrote a request to the Department of Defense in November of 2003 seeking documents relating to the activities of the Office of Under Secretary of Defense for Policy Douglas Feith concerning Iraq. Mr. Flory was a part of that office. It took 18 months of struggle to get as many documents as I could. I did not receive all the documents that were relevant to the inquiry and which are now relevant to the Flory nomination.

The Department of Defense has refused to produce key documents regarding the efforts of that office to develop and disseminate an alternative intelligence assessment which exaggerated the relationship between Iraq and al-Qaida. That assessment went directly to senior administration policymakers, bypassing the ordinary intelligence community procedure. These documents are critical to understanding exaggerated statements which were made by senior administration officials that al-Qaida and Iraq were allies, despite the conclusion of the intelligence community that there was no such link between the two.

Here is the critical connection between the Feith office and Mr. Flory: Mr. Flory worked in the office of Under Secretary Feith at the time the alternative assessment was developed and disseminated. Some of the internal emails we have been able to obtain indicate Mr. Flory requested and received briefings on the collection of intelligence from the Iraqi National Congress in December 2002. The INC material should have been evaluated by the intelligence community and filtered through their screen. Instead, it went to the Feith policy shop, which included Mr. Flory.

Mr. Flory was also a member of Mr. Feith's briefing team which came to the Senate in June of 2003 to explain to the Senate Committee on Armed Services staff the origins and work of the Office of Special Plans and the Policy Counterterrorism Evaluation group. Those were the two entities within Secretary Feith's office that were very much involved in characterizing the prewar intelligence.

In addition to the denial of relevant documents, the inspector general of the Department of Defense is currently conducting a review to determine whether Mr. Feith's office conducted unauthorized, unlawful, or inappropriate intelligence activities. We do not know what, if anything, that review may reveal about the role Mr. Flory may have played in such activities. What we do know is that his name appears in a number of relevant documents we have been able to obtain so far.

Before the Senate proceeds to his nomination, the Defense Department should provide the documents they have previously denied, or resolve the matter in a satisfactory manner, and the inspector general's office should be allowed to complete its investigation of the activities of Under Secretary Feith's office. That investigation may shed additional light on Mr. Flory's activities. It may show absolutely nothing about Mr. Flory's activities, but we will have to await its conclusion to know.

This is not a case of blocking Mr. Flory from occupying the office to which he has been nominated. I want to emphasize this for our colleagues: Mr. Flory has received a recess appointment. He occupies the office. He is currently serving in the position to which he was nominated. So there should be no argument that we need to give up a vital institutional right to obtain documents relevant to our carrying out of our confirmation function. Again, Mr. Flory occupies the office to which he has been nominated. The issue here is whether we are going to have access to documents that are relevant or may be relevant to this nomination.

I want to provide a little bit of additional background and context for this issue to indicate the seriousness of these matters to this institution's obligations and responsibilities. In the period before the war, the intelligence community did not find a substantial link between Iraq and al-Qaida. The intelligence community stated that the relationship ''appears to more closely resemble that of two independent actors trying to exploit each other,'' and that ''al-Qaida, including bin Laden personally, and Saddam were leery of close cooperation.'' Nonetheless, senior administration officials alleged at times that Iraq and al-Qaida were ''allies'' and that there was a close connection and cooperative context between Iraqi officials and members of al-Qaida.

How could that happen? How could there be such a disconnect between what the intelligence community believed and what some of the senior administration officials were saying? For one thing, there is evidence that there was an alternative intelligence assessment, an alternative assessment that did not go through the intelligence community or the CIA; an alternative assessment that was prepared by Under Secretary Feith and his office, and that this was an important source for those administration statements. For example, the Vice President specifically stated that an article based on a leaked version of the Feith shop analysis was the ''best source of information'' on this issue. The Feith assessment was presented directly to senior administration officials by Secretary Feith, including White House officials, a very different assessment from that of the CIA.

This issue of the alleged Iraq-al-Qaida connection was central to the administration's efforts to make its case for war against Iraq. And according to public opinion polling, more than 60 percent of Americans believed there was a connection between Saddam and the horrific attacks of 9/11, although there has never been any evidence of such a connection. The Feith

operation product, which bypassed the intelligence community, went directly to top leaders and, it quite clearly appears, had a major impact on the lives of Americans and on the course of events in Iraq.

The process of seeking the relevant documents on this matter from the Department of Defense has been painfully slow and laborious. I have written many letters and raised the issue of the Department's insufficient response and slow response on numerous occasions. I have also raised the issue at hearings of the Committee on Armed Services with senior Defense Department officials. I raised it with Mr. Flory at his nomination hearing in July 2004, but the Department was still slow to respond. Sometimes the Department of Defense indicated there were no additional documents responsive to my request, only to be followed by acknowledgments that there were more documents. Documents were dribbled out. It was always a struggle. This chart behind me indicates the list of some of the efforts that were made to get documents relating to the Feith operation of which Mr. Flory was a part, and some of the documents that we have been able to receive in which Mr. Flory is named.

I finally met with Acting Deputy Secretary of Defense Gordon England in June of 2005 to discuss the documents I was seeking. Secretary England was able to provide a large number of additional documents in July. He also stated at that time they were the last documents the Department would release, and that there were 58 additional documents the Department would not release. So that is what it came down to: 58 documents that they have, responsive to my continuing requests, which may—may—like some of the documents we did receive, relate to Mr. Flory. We don't know until we get the documents. We have a right to the documents. The Senate, to the last person, should insist upon relevant documents. This should be an institutional issue where we all defend each other's rights to get documents that are relevant to a confirmation.

In late July 2005, I offered to lift my objection to proceeding with the Flory nomination if the administration would simply provide a list of the 58 documents they are not going to provide. Just give us the list, together with an indication that the President's senior advisors would recommend that he invoke executive privilege with regard to these documents, because that is what we were told orally. All we wanted was the accounting, the inventory. We didn't need the substance. Just tell us: What are the 58 documents? Who wrote whom on what date? Don't give us the substance, we will get along without that, providing you tell us that senior administration officials are going to recommend to the President that executive privilege be asserted.

Defense Department officials, by the way, indicated their willingness to do this, but it was the administration that declined to agree.

Then Mr. Flory received a recess appointment. So once again, he is in office. By the way, I want to thank my friend from Virginia. He has tried on a number of occasions to help me obtain these documents.

The administration has had the opportunity to resolve this matter in a very simple way. It has chosen not to. I offered the compromise which I have just outlined that the administration finally rejected.

Mr. Flory was a Principal Deputy Assistant Secretary in the Feith office. That office produced an alternative intelligence assessment. That is No. 1. That is his connection to the Feith office.

Second, he is mentioned in a number of the documents which have been made available, and he participated in briefing the Senate Armed Services Committee on behalf of that office, relative to the subject matter we are talking about here today.

I have said that I believe the Senate as an institution should insist on access to documents which may be relevant to a confirmation process. This should not be a partisan issue. We have supported each other's rights to documents consistently. As long as I have been here, we have defended each other's rights to access to documents.

Senator MCCAIN last year or the year before held up promotions and transfers of senior officers in the Air Force because the Department of Defense refused to provide information he sought which was relevant to a proposed Air Force lease of tanker aircraft. We supported him. He was right; he is entitled to that information.

We all supported the nominations, or most of us did. But it was the way in which he chose to obtain relevant information, and we—I think probably every member of the Armed Services Committee—stood up for his right to get documents. That is what this issue is about. Are we as an institution going to stand up for the right of Senators to get documents that are relevant to a confirmation process or which may be relevant to a confirmation process? That is the issue here.

The issue here is this body and what we have a right to, or whether the executive branch—and I don't care who is in the executive branch, Democrat or Republican—can stiff us, can stonewall us in terms of producing documents that may be relevant to a confirmation process.

There is example after example where Senators have taken the position that we should not vote on the confirmation of nominees until documents have been provided. In 1986, Senators said they didn't want to vote on the confirmation of William Rehnquist to be a Supreme Court Justice until after documents were provided. The administration finally provided the information.

Senator Helms in 1991 blocked the nomination of an ambassador until he received State Department cables in which one of Senator Helms' aides was accused of leaking U.S. intelligence to the Pinochet government.

Mr. President, how much time does Senator HARKIN have?

The PRESIDING OFFICER. Senator HARKIN has 10 minutes remaining.

Mr. LEVIN. He has indicated his willingness to me, and I ask unanimous consent, that I have 3 of those minutes at this time.

The PRESIDING OFFICER. Is there objection?

Mr. WARNER. I will not object, but I wish to advise my colleague a number of my colleagues are on the tightest of schedules. I am proposing, on the conclusion of the debate on Flory, we immediately go to an up-or-down vote on Smith followed by a cloture vote on Flory. Is that understood?

Mr. LEVIN. That is the existing unanimous-consent agreement.

Mr. WARNER. If cloture is obtained, will the Senator be willing to have a voice vote on Flory?

Mr. LEVIN. If cloture is obtained, I would be willing. I have to make sure that is acceptable to others.

Mr. WARNER. We will reserve that for the leadership, but as manager that would be my position. I must impress upon colleagues—they are all here, those able to remain for the votes—in order to accommodate a great many, let us hold rigidly to the time schedules allocated for the votes.

Mr. LEVIN. I was perfectly content to have these votes occur immediately after the recess. I am the last one who wants to hold up our colleagues from leaving, and I will abide by the suggestion of the good Senator from Virginia.

The PRESIDING OFFICER. Without objection, the Senator is recognized for 3 additional minutes.

Mr. LEVIN. Senators Helms, KENNEDY, JEFFORDS, all of us—not all of us, many of us at times—have said we should not vote on a nomination until relevant documents have been obtained by the interested Senator, relevant to that confirmation process. We have supported those Senators in getting those documents. It has been an institutional position that Senators should be able to get documents that relate to a confirmation of a particular nominee.

These are documents which relate to this nomination or may relate to this confirmation process. We don't know until we see the documents, but we do know two things, that Mr. Flory was a Principal Deputy Assistant Secretary in the Feith office and he was actively involved in the discussions and the matters to which these documents pertain and that he is named in a number of the documents we have been able to obtain as being involved in this subject matter. That much we know. That is more than enough, it seems to me, for this body to insist that these documents be made available before we vote on his confirmation.

Finally, he is in office now. We are not blocking him from going into that office. He got a recess appointment.

To reiterate, there is nothing novel or unique about holding up a nomination in order to obtain information that is being withheld by executive branch officials. This defense of Senate prerogatives goes back a long way, probably to our beginning.

In 1972, Senator Sam Ervin insisted that the Senate would not vote on the nomination of Richard Kleindienst to be Attorney General until the administration provided information on a deal to drop an antitrust case against ITT in return for a $400,000 campaign contribution. The administration eventually provided the information and the nomination was confirmed,

In 1991, Senator Helms blocked the nomination of George Fleming Jones to be U.S. Ambassador to Guyana until he received State Department cables in which one of Helms' aides was accused of leaking U.S. intelligence to the Pinochet government. The administration eventually provided the information and the nomination was confirmed.

In 2004, Senator JEFFORDS placed a hold on nominations for four top jobs at the Environmental Protection Agency because of 12 unmet requests for documents over the previous three years. The documents in question related to the Bush administration's changes to air pollution rules.

In short, the Senate has a longstanding practice of holding up nominations in order to obtain documents relevant to confirmation and oversight responsibilities. This has been done by Senators of both parties, in Senates controlled by both parties, and with administrations controlled by both parties.

It is in the interest of the Senate as a whole to uphold our right to documents. It is at times essential to our obtaining the information we need to do our jobs. All colleagues should protect the right of any colleague to documents relevant to a nominee in a confirmation process.

This information that we seek is directly relevant to the nomination of Mr. Flory. The entire Senate should, as an institutional matter, insist on access to the relevant information before we act on his nomination. We should speak with one Senatorial voice against executive branch stonewalling on access to relevant information.

Mr. Flory has received a recess appointment to the position to which he has been nominated. By refusing to act on his nomination until we receive this information, we are not preventing this individual from carrying out his executive duties. On the contrary, it is the Executive Branch which is obstructing the Senate's ability to carry out our confirmation responsibilities when they deny us relevant documents.

I hope every member of the Senate will stand together to defend the right of the Senate to have access to the relevant documents that bear on this nomination.

Mr. WARNER. Mr. President, by way of wrapup, Mr. Flory is nominated to be Assistant Secretary of Defense for International Security Policy.

Peter C.W. Flory, by recess appointment on August 2, 2005, became Assistant Secretary of Defense for International Security Policy. He previously served from 2001 to the present as the principal assistant to the Assistant Secretary for International Security Affairs, who is the principal advisor to the Secretary of Defense on the formulation and coordination of international security strategy and policy for East Asia, South Asia, the Middle East and Persian Gulf, Africa, and Latin America.

From April 1997 to July 2001, Mr. Flory was Chief Investigative Counsel and Special Counsel to the Senate Select Committee on Intelligence, SSCI. Mr. Flory had responsibility for the People's Republic of China and other regional issues, as well as counterintelligence, covert action, denial and deception, and other intelligence oversight matters.

An Honors Graduate of McGill University, Mr. Flory received his law degree from Georgetown University Law Center. After working as a journalist, he served as a national security advisor to Members of the House Foreign Affairs Committee and Senate Defense Appropriations Subcommittee. From 1989 to 1992, Mr. Flory served as the Special Assistant to Under Secretary of Defense for Policy Paul D. Wolfowitz. From 1992 to 1993, he was an Associate Coordinator for Counter-Terrorism in the Department of State with the rank of Deputy Assistant Secretary. From 1993 until he joined the SSCI staff in 1997, Mr. Flory practiced law with the firm of Hughes, Hubbard & Reed LLP.

Mr. Flory speaks German and French. He and his wife Kathleen have six children, and reside in Nokesville, Virginia.

I would simply conclude, this is somewhat of a dilemma for those not following it. This man is eminently qualified to discharge the responsibilities to which the President has nominated him. There is no doubt in my mind.

I have worked with my colleague. I will continue to work with my colleague. It is no different than other chairmen and ranking members, irrespective of party. We are always in a push-pull contest with the executive branch regarding the documents we need to perform oversight. I do not in any way disparage or criticize my colleague's observations. I think he is meticulously correct in what he has set forward to the Chamber. But the problem is, I am not sure this gentleman was party to in any way the obstruction of those documents coming forward. Those decisions primarily were made by his superiors. I think it would penalize him for actions of superiors, which superiors were acting as they believed in the best interests of the United States, and within the parameters of the time-honored traditions between the executive and legislative branches about the privacy of certain documents.

I hope now we could move on. I see my friend, the Senator from Rhode Island. Does he have a few concluding words?

Mr. LEVIN. If the Senator will yield, and I apologize for being distracted and not able to hear the Senator, but apparently it was announced already that this would be the last vote today. I think we have to leave it at that.

Mr. WARNER. Wait a minute. I must get from my side a clarification on that. My understanding is there were two votes.

Mr. LEVIN. The last two votes today.

Mr. WARNER. You said the last vote. Let's be clear.

Mr. LEVIN. I apologize. I think the Senator is correct. It has been announced these will be the last two votes, depending on the outcome of the second vote.

Mr. WARNER. We could consequently have a voice vote. I doubt if it will be necessary.

Mr. LEVIN. Let me see if we can accomplish that. Mr. WARNER. I see the Senator from Rhode Island.

Mr. REED. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. Five minutes.

Mr. REED. I do not intend to take all that time, but I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator is recognized.

Mr. REED. Mr. President, there are two issues with respect to Mr. Flory. The first is access to documents which are necessary for the Senate to do its job. We can't formulate policy, we can't draft legislation, we can't properly review the activities of the Department of Defense if we are denied critical information. This Defense Department persistently, constantly denies information of that sort. This is something about which Senator LEVIN has made the point very well, made the point about his attempts to get information with respect to issues that touch on the activities of Mr. Flory and the activities of others. Senator LEVIN has been denied. Without any justification, without any legal precedent, they simply said we are not giving it to you—and that is outrageous.

Frankly, because we have acquiesced in this policy over many years, we have not done our job in the Senate. We allowed this Defense Department to take military forces to war without a plan for occupation because we didn't ask—demand that they give us the information in that plan. We have done this repeatedly. It has to stop because it has real consequences in the activities of our military and the effect on these young men and women across the globe. We have to do our job. Our job begins with getting this type of information.

It is outrageous that we continue to sit here and literally beg the Defense Department to give us information

that is rightfully ours because of our responsibilities under the Constitution to supervise the activities of the Department of Defense. That is point No. 1.

Point No. 2 is Mr. Flory, by his own job description, was involved with the formulation and coordination of international security strategy and policy for several areas including the Middle East in 2001. As Senator LEVIN pointed out, he was part of this team that developed this alternate intelligence view—alternate in the sense that it was inaccurate, grossly inaccurate.

Now we propose to promote him. There are millions of Americans who are wondering who planned this operation in Iraq so poorly. And if they find out, it is not to give these individuals a promotion. There is real responsibility here and that is the other point I find very difficult to accept. No one seems to be accountable for palpable mistakes that have been made by the Department of Defense in the conduct of these operations—not the Secretary of Defense, not the new Secretary of State, who was the National Security Advisor—and now we are promoting someone who is deeply involved in the Feith operation that created the alternate intelligence view that was at dramatic odds with the intelligence community, with the suggestion that there were serious links between Saddam Hussein, al-Qaida, and other terrorist groups.

I think on both these points we should not proceed to this nomination. We have to have the information necessary to do our jobs. If we do not, we are not doing our jobs. We are not doing our duty. Today I hope is an opportunity to focus attention on, No. 1, the fact we need the information from the Department of Defense, and also I think it is about time someone is held in some degree responsible for errors that have been made by the Department of Defense.

I yield my time.

The PRESIDING OFFICER. The Senator yields.

VOTE ON NOMINATION OF DORRANCE SMITH

Mr. WARNER. Mr. President, I ask for the yeas and nays on the nomination of Dorrance Smith.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is, Will the Senate advise and consent to the nomination of Dorrance Smith, of Virginia, to be an Assistant Secretary of Defense?

The clerk will call the roll.

The legislative clerk called the roll.

Mr. MCCONNELL. The following Senators were necessarily absent: the Senator from Kansas (Mr. BROWNBACK), the Senator from Kansas (Mr. ROBERTS), and the Senator from Alaska (Mr. STEVENS).

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from California (Mrs. BOXER), the Senator from Washington (Mrs. MURRAY), and the Senator from West Virginia (Mr. ROCKEFELLER) are necessarily absent.

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

The result was announced—yeas 59, nays 34, as follows:

[Rollcall Vote No. 91 Ex.]

YEAS—59

Alexander	Domenici	Martinez
Allard	Ensign	McCain
Allen	Enzi	McConnell
Bennett	Feingold	Murkowski
Bond	Frist	Nelson (NE)
Bunning	Graham	Pryor
Burns	Grassley	Santorum
Burr	Gregg	Sessions
Chafee	Hagel	Shelby
Chambliss	Hatch	Smith
Coburn	Hutchison	Snowe
Cochran	Inhofe	Specter
Coleman	Isakson	Sununu
Collins	Kohl	Talent
Cornyn	Kyl	Thomas
Craig	Landrieu	Thune
Crapo	Lieberman	Vitter
DeMint	Lincoln	Voinovich
DeWine	Lott	Warner
Dole	Lugar	

NAYS—34

Akaka	Durbin	Mikulski
Baucus	Feinstein	Nelson (FL)
Bayh	Harkin	Obama
Bingaman	Inouye	Reed
Byrd	Jeffords	Reid
Cantwell	Johnson	Salazar
Carper	Kennedy	Sarbanes
Clinton	Kerry	Schumer
Conrad	Lautenberg	Stabenow
Dayton	Leahy	Wyden
Dodd	Levin	
Dorgan	Menendez	

NOT VOTING—7

Biden	Murray	Stevens
Boxer	Roberts	
Brownback	Rockefeller	

The nomination was agreed to.

The PRESIDING OFFICER. Under the previous order, the President will be immediately notified of the Senate's action.

NOMINATION OF PETER CYRIL WYCHE FLORY TO BE AN ASSISTANT SECRETARY OF DEFENSE

Mr. WARNER. I urge we proceed immediately to the second vote, a cloture vote on Peter Flory.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, the clerk will report the motion to invoke cloture.

The legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of Peter Cyril Wyche Flory to be an Assistant Secretary of Defense.

Bill Frist, Lamar Alexander, Mike Crapo, Jim Bunning, Richard Burr, Wayne Allard, Johnny Isakson, Richard Shelby, Craig Thomas, Ted Stevens, David Vitter, James Inhofe, Chuck Hagel, Norm Coleman, Mike DeWine, Robert F. Bennett, John Thune.

Mr. WARNER. Mr. President, this will be the last recorded vote of the day. There could be a voice vote subsequently, but this will be the last recorded vote for the record.

Mr. LEVIN. Whether cloture is invoked or not, we have agreed this will be the last vote.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the nomination of Peter Cyril Wyche Flory, of Virginia, to be an Assistant Secretary of Defense, be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

Mr. MCCONNELL. The following Senators were necessarily absent: the Senator from Kansas (Mr. BROWNBACK), the Senator from Kansas (Mr. ROBERTS), and the Senator from Alaska (Mr. STEVENS).

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from California (Mrs. BOXER), the Senator from Washington (Mrs. MURRARY), and the Senator from West Virginia (Mr. ROCKEFELLER) are necessarily absent.

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

The yeas and nays resulted—yeas 52, nays 41, as follows:

[Rollcall Vote No. 92 Ex.]

YEAS—52

Alexander	DeWine	McCain
Allard	Dole	McConnell
Allen	Domenici	Murkowski
Bennett	Ensign	Santorum
Bond	Enzi	Sessions
Bunning	Frist	Shelby
Burns	Graham	Smith
Burr	Grassley	Snowe
Chafee	Gregg	Specter
Chambliss	Hagel	Sununu
Coburn	Hatch	Talent
Cochran	Hutchison	Thomas
Coleman	Inhofe	Thune
Collins	Isakson	Vitter
Cornyn	Kyl	Voinovich
Craig	Lott	Warner
Crapo	Lugar	
DeMint	Martinez	

NAYS—41

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

NOT VOTING—7

Biden	Murray	Stevens
Boxer	Roberts	
Brownback	Rockefeller	

The PRESIDING OFFICER. On this vote, the yeas are 52, the nays 41. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

Mr. LEVIN. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

LEGISLATIVE SESSION

Mr. WARNER. I ask unanimous consent that the Senate resume legislative session.

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

MORNING BUSINESS

Mr. WARNER. I ask unanimous consent that the Senate proceed to a period of morning business with Senators permitted to speak for up to 10 minutes each.

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

(The remarks of Mr. WARNER pertaining to the introduction of S. 2600 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

The PRESIDING OFFICER. The Democratic leader.

Mr. REID. I appreciate the courtesy of my friends, the distinguished Senator from Oregon and the leader, Senator BYRD, for allowing me to speak for a few minutes. He has been waiting a long time.

LEAK OF CLASSIFIED INFORMATION

Mr. REID. Mr. President, yesterday the American people received the shocking news that the Vice President's former chief of staff, Scooter Libby, may have acted on direct orders from President Bush when he leaked classified intelligence information to reporters. It is an understatement to say that this is a serious allegation with national security consequences. It directly contradicts previous statements made by the President. It continues a pattern of misleading America by this Bush White House. It raises somber and troubling questions about the Bush administration's candor with Congress and the American people.

Today, I come to the floor to request answers on behalf of our troops, their families, and the American people. For years President Bush has denied knowing about conversations between his top aides and Washington reporters, conversations where his aides, like Scooter Libby, sought to justify the war in Iraq and discredit the White House's critics by leaking national security secrets. In fact, President Bush is on record clearly, in September of 2003, as saying:

> I don't know of anybody in my administration who leaked classified information. If somebody did leak classified information, I'd like to know it, and we'll take appropriate action.

Yesterday, we found there is much more to the story. According to court records, President Bush may have personally authorized the very leaks he denied knowing anything about. In light of this disturbing news, we need to hear from President Bush which of these is true: His comments in 2003 or the statements made by the Vice President's chief of staff. Only the President can put this matter to rest.

Harry Truman had on his desk in the Oval Office a plaque. It said: ''The buck stops here.'' In George Bush's White House, perhaps he should put one that says: The leaks start here.

He, the President of the United States, must tell the American people whether President Bush's Oval Office is a place where the buck stops or the leaks start. This is a question he alone must answer, not a spokesman, not a statement, only the President of the United States.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, I, too, thank the Senator from West Virginia for his courtesy. I ask unanimous consent to speak this afternoon for up to 15 minutes.

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

WITHDRAWAL OF U.S. TROOPS FROM IRAQ

Mr. WYDEN. Mr. President, I rise to offer a simple proposition: Congress should act like a coequal branch of Government and vote on whether to keep American troops in Iraq for at least 3 more years. Late last month, the President told the American people that it is his intent to keep American soldiers in Iraq through the end of his term in office. He has never before made such a sweeping commitment. When the Senate voted in October of 2002 to send troops to Iraq, few Americans believed then that the U.S. military would be in Iraq in 2006, let alone 2009 or beyond. Based on what the Bush administration said then, Americans would be justified in thinking that by now Iraq would be free and democratic. Based on what the Bush administration said then, Americans would be justified in thinking that by now Iraq would be stable and self-supporting. Based on what the Bush administration said then, Americans would be justified in thinking that by now the vast majority of U.S. forces, if not all of them, would be safely back home.

Unfortunately, the rosy forecast put out by the White House and the Pentagon in 2002 perished in the harsh reality of Iraq.

The failure to plan for the post-war period has thus far created less security for the world, greater heartache for Iraq, and extraordinary costs for America.

As of today, neither the American people nor the Congress knows how the President intends to get American troops out of Iraq. Instead, virtually every day, the administration offers a new theory for how discouraging events on the ground in Iraq are actually positive signs.

Here is what is indisputable: 2,348 American soldiers are dead, 17,469 are injured, and 262 billion taxpayer dollars have been spent.

If our troops remain in Iraq for at least 3 more years, how many more will die, how many more will be injured? How many more hundreds of billions of dollars will it cost?

By all accounts, the insurgency remains strong and is constantly attacking and killing American soldiers, Iraqi soldiers, and Iraqi civilians. Every day there is another bombing, another brutal image on the TV that reflects the chaos that passes for an average day in Iraq.

Sectarian violence is rampant. The ethnic strife is so grave that Shiites and Sunnis living in mixed neighborhoods are fleeing for the safety of ethnic enclaves.

In recent months, there have been more and more groups of bodies found—hands bound, shot in the back of the head or beheaded—and many Iraqis have come to believe that their own Iraqi Interior Ministry is participating in these death squad-style killings.

According to Ambassador Khalilzad, the ''potential is there'' for all-out civil war. That, my friends, is an understatement. As former Prime Minister Allawi concedes, a low-level civil war is already being waged in Iraq.

The so-called ''enduring bases'' that the Pentagon has built in Iraq certainly create the appearance that the Bush administration intends for the United States to occupy Iraq indefinitely, unnecessarily fostering ill-will among the Iraqi population and throughout the Arab world.

Oil production, household fuel availability, and electricity production are lower than they were 2 years ago. Iraqis have electricity half of each day. About 32 percent of Iraqis are unemployed.

The list of problems that plague Iraq goes on and on.

Supporters of the war tout the Iraqi forces that are standing up and taking responsibility for security. Yet it has been reported that not a single Iraqi security force battalion can operate without U.S. assistance. The Iraqi police force is plagued by absenteeism and militia infiltration. The level of incompetence is high enough that U.S. forces are reluctant to hand over their best weapons to the Iraqis.

You will also hear supporters of the war point to the three elections as proof of progress. Yes, there have been elections. But as the current impasse makes clear, elections are just the beginning. And while those elected have been deliberating for the past 3 months, unable to reach consensus over the makeup of the new Iraqi Government, insurgents have been exploiting the power vacuum to kill, to maim, and to instill terror and fear.

Supporters of the war will also point to our reconstruction efforts. But billions of reconstruction dollars have been misused, misspent, or lost by American contractors, like Halliburton, and Iraqi ministries, including the Ministry of Oil.

While in Iraq recently, as a member of the Senate Select Committee on Intelligence, I sat down with representatives of the Oil Ministry to discuss the issue of graft. After I repeatedly pointed to independent analyses documenting the serious corruption problems within the Iraqi oil sector, the Iraqi officials finally acknowledged that there were ''small'' problems with graft in this sector. Considering that oil accounts for more than 90 percent of the country's revenues, this ought to be extremely disturbing to Congress and people all across America.

Just as the President made the case to go to war, he owes it to Congress and the American people to come to Congress and lay out his plan and his budget for achieving a lasting peace in Iraq.

Congress owes it to the American people and the institution to vote.

If the President refuses to come to Congress in the coming weeks with his plan and his budget to win the peace in Iraq, Congress owes it to the American people to vote up or down on whether to keep American troops in Iraq for at least 3 more years.

The President's case for winning the peace in Iraq should address these concerns:

First, how the President can help make the Iraqis self-reliant so that they can defeat the deadly insurgency.

Second, how the President intends to help Shiite, Sunni, and Kurdish leaders break the political impasse so that they can form a unity government.

Third, how the President intends to pull the Iraqi people back from the brink of all-out civil war and the specter of another Rwanda or Darfur.

Fourth, how the President intends to help rebuild the Iraqi infrastructure and ensure that Iraqis have access to basic services like electricity and clean water.

And fifth, how the President intends to bring the troops home from Iraq.

If need be, to be sensitive to national security matters, I would not be averse to the Senate moving into Executive Session to consider portions of the President's plan and his budget for securing the peace in Iraq.

I simply ask the President to come to Congress and describe his plan and his budget specifically, and let Congress consider its potential to succeed before the Congress, with its silence, consents to 3 more years of very costly involvement in Iraq.

The vote I call for today, if held, won't be about cutting-and-running. It won't be about who comes up with the best spin. It will be about holding the President and Congress accountable. The vote will hold the President accountable for presenting a plan and a budget for securing the peace. And the vote will hold Congress accountable by making it finally act like a co-equal branch of government.

I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

Mr. BYRD. Mr. President, I thank the distinguished Senator from Oregon, who has just spoken, for what he has said. I shall read his speech carefully tonight, the Lord willing, the general theme of which I am in accordance with. His was a speech that had to be said and ought to be said. It was in his words. I might have made it with a change or two. But we are together, as we were when the Senator and I joined the immortal spirits of the 23 who on that day cast the most important vote that I have ever cast in my 48 years now in the U.S. Senate.

EASTER WEEK

Mr. BYRD. Mr. President, this Sunday, April 9, is Palm Sunday, thank God. It marks the beginning of the Christian holy week and Easter. The Senate will recess today so that Members might celebrate this holy week in the home churches, among their families, friends, and constituents. Before we adjourn, I would like to give a little consideration to those world-shaping events of some 2,000 years ago.

Whether one counts himself or herself as a Christian of any denomination or a follower of any other faith, one must admit that the man, the person, at the center of the Easter celebration was and is a figure of historical import, just as are the founding figures of the rest of the world's religions. There are today, by some estimates, approximately 2.1 billion Christians of all denominations, more than any other religious affiliation, and almost twice as many as those who describe themselves as secular, nonreligious, agnostic, or atheist—1.1 billion. By way of contrast, there are approximately 1.3 billion adherents of Islam and just 14 million of Jesus' Jewish faith. That one man's example and teachings have affected so many people so deeply and for so many years is a testament to his faith.

On Palm Sunday, a rabbi from Galilee, whom we know best today as Jesus, made a public entrance into Jerusalem to celebrate the Jewish holiday of Passover.

In doing so, Jesus surely knew what was in store for Him. He knew—He knew—He was a wanted man. He knew He was a wanted man—He knew it—marked for arrest by the civil authorities who feared that He would incite a rebellion that would lead to Roman occupation and unprotected by religious authorities who feared His teachings and who could not countenance His refusal to deny being more than human. But still He came. Still He came and the people cheered and threw palm leaves, a symbol of triumph and the national symbol of an independent Palestine, before his path. What a remarkable act of faith. What a remarkable act of faith to come willingly to one's tragic end, seeing through the suffering to the miracle of resurrection. The miracle; the miracle of resurrection. What a remarkable act of courage, to remain silent and smiling at the people He knew would not or could not aid Him in His final hours.

Some 2,000 years later, those 2.1 billion Christians around the world commemorate Jesus' final entry into Jerusalem by making crosses out of palm fronds, combining the triumphant entrance with the lasting image of Jesus Christ on the cross.

By Thursday, called Maundy Thursday or Holy Thursday, Jesus' freedom ended after His last meal, when He was arrested and imprisoned, betrayed—yes, betrayed—by Judas for 30 pieces of silver. Foreknowledge could not have made those fateful moments any easier to bear. On Good Friday, Christians will solemnly remember His suffering and death upon the cross. Candles and lights will be extinguished in memory of His final hours. Good Friday remains a sad, dark day despite the knowledge of His resurrection to leaven the terrible suffering He endured.

Holy Saturday is a day of vigil, as Christians figuratively keep watch over Christ's tomb and await the glorious resurrection to come. And Easter Sunday, or Resurrection Sunday, is a joyful, glorious day of reaffirmed faith, of promises kept, of hope restored.

I read now from the Book of St. Matthew, the 28th chapter, the first through the seventh verses, the King James version of the Holy Bible:

> In the end of the sabbath, as it began to dawn toward the first day of the week, came Mary Magdalene and the other Mary to see the sepulchre.
>
> And, behold, there was a great earthquake: for the angel of the Lord descended from heaven, and came and rolled back the stone from the door, and sat upon it.
>
> His countenance was like lightening, and his raiment white as snow:
>
> And for fear of him the keepers did shake, and became as dead men.
>
> And the angel answered and said unto the women, Fear not ye: for I know that ye seek Jesus, which was crucified.
>
> He is not here: for he is risen, as he said. Come, see the place where [Jesus] lay.
>
> The scriptures say:
>
> Come, see the place where the Lord lay.
>
> And go quickly, and tell his disciples that he is risen from the dead; and, behold, He ''goeth before you into Galilee; there shall ye see Him: Lo, I have told you.''

For the next 40 days, Christ proved to his followers that He had, indeed, risen from the dead. Then He ascended into Heaven, fulfilling the final promise of His wondrous life. As John 3:16 so beautifully summed up the central promise of the Christian faith, ''For God so loved the world, that He gave His only begotten Son, that whosoever believeth in Him should not perish, but have everlasting life.'' In Jesus' resurrection and ascension, God offers the greatest and only proof of His love and His promise that in death, there is life in faith. That—that, not chocolate bunnies and colorful eggs—is the great gift of Easter. Its comfort and solace linger on in the soul even longer than chocolate does on the lips. It warms us even more during sad times—yes—than does the spring sun after a cold and cheerless winter.

And so it is because of this great gift, this promise—yes, this promise of everlasting life and the heart-searing proof through sacrifice that Christianity survived the passing of its founder. Nearly 2,000 years later, the words and example of the Rabbi from Galilee motivate and support over 2 billion—over 2 billion—people around the world. Governments have tried to stamp Him out, but still He endures in the hearts of His devout followers. Technology has tried to distract us, but still His word—yes, his word—beckons. I am sure that whatever trials and tribulations lie ahead, His teachings and faith will offer comfort and hope no matter how bleak the future might appear. In all of the moments of our lives, large and small, joyful and desolate, triumphant and abject, He—yes, He is there at our side with support and hope. I do feel for those 1.2 billion people who do not have faith to sustain them and give them strength. It is a deep, deep well of support and nourishment for the weary soul—for the weary soul.

Mr. President, I close my speech with the words of Henry Wadsworth Longfellow from his poem ''Christus: A Mystery.'' In the poem, Prince Henry is speaking to Elsie as they cross the square:

This is the day, when from the dead our Lord arose; and everywhere, out of their darkness and despair, triumphant over fears and foes, the hearts of his disciples rose, when to the women, standing near, the angel in shining vesture said, ''The Lord is risen; He is not here!'' And, mindful that the day is come, on all the hearths in Christendom the fires are quenched, to be again rekindled from the sun, that high is dancing in the cloudless sky. The churches are all decked with flowers, the salutations among men are but the Angel's words divine, ''Christ is arisen!'' And the bells catch the glad murmur, as it swells, and chant together in their towers. All hearts are glad; and free from care the faces of the people shine. See what a crowd is in the square, gayly and gallantly arrayed!

Mr. President, let me close—and I hope I have not imposed too long on the Senate and on my friends who may have been waiting—let me close with these words spoken by William Jennings Bryan in his speech on immortality. Now is the time to think about it. That is what Easter is: the promise of immortality.

If the Father deigns to touch with divine power the cold and pulseless heart of the buried acorn, and make it burst forth from its prison walls again in the mighty Oak, will He leave neglected in the Earth the soul of man, who was made in the image of his Creator? If He stoops to give to the rosebush, whose withered blossoms float upon the autumn breeze, the sweet assurance of another springtime, will He withhold all the words of hope from the sons of men when the frosts of winter come? If Matter, mute and inanimate, though changed by the forces of Nature into a multitude of forms, can never die, will the imperial spirit of man suffer annihilation after a brief visit to this tenement of clay?

No.

Rather, let us believe that He who, in his apparent prodigality, wastes not the raindrop, the blade of grass, or the evening's sighing zephyr, but makes them all to carry out His eternal plans, has given immortality to the mortal.

Amen.

IN THANKS TO JAY AND SHARON ROCKEFELLER

Mr. President, at this time of Easter, at this time of rejoicing in the promise of eternal life, I also rejoice in the friendship that I share with my colleague from West Virginia, Senator JAY ROCKEFELLER, and his lovely wife, Sharon. JAY and Sharon Rockefeller are jewels. They have always opened their doors and their hearts to me and to my darling wife, Erma.

For more than 20 years, JAY ROCKEFELLER and I have worked in partnership for the people of West Virginia. There have been good times and bad; moments of great joy and moments of great hardship. But at each turn, we have stood together for our State, the Mountain State, West Virginia, where Mountaineers are always free.

In the past few years, when my wife battled against illness, JAY ROCKEFELLER always took the time to ask about her. He and Sharon always wanted to know how Erma was. Stand her side-by-side with JAY, and Erma probably didn't reach his chest. But she had a place in his and Sharon's heart, just as he and Sharon did in hers.

Today, Senator JAY ROCKEFELLER is recovering from back surgery. He has missed some time in the Senate, and we have missed him here. I know that JAY will be back on his feet soon. And, when he walks through the Senate door, I shall welcome him with open arms.

I wish Senator JAY ROCKEFELLER and his charming wife, Sharon, a most blessed Easter, and I thank them for their long and warm friendship toward Erma and me.

I thank all Senators, and I yield the floor.

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

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

REMEMBERING PAUL COVERDELL

Mr. CHAMBLISS. Mr. President, I rise today with a little bit of sadness in my voice, but also with a lot of happiness about an occasion that is going to be taking place in about 30 minutes at the University of Georgia in Athens, GA, where I had hoped to be today, but, unfortunately, the business of the Senate required us to stay here. Today at 2 o'clock there will be a dedication of the Paul Coverdell Center for Biomedical and Health Sciences at the University of Georgia in Athens. This building is going to be named for a man who was not only a close friend of mine, but he was a close political ally.

He is a man who served in the Georgia Legislature for almost two decades and served in the U.S. Senate for 8 years, from 1992 to 2000, when, unfortunately, he died much too early as a result of a very sudden illness that he developed.

Paul Coverdell was a man of great vision, one of the hardest working individuals I have ever known in my life, and a man who truly believed in what was best for his country. He was a man who served, not just in the Senate in Washington, but he also was a director of the Peace Corps under President George Herbert Walker Bush. Today, President Bush and Mrs. Bush are in Athens to be the keynote speakers at the dedication of this building.

Paul Coverdell was a man who really took the Peace Corps to a different level. I was very pleased, along with a number of other Members of this body—particularly his close friend, Phil Gramm, the former Senator from Texas—and a number of other individuals who attended the dedication ceremony at the Old Executive Office Building in 2001, when President George W. Bush announced that we were naming the headquarters of the Peace Corps the Paul D. Coverdell Peace Corps Headquarters Building.

Paul had a great vision for biomedical science as well as research, so I think it is only fitting that today the building in Athens at the University of Georgia be named for him. Were it not for the hard work and the vision of another Member of this Senate, Senator Zell Miller, who succeeded Senator Coverdell, that probably would not have happened.

While it is sad to think of the fact that Paul is no longer with us, for him to be remembered as he is being remembered today, once again, on the campus of the University of Georgia, which is my alma mater, gives me a great feeling about carrying on the life, the vision, and the hope that Paul Coverdell had for our country.

His wife Nancy was very active in Paul's political life. She continues to be a very vivacious lady today. She happens to serve as the chairman of my military academy appointment committee, and does she ever do a terrific job. She is a great lady in and of herself, but Paul Coverdell was a special person.

He rose very rapidly in the leadership of the Senate after his election. He became the secretary of the conference and served his conference well. He served not only his Republican colleagues well, but he was an individual who, on virtually every occasion when he worked on an issue, reached across the aisle to Members on the Democratic side to make sure they were included in the process, and that his ideas and his visions for a greater America would always be shared and there would be cooperation with the folks on both sides of the aisle.

Today I stand with a little bit of a heavy heart but with a wonderful remembrance of a great friend, a man with whom I spent so much time, talking about not only politics. During the

8 years I served in the House, Paul was here in the Senate for most of those years. We had occasion to talk by telephone at least once a week. We made it a point to visit about things that were happening both in our State as well as here in Washington.

He is a man with whom I also had the opportunity to talk about life and about how to not only set examples, as Paul did—and I have always subscribed to but have never reached the level that Paul did—but he is a man who also just gave you a great feeling about the direction in which our country was headed.

When I had the opportunity to talk with Nancy Coverdell this morning, I expressed my significant disappointment in not being there today but, thank goodness, she being a wife of a former Member of the Senate, understood that our life up here is not controlled by our wishes and desires but oftentimes by people on both sides of the aisle. I am really pleased that we are once again honoring the name and the memory of Paul Coverdell with the dedication of this building on the campus of the University of Georgia today.

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. LAUTENBERG. 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. LAUTENBERG. Mr. President, there has been a fairly lively debate. I ask unanimous consent I have such time as needed to make my remarks, should my remarks run more than 10 minutes, under the morning business rules. I need possibly 15 minutes.

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

Mr. LAUTENBERG. Thank you, Mr. President.

IRAQ

Mr. LAUTENBERG. Mr. President, there has been almost a raging debate around here these last couple of days on evaluations of what is taking place in Iraq, where do we stand in this war—almost a war of attrition, as I see it.

And included in the reports on deaths, killings, this morning we heard about an explosion, with suicide bombers detonating a bomb in a mosque that killed around 40 people. It is almost a daily thing that we hear and see, the horror of families being torn apart by the loss of a loved one. Children, men, women, it does not matter. It is just universal killing and demolition. It is a terrible act to witness.

Now we have some different news that has come about to accompany those stories of horror from Iraq. Everybody now knows that the Vice President's former chief of staff, Scooter Libby, has been indicted as part of the investigation into the leak of classified material from the White House.

I remember when this controversy broke. President Bush acted incredulous that anyone would leak classified national security information. In fact, in September 2003, the President said:

> There's just too many leaks, and if there is a leak out of my administration, I want to know who it is.

But now we find out—I think embarrassingly for the President, embarrassingly for the United States—we now find out that the President himself was ordering a leak of classified material. And he leaked that classified information for political reasons. He was trying to undo some of the political damage caused by the disclosure that the intelligence community did not believe Iraq was trying to purchase uranium. There it was: the reason we went to Iraq in the first place, and substantial doubts.

People who supported that view are now challenging the intelligence that led us there, or at least the intelligence reports we got. Now, here we are, still bogged down in Iraq, with no hope in sight to fix the mess we have caused there.

Yesterday, there was debate between two of our colleagues. One was Senator KERRY, who served in Vietnam, decorated for that service, the other was the Senator from Colorado, who was harsh in his criticism of Senator KERRY's speech on Iraq.

Now, Senator KERRY and I are both veterans. I am a veteran of World War II, and I served in Europe during the war. His, again, distinguished service in Vietnam is well known. So we are both veterans, and we are very interested in the military analysis of the Senator from Colorado.

The speech of the Senator from Colorado sounded much like White House talking points: short on facts, long on innuendo and fantasy.

While politicians in Washington sometimes wear rose-colored glasses and fantasize about the situation in Iraq, American troops are dying, American troops are wounded. One need only visit Walter Reed Hospital to see how serious some of those wounds are. People have lost limbs. People lose their sight. People suffer very severely from post-traumatic stress, invisible wounds that penetrate, nevertheless, very deeply.

I have gone to many memorial services and funerals for young people from New Jersey who died in Iraq. Seventy-three soldiers from my home State of New Jersey have died in Iraq and Afghanistan. As I mentioned, I have visited Walter Reed Army Hospital here in Washington several times, and I have been struck by the incredible resilience and dedication to our country of those young Americans, those who want to be able to pick up arms again so they can do their duty. And while these brave men and women put their lives on the line, the administration is simply ignoring reality.

Paul Eaton, a former commanding general of the Coalition Military Assistance and Training Team, wrote in the New York Times on March 19, recently, that Secretary of Defense Donald Rumsfeld is—and here I quote the Times—''not competent to lead our armed forces.''

Eaton further said that Rumsfeld ''has shown himself incompetent strategically, operationally and tactically, and is far more than anyone else responsible for what has happened to our important mission in Iraq. Mr. Rumsfeld must step down.''

This past Sunday on ''Meet The Press,'' retired General Anthony Zinni, who just published a book, repeated the call for Mr. Rumsfeld to resign. General Zinni of the U.S. Marine Corps is a former Commander of the Central Command. He said Secretary Rumsfeld should be held accountable for tactical mistakes in Iraq.

I had the opportunity the other night to go to a testimonial for General Shalikashvili and saw films of him done with former Secretary of State Colin Powell, President Clinton—all kinds of testimonials. As I looked at General Shalikashvili, I recalled how splendidly he handled his assignment as the Chief of the joint members of the senior staff and recalled that he said that in Iraq we would need perhaps 300,000 troops or more. He was right. And we never delivered on that commitment. As a consequence, in many military circles it is believed that lack of force is responsible for some of the problems we currently see.

Several days after General Zinni spoke, President Bush dismissed calls for Rumsfeld to step down, saying he was ''satisfied'' with his performance.

How in the world can the Commander-in-Chief, President Bush, be satisfied with the situation in Iraq? It is chaotic. It is near a civil war. The definition of a ''civil war'' is that people within the same country are fighting one another. My gosh, it could not be clearer.

So how can he be satisfied with Secretary Rumsfeld's miscalculations, with his profound errors in judgment, with his stubborn unwillingness to admit mistakes?

These mistakes have had tragic consequences—tragic for the nearly 2,400 American men and women who have died in Iraq and Afghanistan, tragic for the families they have left behind.

To examine the incompetence a little bit further—I have not been in Iraq in the last couple of years. I was there then, and I met with troops, and they were asking for better body armor. They were asking for better Humvee armor. And it took 2 years to loosen up those products to protect our troops. How incompetent must one be for the President not to be up in arms?

After my visit, I said I was going to the Defense Department, and did, requesting expedited treatment for these articles that our troops needed to protect themselves and to fight the war fully.

We know that most of the claims of the Bush administration in the leadup

to war were simply false. The administration claimed there was a connection between Saddam Hussein and al-Qaida. Not true.

The Bush administration claimed that there were weapons of mass destruction there. Not true.

The Bush administration claimed that the war would cost ''in the range of 50 to 60 billion dollars.'' Not true. The wars in Iraq and Afghanistan, including the next supplemental to be brought before the Congress in coming weeks, will total a half a trillion dollars, nearly $7 billion a month spent just in Iraq.

The Bush administration said before the war the oil revenues from Iraq could bring ''between 50 and 100 billion [dollars] over the course of the next two to three years.'' Not true again.

President Bush announced, ''Mission accomplished,'' on May 1, 2003. He lulled the Nation into believing that it was all settled: Families, look forward to your kids coming home. Look forward to families restored. Look forward to fathers and mothers coming back to their children. He told the Nation that major combat in Iraq was over. Not true. Ninety percent of the Americans who have died in Iraq have died since combat operations had supposedly ''ended.''

The Bush administration claimed that the Iraq insurgency was in its ''last throes.'' Not true. We know the insurgency has gained strength. General Abizaid recently said the number of foreign terrorists infiltrating Iraq has increased.

Since the last week of February, sectarian violence and death have reached new heights, while electricity production has dropped below prewar levels. Unemployment ranges from 30 to 60 percent.

The American people do not want their leader to deny reality. They want to hear the truth.

People on the floor of the Senate have heard me say it time and time again: I will never understand why the President of the United States refuses to let journalists, photographers, journalists who do photography, come in and take pictures of flag-draped coffins—flag-draped coffins. It is the country's last sign of honoring its dead. They are unable to take pictures of that because they do not want to tell the American people the truth about what is happening. It is, in my view, insulting to those families whose loved ones sacrificed their lives on the battlefield. Outrageous.

They do not want to tell us the truth. What they want to do is tell us untruths. Leaking information is inexcusable, when the penalties for anyone who leaks that information could be jail time.

The President of the United States, President Bush, under the guise of releasing the classification of sensitive material, had passed information, with Vice President CHENEY apparently being the person who furnished it, according to Libby, who is now fighting for his freedom. So he is saying things that he can prove, I would imagine; otherwise, he would not dare say it.

We are sick and tired of this war. I am not saying what the date is that we have to leave there, but I am saying that the date has passed for the truth, for knowing what is really happening there, for knowing what our troops and their families can expect.

Last week, I went to a return-home function in New Jersey, people who have come back. They were away, some of them, 18 months—little kids running around who haven't seen their fathers or mothers for that period of time. It is outrageous. We are in a state of confusion that defies imagination, that we, this country, with all of its might and all of its wealth, can't figure out some way to deal with this problem, after having made empty promises about how easy it was going to be—''treats and sweets'' was one of the expressions used—totally misunderstanding, not thinking about what it was going to take, not only to fight this war but how do you win it. And winning it means that you go home triumphant. Not so.

We see in front of us a situation that reminds us of the sad days of Vietnam, when we wanted to extricate ourselves and couldn't quite do it until the pain was so excruciating that the population could no longer stand it. We need a leader who sees clearly what is really happening and who speaks candidly—we can take bad news; we don't like it, but we can take it—about what is taking place in front of our eyes on television and newspapers in our homes. We can take the news. We will accept it and fight on to rebuild our strength and our moral conviction about what we are doing. But we need to know the truth on how to do that.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. MARTINEZ. Mr. President, before I speak on the subject of immigration, I would like to make a couple of brief remarks, having noted the comments of the distinguished Senator from New Jersey about the difficult military struggle we are in today in Iraq. I wanted to make the observation that the distinguished Senator talked about his very honorable and distinguished service at another time and in another struggle during World War II. He speaks with shock and dismay—and it is a subject of great dismay—about the fact that there has been death and there are family separations and there are injuries as a result of the great sacrifice our men and women are making today in Iraq with great valor and distinction which we highly honor, just like he and others did in World War II.

The question is, Is it worth it? Are we in this matter of a war over there with a choice to do anything other than success?

What I didn't hear from the Senator was a solution, a plan, an idea of how he might extricate us from this effort differently. I believe the only way is to pursue it until its conclusion, when it is ultimately a peaceful and democratic Iraq. To do otherwise would do great harm to the honor of those who serve and those who have sacrificed.

IMMIGRATION

Mr. MARTINEZ. I turn now to a subject we have been involved in all this week, the subject of immigration. I am very pleased that Leader FRIST and Chairman SPECTER have chosen to utilize the product of the good work of Senator HAGEL for a number of years, for over 5 years, on this issue of immigration, an effort which I was glad to join in over the last couple of weeks and which now appears to be poised to be the basis of a sensible and reasonable compromise. I am pleased that this will be the vehicle which will be on the Senate floor when we return to this topic sometime in the next month. I am grateful to Senator MCCAIN and Senator KENNEDY for their leadership on this issue, for all the work they have done. Others who have worked with us on this—Senators BROWNBACK, GRAHAM, SALAZAR, and LIEBERMAN—have all been a huge help as we tried to put together a way in which we can deal better with this complicated and very much broken down system of immigration.

We approach this issue by securing the borders, by dealing with a guest worker program, and by recognizing that the 1 million people who are in this country living under the radar, in the shadows, need a way out, need a way for us to welcome them into the mainstream of American life where they have now been, many of them, living for years and years, contributing, working, making a difference.

It does not give them amnesty. It requires a number of steps for them to go through. For those who have been here 2 years or less, it does not provide for them a vehicle to remain. For those who have been here 5 years or less, it requires that they return to a port of entry and make a legal entry into the United States before they can then follow a path toward normalized and regularized status.

The provisions of this bill have the support and encouragement of a large majority of the Senate. I hope over the next several days the procedural issues which prevented this matter from being voted upon, where I believe—and I know Senator HAGEL believes—we would have had substantial majority support, will have a chance to be heard. I am still hopeful and optimistic. It is

too important to the country. It is an issue that deserves a response. It deserves an answer and needs a solution.

I am very pleased to be working with the Presiding Officer on this issue. I hope in the next few days and weeks we will have an opportunity for full, fair debate and then a vote up or down on what is something of great need so we can engage with the House of Representatives in a conference committee and final resolution to this difficult issue for America.

I yield the floor.

The PRESIDING OFFICER. The distinguished assistant majority leader.

Mr. MCCONNELL. Mr. President, let me commend the Senator from Florida and the occupant of the chair for their extraordinary leadership on this difficult issue the Senate has been wrestling with for the last couple of weeks. I join the Senator from Florida and the occupant of the chair, the distinguished Senator from Nebraska, in hoping that this issue will come back before the Senate and we will be able to deal with it in a comprehensive manner sometime in the very near future.

CONFERENCE ON THE PENSION REFORM BILL

Mr. REID. Mr. President. I am concerned with the lack of progress being made in conference on reaching a final agreement on the pension bill. To this point, little movement has been made to bridge the differences between the House and Senate bills.

This process does not need to be a partisan one. Throughout consideration of the pension bill, Democrats have worked with Republicans to move forward on pension reform. The Senate, working in a bipartisan manner, was able to produce a strong bill that passed by a vote of 97 to 2.

Democrats are eager to participate in the conference negotiations and are committed to enacting a strong pension reform bill. It is my hope that a conference agreement can be completed in a timely manner so that the uncertainty surrounding pensions can be resolved.

However, House Republicans seem intent on producing a bill without including Democrats. That would be unfortunate and is likely to produce a bill that fails to meet the principles supported by the Democratic caucus.

The Senate pension bill was crafted with bipartisan participation, and that approach produced a bill that received almost unanimous support in the Senate. Working together, the conferees can produce a conference agreement that would garner an equally strong vote.

Attached is a set of principles that our caucus has supported throughout consideration of this important bill. I believe these principles should be the basis for any agreement reported by the conference. I ask unanimous consent that it be printed in the RECORD.

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

The conference agreement should include balanced funding rules

The conference agreement should strike a proper balance between improving pension funding and keeping these plans an attractive benefit option for employers. While there is a trend away from defined benefit pension plans and this trend is likely to continue, rules should not be enacted that exacerbate this problem.

The key is to establish new rules that impose stronger funding requirements while maintaining incentives for employers to continue these plans. The Administration missed the mark on this. Their focus was primarily on the health of the PBGC and the ramifications for the future of defined benefit pension plans were considered collateral damage.

Democrats in the Senate share the concern over the PBGC's finances, but they also want help to preserve the traditional defined benefit system.

The conference agreement should protect older workers while clarifying the status of cash balance plans

As a type of defined benefit pension plan, cash balance plans contain protections for participants that Democrats support.

Cash balance plans are insured by the PBGC. They provide greater portability for workers. And they are more easily understood by participants.

On the other hand, some companies used conversions to cash balance plans to hide the fact that they were cutting benefits for workers. In some instances older workers saw their future pension accruals frozen for many years as a result of ''wearaway'' provisions of the new plans.

Recent court decisions on the legality of cash balance plans have created uncertainty for employers who maintain cash balance plans. Congress should clear up this uncertainty, but Senate Democrats will insist that rules be established to protect older workers.

The conference agreement should include targeted relief for troubled industries

The airline industry, and more importantly its workers, has faced difficult times the past few years. Those difficulties are likely to continue for some time.

In recognition of these difficulties, the Senate bill gives the airlines more time before the new stricter funding rules apply. This idea also has strong support in the House where a motion to instruct the House conferees to accept the Senate provision passed by a vote of 265–158.

The conference agreement must include relief to troubled industries.

The conference agreement should improve employer-based retirement savings plans

The Senate bill includes changes to defined contribution plans that address the problems uncovered as a result of the collapse of Enron.

These changes include getting better and timelier information to plan participants and giving participants greater ability to diversify away from employer stock.

The Senate bill also includes provisions allowing employers to incorporate automatic enrollment in their plans. The overwhelming evidence suggests that auto enrollment will significantly increase worker participation in DC plans.

Many 401(k) plan participants are looking for specific advice on how to invest their plan assets. Employers who would like to provide this to their employers are usually advised not to do so because it could subject the employer to liability for investment losses. The Senate bill provides employers relief from this liability so long as the investment advisors are independent.

The conference agreement should include reform of multiemployer pension plans

Multiemployer plans are defined benefit plans maintained by two or more employers. One in four pension plan participants are members of multiemployer plans.

Employers, employer associations, unions and multiemployer plans have worked together on a package of changes to improve multiemployer plan funding.

The conference agreement must include reforms that give these plans the tools they need to address their funding needs.

The conference agreement cannot include provisions that undermine patient's rights

At the 11th hour the House leadership inserted a special interest provision into the pension bill to benefit the insurance industry.

This provision would put insurance companies ahead of injured patients in any claim against wrongdoers.

The conference agreement should modernize ERISA without weakening worker protections

In the 32 years since ERISA was enacted it has served pension plan participants quite well. The Senate bill makes improvements to these rules while retaining important worker protections.

Conferees should be very cautious about going further than the Senate bill.

The financial strain facing pension plans makes it even more critical to retain provisions that guard against self dealing and conflicts of interest.

Recent scandals involving some mutual fund and other financial services providers highlights that these protections are vital to protecting our current and future retirees.

The conference agreement should be fiscally responsible

The Senate bill's cost is modest at $12 billion, attributable to the changes made to the funding rules and the cost of the automatic enrollment changes.

The House loaded up its pension reform bill with nearly $87 billion in tax cuts over the next ten years.

The Savers credit, which helps low- and middle income families save for retirement expires at the end of this year. It certainly should be extended, and is included in the list of expiring provisions that are part of the conference negotiations on the tax reconciliation bill.

The House also included permanent extension of the higher contribution limits for 401(k) plans and IRAs that were part of the 2001 tax cut bill. These provisions are popular, but they don't expire for another four years. There are many equally popular tax provisions that have already expired and should be considered first. For example, the research credit, the state and local sales tax deduction, the credit for hiring disadvantaged workers, and the deduction for classroom expenses paid by teachers have all already expired. Before we consider provisions that won't expire for another four years, we need to extend these important items.

The remaining tax cuts in the House bill relate to health care. Health care affordability is an important issue, which deserves to be addressed in its own right on a comprehensive basis, not piecemeal as an afterthought to this pension bill.

CFIUS REFORM LEGISLATION

Mr. REID. Mr. President, I wish to take a moment to acknowledge Senators SHELBY and SARBANES in their

work to ensure national security is at the forefront of the critical Government review process that is triggered when a foreign-owned company attempts to purchase U.S. companies and assets. At the same time, Senators SHELBY and SARBANES struck a balance that will not unnecessarily hinder investment in America.

The Dubai Ports fiasco shined a light on a flawed process at the Committee on Foreign Investment in the United States—referred to as CFIUS. It raised questions regarding the competence of those in the Bush administration to review these matters and make decisions about the purchase of strategic U.S. assets. It also raised questions about a process that did not trigger a full investigation into a transaction that was so important to our national security.

Members of Congress, Governors, and even the President found out about the approval only through newspaper reports. Notwithstanding the President's knee-jerk threats to veto legislation overturning the deal and frantic efforts by the Treasury and Homeland Security to justify this sale, the American public is rightly convinced that something needs to be changed about the CFIUS process.

First, this process has to place a far greater emphasis on national security. Second, the process has to have more legitimacy—so the American public will have confidence that these sales of strategic assets get the thorough review they deserve by Government. Third, the CFIUS process must require a greater level of accountability from those who administer the program so that we ensure that the process is followed as designed. Finally, the process must be balanced to ensure that the vast majority of transactions that raise no concerns are not inadvertently undermined.

The Senate Banking Committee on Thursday voted to report legislation unanimously that would reform the CFIUS process. It was a difficult job. I commend Senators SHELBY and SARBANES for putting together bipartisan, consensus legislation that puts security first, while striking a balance that continues to welcome foreign investment. America has benefited a tremendous amount from foreign investment into our economy, so I am glad that we have not overreacted to the Bush administration's mistakes and mismanagement in their review of these important transactions.

As with other legislation we deal with, this legislation is not perfect. And, as it moves forward, I hope we can work together to make further improvements. I urge the majority leader to schedule floor consideration as soon as possible so that we can complete action on this bill before we adjourn this fall.

SCHOOL SAFETY PATROLLERS

Mr. REID. Mr. President, I rise today to recognize several young people who were recently selected by the American Automobile Association, AAA, to receive the Lifesaver Award for their outstanding work as school safety patrollers.

More than 500,000 students in 50,000 schools worldwide participate in AAA's School Safety program. These young people have taken on the important responsibility of making the streets around their schools safer for their classmates. Though their responsibilities are often routine, the patrollers on occasion must place themselves in harm's way in order to save lives. Today, I want to recognize four students who received the AAA Lifesaver Award for selfless and heroic actions while fulfilling their duties as patrollers.

Nico DelGraco and Mitchell Davis of Simpson Elementary School in Bridgeport, WV, are the first two recipients of this year's awards. In the second week of November 2005, Nico and Mitchell were watching their patrol posts for traffic; a first-grader on his way home from school began to cross the street. As the student walked just past the center of the street, Nico noticed an SUV coming toward the red light that showed no signs of stopping. Nico quickly left his post, took hold of the child, and directed him toward Mitchell. Mitchell then grabbed the first-grader from Nico and dragged him back toward the sidewalk. No one was injured in the incident.

The third AAA Lifesaver Award recipient is Molly Kaiser, a fifth-grade student from Defer Elementary School in Grosse Pointe Park, MI. On the morning of November 9, 2005, Molly pulled a second-grader out of the street as a bus was turning. Molly had tried to verbally caution the student that he was in danger. After this was met with no response, she pulled the student out of the intersection and the path of the school bus that was making its turn. The bus swerved to avoid the child and drove on without stopping.

The fourth AAA Lifesaver Award recipient is also from the State of Michigan. Her name is Emma Elise Binegar, and she is a student at Morenci Elementary School in Morenci. On December 9, 2005, Emma quickly noticed that 5-year-old William Leeroy Webster was in danger as he was crossing the street in the path of a fast-approaching car. Emma saved him by pulling him out of the path of a vehicle about 10 feet away.

I would like to thank AAA for making the school safety program possible. The program has helped save many lives over the years and has made our schools safer for our students. As the stories of the Lifesaver Award recipients demonstrate, the streets around our schools are not safe enough. That is why I have worked for the last 2 years to create a national Safe Routes to School program, which was adopted as part of the Federal transportation bill on July 29, 2005. The $612 million allotted for the program can now help communities construct new bike lanes, pathways, and sidewalks, as well as to launch Safe Routes education and promotion campaigns in elementary and middle schools.

KATAHDIN IRONWORKS

Ms. COLLINS. Mr. President, I rise today to correct the record regarding conservation funding I secured last year under the Forest Legacy Program.

During debate on the fiscal year 2006 Interior Appropriations Act, I worked with Senator OLYMPIA SNOWE to obtain $4.5 million to protect 37,000 acres of forested land in my home state of Maine. I was very pleased that these crucial resources were allocated for this section of the 100-mile wilderness, which in addition to its natural beauty provides critical habitat to a variety of species, providing vital breeding, feeding, and resting grounds.

The site of a long-deserted factory, Katahdin Ironworks, marks the gateway to this treasured expanse of wooded land. It was from this notable Piscataquis County landmark that project supporters generated the name ''Katahdin Ironworks Forest Legacy Program'' to refer to this effort to protect and preserve this stretch of forest. As the old adage goes, so much is in a name. And this name has sparked unfounded criticism from colleagues and outside interest groups who have jumped to the assumption that funding secured for this project was to be utilized for the upkeep of an abandoned building. Today, I wish to set the record straight and assure my fellow Senators and other interested parties that this highly competitive program funding will be used to ensure the survival of thousands of acres of precious forest.

There are many things that make America great, but it is our commitment to safeguarding our open spaces and wooded lands that make us unique as an industrialized Nation. Sadly, the growing trend of urban sprawl, along with the increased pressure to exploit our natural resources, has placed the survival of these invaluable lands in jeopardy. General agreement that we must undertake conservation efforts to ensure the preservation of these precious natural landscapes for future generations has lead to the development of conservation programs like Forest Legacy. This initiative has afforded us a needed mechanism to facilitate the survival of these lands. Supported by the Wilderness Society, the Appalachian Trail Conservancy, and other respected environmental protection groups, the Forest Legacy Program enjoys a wide range of support among organizations committed to natural preservation causes.

Sadly, limited resources preclude our ability to defend all endangered wilderness areas through this program, and it thus remains appropriately competitive. For this reason, I was extremely

pleased that both the President's budget and the Senate Appropriations Committee recognized the importance of maintaining this pristine wilderness in my home state, and included funding to protect it through tight Forest Legacy Program dollars. In fact, this project was recognized as one of the most meritorious in the country by a distinguished panel of experts at the United States Forest Service.

I am hopeful that through increased understanding of the Forest Legacy Program and a more accurate depiction of the Katahdin Ironworks project that my colleagues will appropriately recognize and appreciate my commitment to preserving our wooded lands.

''MEXICO AND THE MIGRATION PHENOMENON'' DOCUMENT

Mr. DODD. Mr. President, yesterday I spoke about the need to pass a comprehensive immigration reform bill. In the course of those remarks, I described a document signed by all five of Mexico's Presidential candidates in the run-up to this July's Presidential elections in that country, as well as leaders from every major party in Mexico. That document makes clear that leaders on both sides of the border understand that border security is a fundamental necessity. I ask unanimous consent that the document, ''Mexico and the Migration Phenomenon,'' be printed in the RECORD.

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

MEXICO AND THE MIGRATION PHENOMENON

In Mexico, as in other countries and regions of the world, migration is a complex and difficult phenomenon to approach. The diverse migration processes of exit, entrance, return and transit of migrants are all present in our country.

Given the extent and the characteristics of today's migration phenomenon, which will continue in the immediate future and given the implications that it represents for our country's development, a new vision and a change are necessary in the way Mexican society has approached, thus far, its responsibilities toward the migration phenomenon.

Over the last years, the magnitude reached by Mexican migration and its complex effects in the economic and social life of Mexico and the United States, have made the migration phenomenon increasingly important for the national agendas of both countries, and a priority issue in the bilateral agenda.

From the outset of the Administration, the government of President Fox put forward a proposal to the Mexican public opinion and to the highest authorities in the United States, regarding a comprehensive plan aimed at dealing with the diverse aspects of migration between the two countries. Mexico based its proposal on the principle of shared responsibility, which acknowledges that both countries must do their share in order to obtain the best results from the bilateral management of the migration phenomenon.

In 2001, the governments of both nations intensified the dialogue and set in motion a process of bilateral negotiations with the intent of finding ways to face the multiple challenges and opportunities of the phenomenon; these actions were taken with the objective of establishing a new migration framework between the two countries.

However, the terrorist attacks of September 2001 against the United States, criminal acts which were unmistakably deplorable, altered the bilateral agenda on migration. On the one hand, the link between migration and national security—mainly along the shared border—is now an essential issue of that agenda. On the other hand, the participation in the migration debate of varied political actors—especially legislators of both countries—has increased.

The debate that is currently taking place in the United States, concerning a possible migration reform, represents an opportunity for Mexico and for the bilateral handling of the phenomenon. It also encourages a deep analysis of the consequences that this process can have for our country and its migration policy.

Based on a joint initiative by the Executive Branch and the Senate of Mexico, a group of federal authorities responsible for the management of the migration phenomenon, senators and congressmen, members of the academia, experts in migratory issues, and representatives of civil society organizations, agreed to initiate an effort that seeks to build a national migration policy, founded over shared diagnoses and platforms. Accordingly, the group has held a series of discussions titled Prospects and Design of Platforms for the Construction of a Mexican Migration Policy.

The ideas expressed in this document are the result of those discussions. They intend to bring up to date Mexico's migration position and to offer some specific guidance regarding the process of migration reform in the United States.

PRINCIPLES

Based on the discussions held, the participants agreed upon the following set of principles that should guide Mexico's migration policy:

The migration phenomenon should be fully understood by the Mexican State—society and government—because it demands actions and commitments that respond to the prevailing conditions.

The migration phenomenon has international implications that demand from Mexico actions and international commitments—in particular with the neighboring regions and countries—which, in accordance with the spirit of international cooperation, should be guided by the principle or shared responsibility.

Mexico's migration policy acknowledges that as long as a large number of Mexicans do not find in their own country an economic and social environment that facilitates their full development and well-being, and that encourages people to stay in the country, conditions for emigrating abroad will exist.

Mexico must develop and enforce its migration laws and policy with full respect for the human rights of the migrants and their relatives, notwithstanding their nationality and migration status, as well as respecting the refugee and asylum rights. In accordance with the applicable international instruments.

The increased linkage between migration, borders and security on the international level, is a reality present in the relationship with our neighboring countries. Hence, it is necessary to consider those three elements when drawing up migration policies.

Mexico is committed to fighting all forms of human smuggling and related criminal activities, to protecting the integrity and safety of persons, and to deepening the appropriate cooperation with the governments of the neighboring countries.

The migration processes that prevail in Mexico are regionally articulated—in particular with Central America—and therefore the Mexican migration policy should deepen its regional approach.

RECOMMENDATIONS REGARDING THE COMMITMENTS THAT MEXICO SHOULD AGREE ON

Main recommendations considered by the group in order to update Mexico's migration policy:

Based on the new regional and international realities regarding immigration, transmigration and emigration, it is necessary to evaluate and to update the present migration policy of the Mexican State, as well as its legal and normative framework, with a timeline of fifteen to twenty years.

It is necessary to impel the economical and social development that, among other positive effects, will encourage people to stay in Mexico.

If a guest country offers a sufficient number of appropriate visas to cover the biggest possible number of workers and their families, which until now cross the border without documents because of the impossibility of obtaining them. Mexico should be responsible for guaranteeing that each person that decides to leave its territory does so following legal channels.

Based on international cooperation, Mexico must strengthen the combat against criminal organizations specialized in migrant smuggling and in the use or false documents, as well as the policies and the legal and normative framework for the prevention and prosecution of human smuggling, especially women and children, and the protection of the victims of that crime.

It is necessary to promote the return and adequate reincorporation of migrants and their families to national territory.

Mexico's migration policy must be adjusted taking into account the characteristics of our neighboring countries, in order to safeguard the border and to facilitate the legal, safe and orderly flow of people, under the principles of shared responsibility and respect for human rights.

Order and security in Mexico's north and south borders must be fortified, with an emphasis on the development of the border regions.

Reinforce cooperation with the United States and Canada through the Security and Prosperity Partnership for North America, and with the regional bodies and mechanisms for the treatment of the phenomenon, like the Regional Conference on Migration and the Cumbre Iberoamericana.

The review and, if necessary, adjustment of the juridical and institutional framework, in order to adequately respond to the present and the foreseeable conditions of the migration phenomenon; this will require the creation of a specialized inter institutional mechanism of collaboration.

The creation of permanent work mechanisms for the Executive and Legislative Branches, with the participation of academic and civil society representatives that allow the development and fulfillment of Mexico's migration agenda.

ELEMENTS RELATED TO A POSSIBLE MIGRATION REFORM IN THE UNITED STATES

Mexico does not promote undocumented migration and is eager to participate in finding solutions that will help us face the migration phenomenon. Accordingly, the group decided to express certain thoughts about what is the Mexico's position in case a migration reform takes place in the United States:

Acknowledging the sovereign right of each country to regulate the entrance of foreigners and the conditions of their stay, it is indispensable to find a solution for the undocumented population that lives in the United States and contributes to the development of the country, so that people can be

fully incorporated into their actual communities, with the same rights and duties.

Support the proposal of a far-reaching guest workers scheme, which should be one of the parts of a larger process that includes the attention of the undocumented Mexicans that live in the United States.

In order for a guest workers program to be viable, Mexico should participate in its design management supervision and evaluation, under the principle of shared responsibility.

A scheme aimed to process the legal temporary flow of persons, will allow Mexico and the United States to better combat criminal organizations specialized in the smuggling of migrants and the use of false documents, and to combat, in general, the violence and the insecurity that prevail in the shared border. Likewise, Mexico would be in a better position to exhort potential migrants to abide by the proper rules and to adopt measures in order to reduce undocumented migration.

Mexico should conclude the studies that are being conducted to know which tasks will help with the implementation of a guest workers program, regarding the proper management of the supply of potential participants, the establishment of supporting, certification mechanisms, and the supervision and evaluation of its development.

Mexico acknowledges that a crucial aspect for the success of a temporary workers program refers to the capacity to guarantee the circular flow of the participants, as well as the development of incentives that encourage migrants to return to our country. Mexico could significantly enhance its tax-preferred housing programs, so that migrants can construct a house in their home communities while they work in the United States.

Other mechanisms that should be developed are the establishment of a bilateral medical insurance system to cover migrants and their relatives, as well as the agreement of totalization of pension benefits, which will allow Mexicans working in the United States to collect their pension benefits in Mexico.

Mexico could also enhance the programs of its Labor and Social Development Ministries, in order to establish social and working conditions that encourage and ease the return and reincorporation of Mexicans into their home communities.

This working group aims to become a permanent body of study, debate and development of public policies for the handling of the migration phenomenon.

NOMINATION OF GORDON ENGLAND

Mr. LEVIN. Mr. President, I support the nomination of Gordon England to the position of Deputy Secretary of Defense.

Secretary England has been the Department's problem-solver for the last 5 years. In this brief period of time, he has served as Secretary of the Navy, Deputy Secretary of the Department of Homeland Security, Secretary of the Navy again, and—after being under consideration to serve as Secretary of the Air Force—as Deputy Secretary of Defense. At the request of the Secretary of Defense, he has also taken on such critical jobs as designing the new National Security Personnel System and overseeing the review of the status of DOD detainees at Guantanamo.

Secretary England has always made himself available for hearings, meetings with Members, and discussions with the wide array of others who have interests and concerns about the operations and activities of the Department of Defense. He is a good listener, open to compromise, willing to take on tough problems—characteristics which are always in great demand and short supply at DOD.

The Deputy Secretary of Defense serves in a position of awesome responsibility. He is the alter ego of the Secretary. In this capacity, the Deputy Secretary plays a key role in determining how our country will face critical national security challenges.

At the same time, the Deputy Secretary of Defense has traditionally served as the chief manager of the Defense Department. A wide array of management challenges, including financial management, acquisition management, and human capital issues, cut across functional areas in the Department to such an extent that no official other than the Secretary or the Deputy Secretary has the authority needed to address them.

Fortunately, Secretary England brings the kind of strong management background and commitment to addressing these issues that are needed in the Deputy Secretary position.

For the last several months, Secretary England has served as Deputy Secretary of Defense under a recess appointment by the President. I believe that his service to the Department and the Nation over the last 5 years merit a favorable vote on his nomination by the full Senate.

U.S. DECISION ON UNITED NATIONS HUMAN RIGHTS COUNCIL

Mr. FEINGOLD. Mr. President, I wish to express my regret that the administration has decided to decline the opportunity for candidacy on the newly formed U.N. Human Rights Council. I supported the creation of the Human Rights Council because I believe that we need to create a system where human rights abusers are held accountable for the atrocities they commit. It was for that same reason that there was overwhelming international support for the creation of the Human Rights Council.

In choosing not to join the council, the U.S. Government has signaled its intention to address worldwide human rights abuses unilaterally. This decision will damage U.S. credibility when weighing in on the human rights debates of the future and further isolate the United States from multilateral decisions.

Human rights abuses should be addressed through an international strategy to ensure that there are internationally agreed-upon standards to protect all members of society. I am deeply concerned that the administration's decision will undermine our human rights agenda, rather than advance it.

I have repeatedly expressed my concern about the approach to the U.N. taken by this administration and am further disappointed by this most recent decision. The U.N. is by no means perfect, but a world without a global human rights body would be a more dangerous one for people everywhere and would serve to undermine fundamental U.S. interests.

I urge the administration to reconsider its decision.

ADDITIONAL STATEMENTS

COMMEMORATING THE 150TH ANNIVERSARY OF EUREKA, CALIFORNIA

● Mrs. FEINSTEIN. I wish to take this opportunity to recognize the city of Eureka as it prepares to celebrate the 150th anniversary of the city's formation.

The city of Eureka has a long history and often parallels California's past. Founded during the time of the gold rush, it became an important port city for northern California's logging and commercial fishing industries because of its proximity to a rich supply of natural resources. Eureka was incorporated on April 18, 1856, and was designated by the State legislature as the county seat for Humboldt County.

On a more personal note, Eureka is an important part of my family's history. My mother's family left St. Petersburg during the Russian Revolution and traveled by cart through Siberia and boarded a boat finally landing in Eureka.

Today, with a population of over 25,000, Eureka is a city on the move and the cultural center of the California's north coast region. It is the destination for many people wanting to explore miles of unspoiled coastline and visit the world-famous coastal redwoods that are within close proximity of the city.

The city's famed historic architecture has been preserved, earning it the designation as a ''Victorian Seaport.'' The historic Eureka Inn is currently undergoing renovations that will make it once again the center of many community events such as the location of the city's Christmas celebrations.

I congratulate the city of Eureka on your special day and extend my regards to all of the citizens who will be celebrating this important milestone in the city's history. You should feel proud of your past, and I wish you the very best in the future.●

RECOGNITION OF ASIL

● Mr. KERRY. Mr. President, I would like to take this opportunity to congratulate the American Society of International Law, ASIL, on its 100th anniversary celebrated on January 12, 2006.

The ASIL was founded in 1906 as a nonprofit, nonpartisan association to advance the study of international law and encourage the establishment and

maintenance of international relations on the basis of law and justice. A century later this organization continues to promote these goals by the publication of scholarly works in conjunction with providing policymakers and the public with outreach programs and research resources.

The membership of the ASIL is derived from nearly 100 nations and includes attorneys, academics, judges, and representatives from foreign governments and nongovernmental organizations. Four thousand strong, the society strives to contribute to the understanding of international law and its role in foreign affairs.

I would like to commend the ASIL for its 100 years of work in the field of international law and encourage the continuation of this course of thoughtful study.●

NATIONAL YOUTH SERVICE DAY

● Mr. SALAZAR. Mr. President, I rise today to commend the millions of young people across the United States—and in other countries—who will participate in National Youth Service Day on April 21, 2006. There is no doubt that communities will continue to be positively impacted by the dedication and kindness of children that participate in this annual celebration.

Earlier this week, the Senate enacted S. Res. 422, which designated April 21, 2006, National and Global Youth Service Day. I was proud to be a cosponsor of this resolution, which we unanimously passed. However, I am even more proud of the thousands of youth in my native Colorado who will participate in National Youth Service Day.

In Timnath, second graders at Timnath Elementary School are holding a schoolwide donation drive. During this drive, they will be collecting shampoo, soap, toothpaste, and toothbrushes to be donated to the local food bank to give to individuals in need.

In Thornton, volunteer youth are organizing an afternoon of service for frail, disabled, and chronically ill seniors throughout Adams County by helping them with the maintenance of their homes and gardens. They will clean up yards, garages, and homes, and work to beautify their community. This valuable service will be performed in conjunction with the local Big Brother/Big Sister program.

In Aurora, the Mile High Youth Corps will help the Denver Urban Gardens fix up their farm. The Denver Urban Gardens is one of the only organic farms in the Denver Metro area which offers unique educational opportunities and low-cost organic food to people of all economic levels. Youth volunteers will seed, weed, till, paint, plant, fix, mend, build, and any other valuable and needed volunteer activities to keep the farm in shape.

These are just a few examples of the incredible volunteer efforts that are occurring throughout Colorado. I thank the volunteers, and all of the staff and organizers of National Youth Service Day.

Speaking directly to the youth participating in National Youth Service Day, in Colorado and around the world, I commend your service and thank you for the positive difference you will make not only in the lives of the people you help directly, but for all the people within your neighborhoods and communities.

I would also like to remind you that your service and commitment is needed not just for just a few days but year round. I encourage you to carry forth your excitement, energy and goodwill into the future. I urge you to turn your sense of civic responsibility into a habit that will last for a lifetime.

The youth participating in National Youth Service Day today are our future doctors, lawyers, police officers, senators, parents, and community leaders of tomorrow. Instilling an early sense of service, involvement and dedication toward the betterment of their neighbors and communities is essential to continuing the caring and compassionate tradition embraced in America.●

AMERICAN COMMUNITY SCHOOL AT BEIRUT CENTENNIAL YEAR

● Mr. SUNUNU. Mr. President, I wish to recognize an important milestone for an institution in the Middle East that brings American-style education to the region.

This academic year, the American Community School at Beirut celebrates 100 years of providing quality education in Lebanon. Founded in 1905 by a group of American missionary families living in the country, and supported by the American University of Beirut and Aramco, ACS was the first American K–12 school to open in Lebanon. An independent, nonprofit, coeducational institution chartered in the State of New York, about 1,000 students are now enrolled at the school.

ACS aims to provide an American education for Lebanese and international families. Similar to many schools in the United States, the school's mission clearly states that it: '' . . . seeks to educate the whole person and to lay the foundations for lifelong learning . . . Students are encouraged to take responsibility for their thoughts, words and actions, to act with honor and purpose, and to make a difference in our diverse, complex global society. . . .'' The school's alumni have distinguished themselves in a range of fields, including serving the United States government and in Lebanese-American relations.

ACS, which appreciates the support of Congress through U.S. Agency for International Development and ASHA grants, starts a new century with a legacy of academic excellence, committed educators, and a dedicated community. I congratulate the school on this impressive achievement, and extend my best wishes for its next 100 years.●

RECOGNIZING KENT STATE UNIVERSITY PRESIDENT CAROL CARTWRIGHT

● Mr. VOINOVICH. Mr. President, I rise today to commend and congratulate Dr. Carol Cartwright who, after 15 outstanding years, is set to retire as president of Kent State University in Kent, OH.

Kent State was originally founded in 1910 as a teacher-training school. It has a proud history of meeting the evolving needs of northeast Ohio and the Nation, and throughout her time on campus, President Cartwright worked hard to ensure that this commitment to history was preserved.

I would like to take this opportunity to congratulate President Cartwright on successfully overseeing one of the Nation's largest university systems with an annual budget of more than $416.1 million and eight campuses serving about 34,000 students from throughout Ohio and the Nation, and from more than 90 countries.

Dr. Cartwright has earned many distinctions in her tenure at Kent State University—she was the first female president of a State university in Ohio when she took the helm in 1991 as the university's 10th president. Her presidency has been marked by innovations that have fostered economic growth on the campus and in the community. I am especially thankful for her work to train students for careers in underpopulated fields, and focus on unique courses of study to accommodate all students.

As a member of the Greater Akron Chamber and the Northeast Ohio Council on Higher Education; a cochair of the Ohio Technology in Education Committee; the Governor's Commission on Higher Education and the Economy; and the Ohio Business Development Coalition, President Cartwright worked to ensure that a cooperative relationship between students and industry was strong on her campus. In fact, she welcomed the Northeast Ohio Trade & Economic Consortium, NEOTEC, an economic development partnership that promotes trade, business, and economic opportunities for northeast Ohio to Kent State University's campus to further students' connection to future employment opportunities.

In 2004, the Kent Campus also became the site for NEOTEC's new regional International Trade Assistance Center, providing free information, resources, referrals, and counseling to small businesses, and expanded services such as market research. Also, in 2004, a new, market-driven Division of Regional Development was created to allow Kent State to serve a much wider constituency, develop mutually beneficial partnerships, and do an even better job of matching faculty and staff expertise with northeast Ohio's educational and economic needs. Further, working with the local Small Business Development Center, headquartered in Kent State's College of Business Administration,

students are now exposed to real-world experiences while providing business and industry with essential new ideas and out-of-the-box thinking.

These kinds of partnerships and innovations will carry Ohio into the next era of progress and development, and Kent State will be an important part of that success. Already, 10 start-up companies have been created in the last 6 years to capitalize on Kent State faculty research and add to the economic growth in the region. This is real-world research that benefits society, consumers, and the university.

Under Carol Cartwright's leadership, Kent State was named by the Association of University Technology Managers as fourth in the Nation for the number of start-up companies formed per $10 million in research spending. Kent State also plays an important leadership role in JumpStart Inc., a new organization to help advance technology commercialization and foster economic development in Ohio.

Overall, President Cartwright's presidency has been marked by a commitment to developing students who are leaders and experts in innovation and service. Kent State has launched degree programs in high-demand and emerging fields, including an interdisciplinary undergraduate program in biotechnology that is unique in the State of Ohio; an interdisciplinary bachelor's program in American Sign Language; a baccalaureate program in paralegal studies; and the first graduate programs in Russian and Japanese at a public university in northeast Ohio. The revolutionary joint doctoral program in biomedicine with the Cleveland Clinic Foundation matches some of America's best and brightest students with world-class medical training opportunities, and Kent State is a partner in the Nation's only joint, 4-year doctoral program in audiology.

Her commitment to preparing students for the future and working with regional economic growth initiatives should be a model for colleges and universities across the country to emulate.

I ask my colleagues to join me in recognizing and commending President Cartwright on an excellent job of leading Kent State through an age of innovation and extraordinary achievement during her tenure. I wish her well on her upcoming retirement.●

MEASURES READ THE FIRST TIME

The following bills were read the first time:

S. 2603. A bill to reduce temporarily the royalty required to be paid for sodium produced on Federal lands, and for other purposes.

S. 2611. A bill to provide for comprehensive immigration reform and for other purposes.

S. 2612. A bill to provide for comprehensive immigration reform 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–6341. A communication from the Director, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Endangered and Threatened Wildlife and Plants; Final Rule to Remove the Arizona Distinct Population Segment of the Cactus Ferruginous Pygmy-owl (Glaucidium brasilianum cactorum) From the Federal List of Endangered and Threatened Wildlife; Withdrawal of the Proposed Rule to Designate Critical Habitat; Removal of Federally Designated Critical Habitat'' (RIN1018–AU22; 1018–AI48) received on April 6, 2006; to the Committee on Environment and Public Works.

EC–6342. A communication from the Regional Forester, Forest Service, Department of Agriculture, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Subsistence Management Regulations for Public Lands in Alaska, Subpart A'' (RIN1018–AT81) received on April 6, 2006; to the Committee on Environment and Public Works.

EC–6343. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Protection of Stratospheric Ozone: Recordkeeping and Reporting Requirements for the Import of Halon–1301 Aircraft Fire Extinguishing Vessels'' ((RIN2060–AM46) (FRL No. 8157–5)) received on April 6, 2006; to the Committee on Environment and Public Works.

EC–6344. 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 ''Revisions to the Arizona State Implementation Plan, Arizona Department of Environmental Quality'' (FRL No. 8054–8) received on April 6, 2006; to the Committee on Environment and Public Works.

EC–6345. 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 ''Interim Final Determination to Stay and/or Defer Sanctions, Arizona Department of Environmental Quality'' (FRL No. 8054–9) received on April 6, 2006; to the Committee on Environment and Public Works.

EC–6346. 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 ''Revisions to the California State Implementation Plan, San Joaquin Valley Unified Air Pollution Control District and South Coast Air Quality Management District'' (FRL No. 8053–2) received on April 6, 2006; to the Committee on Environment and Public Works.

EC–6347. A communication from the General Counsel, Consumer Product Safety Commission, transmitting, pursuant to law, the report of a rule entitled ''Final Rule: Standard for the Flammability (Open Flame) of Mattress Sets'' (RIN3041–AC02) received on April 6, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6348. A communication from the Legislative Affairs Branch Chief, Natural Resources Conservation Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Healthy Forests Reserve Program Interim Final Rule'' (7 CFR Part 625) received on April 6, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6349. 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 ''Pendimethalin; Pesticide Tolerance'' (FRL No. 7770–4) received on April 6, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6350. A communication from the Director, Strategic Human Resources Policy Division, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled ''Excepted Service—Student Program'' (RIN3206–AK59) received on April 6, 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–6351. A communication from the Archivist of the United States, transmitting, pursuant to law, the Report on the Proposed Richard Nixon Library; to the Committee on Homeland Security and Governmental Affairs.

EC–6352. A communication from the Assistant General Counsel for Regulatory Service, Department of Education, transmitting, pursuant to law, the report of a rule entitled ''Parental Information and Resource Centers—Notice of Final Priorities and Eligibility Requirements'' received on April 6, 2006; to the Committee on Health, Education, Labor, and Pensions.

EC–6353. A communication from the Assistant General Counsel for Regulatory Service, Department of Education, transmitting, pursuant to law, the report of a rule entitled ''State Charter School Facilities Incentive Program'' received on April 6, 2006; to the Committee on Health, Education, Labor, and Pensions.

EC–6354. A communication from the Under Secretary of Defense for Personnel and Readiness, transmitting, authorization of 2 officers to wear the insignia of the grade of rear admiral in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

PETITIONS AND MEMORIALS

The following petition or memorial was laid before the Senate and was referred or ordered to lie on the table as indicated:

POM–291. A joint memorial adopted by the Legislature of the State of Washington relative to international trade; to the Committee on Finance.

ENGROSSED SENATE JOINT MEMORIAL 8019

We, your Memorialists, the Senate and House of Representatives of the State of Washington, in legislative session assembled, respectfully represent and petition as follows:

Whereas, The trade liberalization efforts of the early 1990s and trade agreements such as the North American Free Trade Agreement and the World Trade Organization Uruguay Round agreements have increased the role of state policymakers in international trade decisions; and

Whereas, Trade liberalization has transformed the historical state-federal division of power and taxed state agency resources in dealing with the world marketplace; and

Whereas, Recent trade agreements have proceeded beyond discussion of tariffs and quotas and now address government regulation, taxation, procurement, and economic development policies that are implemented at state and local levels; and

Whereas, States often lack a clearly defined institutional trade policy structure,

making it difficult to handle requests from trading partners and federal agencies and to articulate a unified state stance on trade issues; and

Whereas, International lawsuits may be brought against states and governments found to be in violation of trade agreements; and

Whereas, There is a need for a stronger federal-state trade policy consultation mechanism; and

Whereas, Many state and local executive, legislative, and judicial branch officials have voiced the need for an informed, nonpartisan trade policy dialogue on a national level; and

Whereas, Federal-state communication and cooperation in the implementation of trade agreements is needed now more than ever before; and

Whereas, In August 2004, the Intergovernmental Policy Advisory Committee, a state-appointed advisory committee to the United States Trade Representative, recommended that a Federal-State International Trade Policy Commission would be an ideal resource for objective trade policy analysis and would foster communication among federal and state trade policy officials; and

Whereas, The creation of a federal-state trade policy infrastructure would assist states in understanding the scope of federal trade efforts and would assist federal agencies in understanding the various state trade processes: Now therefore,

Your Memorialists respectfully request that the United States Trade Representative create a Federal-State International Trade Policy Commission with membership to be drawn from federal and state trade policy officials; and be it

Resolved, That copies of this Memorial be immediately transmitted to the Honorable George W. Bush, President of the United States, the Ambassador Rob Portman, United States Trade Representative, the President of the United States Senate, the Speaker of the House of Representatives, and each member of Congress from the State of Washington.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

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

By Ms. SNOWE (for herself and Ms. COLLINS):

S. 2596. A bill to modify the boundaries for a certain empowerment zone designation; to the Committee on Finance.

By Mrs. CLINTON:

S. 2597. A bill to facilitate homeownership in high-cost areas; to the Committee on Banking, Housing, and Urban Affairs.

By Ms. STABENOW:

S. 2598. A bill to require the Secretary of Veterans Affairs to establish and operate a community-based outpatient clinic in Alpena, Michigan; to the Committee on Veterans' Affairs.

By Mr. VITTER (for himself, Mr. INHOFE, Mr. ENZI, Mr. SANTORUM, Mr. COBURN, Mrs. DOLE, and Mr. SUNUNU):

S. 2599. A bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to prohibit the confiscation of firearms during certain national emergencies; to the Committee on the Judiciary.

By Mr. WARNER (for himself and Mrs. CLINTON):

S. 2600. A bill to equalize authorities to provide allowances, benefits, and gratuities to civilian personnel of the United States Government in Iraq and Afghanistan, and for other purposes; to the Committee on Armed Services.

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

S. 2601. A bill to amend the Social Security Act to improve choices available to Medicare eligible seniors by permitting them to elect (instead of regular Medicare benefits) to receive a voucher for a health savings account, for premiums for a high deductible health insurance plan, or both and by suspending Medicare late enrollment penalties between ages 65 and 70; to the Committee on Finance.

By Mrs. FEINSTEIN:

S. 2602. A bill for the relief of Silvia Leticia Barojas-Alejandre; to the Committee on the Judiciary.

By Mr. THOMAS (for himself and Mr. ENZI):

S. 2603. A bill to reduce temporarily the royalty required to be paid for sodium produced on Federal lands, and for other purposes; read the first time.

By Mr. ALLARD:

S. 2604. A bill to address the forest and watershed emergency in the State of Colorado that has been exacerbated by the bark beetle infestation, to provide for the conduct of activities in the State to reduce the risk of wildfire and flooding, to promote economically healthy rural communities by reinvigorating the forest products industry in the State, to encourage the use of biomass fuels for energy, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. ALLARD:

S. 2605. A bill to amend the Great Sand Dunes National Park and Preserve Act of 2000 to explain the purpose and provide for the administration of the Baca National Wildlife Refuge; to the Committee on Energy and Natural Resources.

By Mr. BROWNBACK (for himself and Mr. COBURN):

S. 2606. A bill to amend title XVIII of the Social Security Act to make publicly available on the official Medicare Internet site medicare payment rates for frequently reimbursed hospital impatient procedures, hospital outpatient procedures, and physicians' services; to the Committee on Finance.

By Ms. SNOWE (for herself and Mr. BENNETT):

S. 2607. A bill to establish a 4-year small business health insurance information pilot program; to the Committee on Small Business and Entrepreneurship.

By Ms. SNOWE (for herself and Mr. VITTER):

S. 2608. A bill to ensure full partnership of small contractors in Federal disaster reconstruction efforts; to the Committee on Small Business and Entrepreneurship.

By Mr. SCHUMER (for himself and Mr. LEAHY):

S. 2609. A bill to improve the oversight and regulation of tissue banks and the tissue donation process, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. INHOFE:

S. 2610. A bill to enhance the management and disposal of spent nuclear fuel and high-level radioactive waste, and for other purposes; to the Committee on Environment and Public Works.

By Mr. SPECTER (for himself, Mr. HAGEL, Mr. MARTINEZ, Mr. MCCAIN, Mr. KENNEDY, Mr. GRAHAM, and Mr. BROWNBACK):

S. 2611. A bill to provide for comprehensive immigration reform and for other purposes; read the first time.

By Mr. HAGEL (for himself, Mr. MARTINEZ, Mr. SPECTER, Mr. MCCAIN, Mr. KENNEDY, Mr. GRAHAM, and Mr. BROWNBACK):

S. 2612. A bill to provide for comprehensive immigration reform and for other purposes; read the first time.

By Mr. THUNE (for himself and Mr. OBAMA):

S. 2613. A bill to amend the Solid Waste Disposal Act to establish a program to provide reimbursement for the installation of alternative energy refueling systems; to the Committee on Environment and Public Works.

By Mr. THUNE (for himself and Mr. OBAMA):

S. 2614. A bill to amend the Solid Waste Disposal Act to establish a program to provide reimbursement for the installation of alternative energy refueling systems; to the Committee on Finance.

By Ms. MURKOWSKI:

S. 2615. A bill to provide equitable treatment for the people of the Village corporation established for the Native Village of Saxman, Alaska, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. SANTORUM (for himself and Mr. SPECTER):

S. 2616. A bill to amend the Surface Mining Control and Reclamation Act of 1977 and the Mineral Leasing Act to improve surface mining control and reclamation, and for other purposes; to the Committee on Finance.

By Mr. LAUTENBERG (for himself, Mr. HAGEL, Mr. KERRY, Mr. MENENDEZ, Mrs. LINCOLN, and Mr. DEWINE):

S. 2617. A bill to amend title 10, United States Code, to limit increases in the costs to retired members of the Armed Forces of health care services under the TRICARE program, and for other purposes; to the Committee on Armed Services.

By Mr. HARKIN (for himself and Mr. GRASSLEY):

S. 2618. A bill to permit an individual to be treated by a health care practitioner with any method of medical treatment such individual requests, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. PRYOR:

S. 2619. A bill to authorize the Federal Emergency Management Agency to provide relief to the victims of Hurricane Katrina and Hurricane Rita by placing manufactured homes in flood plains, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mrs. CLINTON:

S. 2620. A bill to amend the Older Americans Act of 1965 to authorize the Assistant Secretary for Aging to provide older individuals with financial assistance to select a flexible range of home and community-based long-term care services or supplies, provided in a manner that respects the individuals' choices and preferences; to the Committee on Health, Education, Labor, and Pensions.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. ALEXANDER (for himself, Mr. LEAHY, Mr. HATCH, and Mr. NELSON of Florida):

S. Res. 438. A resolution expressing the sense of Congress that institutions of higher education should adopt policies and educational programs on their campuses to help deter and eliminate illicit copyright infringement occurring on, and encourage educational uses of, their computer systems and networks; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DODD (for himself, Mr. ALEXANDER, Ms. SNOWE, Ms. LANDRIEU, Mrs. CLINTON, Mr. LEVIN, Mrs. MURRAY, Mr. LIEBERMAN, Mr. SALAZAR, Mr. DURBIN, and Mr. COLEMAN):

S. Res. 439. A resolution designating the third week of April 2006 as ''National Shaken Baby Syndrome Awareness Week''; considered and agreed to.

By Mr. ALLARD (for himself and Mrs. DOLE):

S. Res. 440. A resolution congratulating and commending the members of the United States Olympic and Paralympic Teams, and the United States Olympic Committee, for their success and inspired leadership; considered and agreed to.

By Mr. FEINGOLD (for himself and Mr. BROWNBACK):

S. Con. Res. 88. A concurrent resolution urging the Government of China to reinstate all licenses of Gao Zhisheng and his law firm, remove all legal and political obstacles for lawyers attempting to defend criminal cases in China, including politically sensitive cases, and revise law and practice in China so that it conforms to international standards; to the Committee on Foreign Relations.

ADDITIONAL COSPONSORS

S. 333

At the request of Mr. SANTORUM, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of S. 333, a bill to hold the current regime in Iran accountable for its threatening behavior and to support a transition to democracy in Iran.

S. 633

At the request of Mr. JOHNSON, the name of the Senator from Illinois (Mr. OBAMA) was added as a cosponsor of S. 633, a bill to require the Secretary of the Treasury to mint coins in commemoration of veterans who became disabled for life while serving in the Armed Forces of the United States.

S. 877

At the request of Mr. DOMENICI, the name of the Senator from South Dakota (Mr. THUNE) was added as a cosponsor of S. 877, a bill to provide for a biennial budget process and a biennial appropriations process and to enhance oversight and the performance of the Federal Government.

S. 908

At the request of Mr. MCCONNELL, the name of the Senator from Indiana (Mr. LUGAR) was added as a cosponsor of S. 908, a bill to allow Congress, State legislatures, and regulatory agencies to determine appropriate laws, rules, and regulations to address the problems of weight gain, obesity, and health conditions associated with weight gain or obesity.

S. 1035

At the request of Mr. INHOFE, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 1035, a bill to authorize the presentation of commemorative medals on behalf of Congress to Native Americans who served as Code Talkers during foreign conflicts in which the United States was involved during the 20th century in recognition of the service of those Native Americans to the United States.

S. 1881

At the request of Mrs. FEINSTEIN, the names of the Senator from Hawaii (Mr. AKAKA), the Senator from Tennessee (Mr. ALEXANDER), the Senator from Virginia (Mr. ALLEN), the Senator from Montana (Mr. BAUCUS), the Senator from Utah (Mr. BENNETT), the Senator from Delaware (Mr. BIDEN), the Senator from New Mexico (Mr. BINGAMAN), the Senator from Kansas (Mr. BROWNBACK), the Senator from Montana (Mr. BURNS), the Senator from West Virginia (Mr. BYRD), the Senator from Washington (Ms. CANTWELL), the Senator from Delaware (Mr. CARPER), the Senator from New York (Mrs. CLINTON), the Senator from Texas (Mr. CORNYN), the Senator from Idaho (Mr. CRAIG), the Senator from Minnesota (Mr. DAYTON), the Senator from Ohio (Mr. DEWINE), the Senator from Connecticut (Mr. DODD), the Senator from New Mexico (Mr. DOMENICI), the Senator from North Dakota (Mr. DORGAN), the Senator from Wyoming (Mr. ENZI), the Senator from South Carolina (Mr. GRAHAM), the Senator from New Hampshire (Mr. GREGG), the Senator from Nebraska (Mr. HAGEL), the Senator from Utah (Mr. HATCH), the Senator from Vermont (Mr. JEFFORDS), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Wisconsin (Mr. KOHL), the Senator from Vermont (Mr. LEAHY), the Senator from Arkansas (Mrs. LINCOLN), the Senator from Mississippi (Mr. LOTT), the Senator from Indiana (Mr. LUGAR), the Senator from Arizona (Mr. MCCAIN), the Senator from Kentucky (Mr. MCCONNELL), the Senator from Washington (Mrs. MURRAY), the Senator from Florida (Mr. NELSON), the Senator from Nebraska (Mr. NELSON), the Senator from Illinois (Mr. OBAMA), the Senator from Arkansas (Mr. PRYOR), the Senator from Rhode Island (Mr. REED), the Senator from Nevada (Mr. REID), the Senator from Kansas (Mr. ROBERTS), the Senator from Colorado (Mr. SALAZAR), the Senator from Alabama (Mr. SESSIONS), the Senator from Oregon (Mr. SMITH), the Senator from Maine (Ms. SNOWE), the Senator from Michigan (Ms. STABENOW), the Senator from New Hampshire (Mr. SUNUNU), the Senator from Missouri (Mr. TALENT) and the Senator from Oregon (Mr. WYDEN) 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. 2025

At the request of Mr. BAYH, the name of the Senator from Wisconsin (Mr. KOHL) was added as a cosponsor of S. 2025, a bill to promote the national security and stability of the United States economy by reducing the dependence of the United States on oil through the use of alternative fuels and new technology, and for other purposes.

S. 2201

At the request of Mr. OBAMA, the names of the Senator from Michigan (Ms. STABENOW) and the Senator from Iowa (Mr. HARKIN) were added as cosponsors of S. 2201, a bill to amend title 49, United States Code, to modify the mediation and implementation requirements of section 40122 regarding changes in the Federal Aviation Administration personnel management system, and for other purposes.

S. 2249

At the request of Mr. SANTORUM, the name of the Senator from New Hampshire (Mr. SUNUNU) was added as a cosponsor of S. 2249, a bill to eliminate the requirement that States collect Social Security numbers from applicants for recreational licenses.

S. 2322

At the request of Mr. ENZI, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 2322, a bill to amend the Public Health Service Act to make the provision of technical services for medical imaging examinations and radiation therapy treatments safer, more accurate, and less costly.

S. 2563

At the request of Mr. TALENT, the name of the Senator from Missouri (Mr. BOND) was added as a cosponsor of S. 2563, a bill to amend title XVIII of the Social Security Act to require prompt payment to pharmacies under part D, to restrict pharmacy co-branding on prescription drug cards issued under such part, and to provide guidelines for Medication Therapy Management Services programs offered by prescription drug plans and MA-PD plans under such part.

At the request of Mr. COCHRAN, the name of the Senator from Ohio (Mr. DEWINE) was added as a cosponsor of S. 2563, supra.

S. RES. 313

At the request of Ms. CANTWELL, the names of the Senator from Illinois (Mr. DURBIN) and the Senator from California (Mrs. BOXER) were added as cosponsors of S. Res. 313, a resolution expressing the sense of the Senate that a National Methamphetamine Prevention Week should be established to increase awareness of methamphetamine and to educate the public on ways to help prevent the use of that damaging narcotic.

AMENDMENT NO. 3244

At the request of Mr. STEVENS, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of amendment No. 3244 intended to be proposed to S. 2454, a bill to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes.

AMENDMENT NO. 3463

At the request of Mr. INHOFE, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of amendment No. 3463 intended to be proposed to S. 2454, a bill to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes.

AMENDMENT NO. 3470

At the request of Mr. INHOFE, the name of the Senator from Georgia (Mr.

ISAKSON) was added as a cosponsor of amendment No. 3470 intended to be proposed to S. 2454, a bill to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes.

AMENDMENT NO. 3528

At the request of Mr. THOMAS, the name of the Senator from Colorado (Mr. SALAZAR) was added as a cosponsor of amendment No. 3528 intended to be proposed to S. 2454, a bill to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS—APRIL 5, 2006

By Mr. ENSIGN (for himself and Mr. DEWINE):

S. 2554. A bill to amend the Internal Revenue Code of 1986 to expand the permissible use of health savings accounts to include premiums for non-group high deductible health plan coverage; to the Committee on Finance.

Mr. ENSIGN. Mr. President, I rise to introduce legislation to help individuals, small businesses, and the uninsured afford health insurance coverage. Today, 60 percent of Americans obtain health insurance coverage through their employers. The system of employer-sponsored health insurance has long provided coverage to the vast majority of America's workers and their families. However, a significant number of Americans, particularly those who work for small businesses, lack access to coverage through the employment-based system.

Employees of small businesses often go uninsured or purchase health insurance coverage on their own because continuing double-digit cost increases and burdensome state regulations are making it difficult for small employers to offer health insurance coverage.

Health insurance is valuable for a number of reasons. People who are insured are protected against uncertain and high medical expenses and are more likely to receive needed and appropriate health care. Having health insurance is also associated with improved health outcomes and lower mortality, so employees with health insurance are more likely to be productive workers.

Health savings accounts have become an important option for individuals and small businesses who have struggled to afford health insurance coverage.

The Affordability in the Individual Market Act, also known as the AIM Act, builds on the foundation of a previously passed law that established Health Savings Accounts. These accounts allow individuals with high-deductible health insurance to set aside money, tax free, up to a set limit, to use for routine medical expenses.

You can make a contribution to Health Savings Accounts or your employer can make a contribution to the account. If you don't use all the money in a year you can roll it over, tax free, to meet future expenses.

Today, individuals trying to build up a nest egg for their retiree health expenses through a Health Savings Account are not able to use these funds to purchase their health insurance, except under limited circumstances.

The AIM Act would expand the definition of what is considered a ''qualified medical expense'' under the Internal Revenue Code to allow individuals and families who purchase high-deductible health plans on their own to use their Health Savings Accounts to pay plan premiums. It seems completely reasonable to allow these individuals to pay high-deductible health plan premiums with Health Savings Account dollars.

I ask my colleagues to consider cosponsoring this responsible, commonsense legislation.

Mr. DEWINE. Mr. President, I am cosponsoring a bill today, along with Senator ENSIGN and Senator FRIST, to add another option for individuals and families to purchase affordable health insurance.

The law currently allows individuals and families to set aside tax-free savings for lifetime healthcare needs in Health Savings Accounts that are combined with a high deductible health insurance plan. This has already made health care more affordable. This important legislation expands on the foundation of Health Savings Accounts by allowing individuals and families to use their Health Savings Accounts to pay the premiums of their health insurance plans.

This is the right thing to do, individuals and families need affordable health insurance options. I urge my colleagues to join Senator ENSIGN, Senator FRIST and me in supporting this legislation.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Ms. SNOWE (for herself and Ms. COLLINS):

S. 2596. A bill to modify the boundaries for a certain empowerment zone designation; to the Committee on Finance.

Ms. SNOWE. Mr. President, I rise today with Senator COLLINS to introduce legislation to help reverse the devastating population decline and economic distress that has plagued individuals and businesses in Aroostook County, the northernmost county in Maine. What the bill does is simple, it will bring all of Aroostook County under the Empowerment Zone (EZ) program. The legislation is identical to a bill that we introduced in the 108th Congress and was included in the FY 2004 Agriculture Appropriations bill in 2003 as passed by the Senate.

To fully grasp the importance of this legislation, it is necessary to understand the unique situation facing the residents of Aroostook County. ''The County'', as it is called by Mainers, is a vast and remote region of Maine. As the northernmost county, it shares more of its border with Canada than its neighboring Maine counties. It has the distinction of being the largest county east of the Mississippi River. Its geographic isolation is even more acute when considering that the county's relatively small population of 73,000 people are scattered throughout 6,672 square miles of rural countryside. Aroostook County is home to 71 organized townships, as well as 125 unorganized townships much of which is forest land and wilderness.

As profound as this geographic isolation may seem, it is the economic isolation and the recent out-migration that has had the most devastating impact on the region. The economy of northern Maine has a historical dependence upon its natural resources, particularly forestry and agriculture. While these industries served the region well in previous decades, and continue to form the underpinnings of the local economy, many of these sectors have experienced decline and can no longer provide the number and type of quality jobs that residents need.

While officials in the region have put forward a Herculean effort to redevelop the region, with nearly 1,000 new jobs at the Loring Commerce Centre alone, Aroostook County is still experiencing a significant ''job deficit'', and as a result continues to lose population at an alarming rate. Since its peak in 1960, northern Maine's population has declined by 30 percent. Unfortunately, the Main State Planning Office predicts that Aroostook County will continue losing population as more workers leave the area to seek opportunities and higher wages in southern Maine and the rest of New England.

In January 2002, a portion of Aroostook County was one of two regions that received Empowerment Zone status from the USDA for out-migration. The entire county experienced an outmigration of 15 percent from 86,936 in 1990 to 73,938 in 2000. Moreover, a shocking 40 percent of 15 to 29-year-olds left during the last decade.

The current zone boundaries were chosen based on the criteria that Empowerment Zones be no larger than 1,000 square miles, and have a maximum population of 30,000 for rural areas. The lines drawn for the Aroostook County Empowerment Zone were considered to be the most inclusive and reasonable given the constraints of the program. It should be noted as well that the boundaries were drawn based on the 1990 census, making the data significantly outdated at the start and included the former Loring Air Force Base and its population of nearly 8,000 people, which had closed nearly 8 years before the designation, taking its military and much of its civilian workforces with it. The Maine State Planning Office estimated that the base closure resulted in the loss of 3,494 jobs directly related to the base and

another 1,751 in associated industry sectors for a total loss of $106.9 million annual payroll dollars.

Some of the most distressed communities that have lost substantial population are not in the Empowerment Zone, and other communities like Houlton literally are divided simply by a road, having one business on the south side of the street with no Empowerment Zone designation look out their window to a neighboring business on the north side of the street with full Empowerment Zone benefits. The economic factors for these communities and for these neighbors are the same as those areas within the Empowerment Zone. This designation is not meant to cause divisiveness within communities, it is created to augment a partnership for growth and to level the playing field for all Aroostook County communities who have equally suffered through continuing out migration whether it be in Madawaska or Island Falls.

The legislation I am introducing would provide economic development opportunities to all reaches of Aroostook County by extending Empowerment Zone status to the entire county. This inclusive approach recognizes that the economic decline and population out-migration are issues that the entire region must confront, and, as evidenced by their successful Round III EZ application, they are attempting to confront. I believe the challenges faced by Aroostook County are significant, but not insurmountable. This legislation would make great strides in improving the communities and business in northern Maine, and I urge my colleagues to support this bill.

I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 2596

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. MODIFICATION OF BOUNDARY OF AROOSTOOK COUNTY EMPOWERMENT ZONE.

(a) IN GENERAL.—The Aroostook County empowerment zone shall include, in addition to the area designated as of the date of the enactment of this Act, the remaining area of the county not included in such designation, notwithstanding the size requirement of section 1392(a)(3)(A) of the Internal Revenue Code of 1986 and the population requirements of section 1392(a)(1)(B) of such Code.

(b) EFFECTIVE DATE.—Subsection (a) shall take effect as of the effective date of the designation of the Aroostook County empowerment zone by the Secretary of Agriculture.

Ms. COLLINS. Mr. President, I am pleased to join my colleague, Senator OLYMPIA SNOWE, in introducing legislation that will modify the borders of the Aroostook County Empowerment Zone to include the entire county so that the benefits of Empowerment Zone designation can be fully realized in northern Maine.

The Department of Agriculture's Empowerment Zone program addresses a comprehensive range of community challenges, including many that have traditionally received little Federal assistance, reflecting the fact that rural problems do not come in standardized packages but can vary widely from one place to another. The Empowerment Zone program represents a long-term partnership between the Federal Government and rural communities so that communities have enough time to implement projects to build the capacity to sustain their development beyond the term of the partnership. An Empowerment Zone designation gives designated regions potential access to millions of dollars in Federal grants for social services and community redevelopment as well as tax relief.

Aroostook County is the largest county east of the Mississippi River. Yet, despite the impressive character and work ethic of its citizens, the county has fallen on hard times. The 2000 Census indicated a 15-percent loss in population since 1990. Loring Air Force Base, which was closed in 1994, also caused an immediate out-migration of 8,500 people and a further outmigration of families and businesses that depended on Loring for their customer base.

In response to these developments, the Northern Maine Development Commission and other economic development organizations, the private business sector, and community leaders in Aroostook have joined forces to stabilize, diversify, and grow the area's economy. They have attracted some new industries and jobs. As a native of Aroostook County, I can attest to the strong community support that will ensure a successful partnership with the U.S. Department of Agriculture.

Designating this region of the United States as an Empowerment Zone will help ensure its future economic prosperity. However, the restriction that the Empowerment Zone be limited to 1,000 square miles prevents all of Aroostook's small rural communities from benefiting from this tremendous program. Aroostook covers some 6,672 square miles but has a population of only 74,000. Including all of the county in the Empowerment Zone will guarantee that parts of the county will not be left behind as economic prosperity returns to the area. It does little good to have a company move from one community to another within the county simply to take advantage of Empowerment Zone benefits.

Senator SNOWE and I introduced this legislation during the 108th Congress. In fact, we were successful in getting this legislation passed in the Senate by attaching it to the fiscal year 2004 Agriculture Appropriations bill. Unfortunately, this language was removed during conference negotiations with the House. Senator SNOWE and I remain committed to bringing the benefits of the Empowerment Zone designation to all of Aroostook County's residents and will work to pass this legislation in both Chambers during this Congress.

By Mr. VITTER (for himself, Mr. INHOFE, Mr. ENZI, Mr. SANTORUM, Mr. COBURN, Mrs. DOLE, and Mr. SUNUNU):

S. 2599. A bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to prohibit the confiscation of firearms during certain national emergencies; to the Committee on the Judiciary.

Mr. VITTER. Mr. President, I rise today to introduce a bill, the ''Disaster Recovery Personal Protection Act of 2006'' that would amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to prohibit the confiscation of firearms during certain national emergencies.

The city of New Orleans confiscated more than 1,000 firearms under the misguided policy of a local law enforcement officer. Our Second Amendment rights should not be subject to the whims of individuals. My bill would prohibit any agency using Federal disaster relief funds from seizing firearms or restricting firearm possession, except under circumstances currently applicable under Federal or State law.

Our law enforcement officers are under intense pressure to protect and serve, and I value their call to duty with great respect. The ''Disaster Recovery Personal Protection Act of 2006'' would not prevent law enforcement from confiscating guns from convicted felons or other prohibited persons. Also, it would have no effect on law enforcement outside of disaster relief situations.

The horrible tragedy that unfolded upon the State of Louisiana was certainly unprecedented. The devastation that occurred will last for generations, and yet, there is immense hope that our great State of Louisiana will shine better than ever before. In the days and nights that followed there were mistakes at all levels of government, and the confiscation of law-abiding citizens' personal protection was one of them.

I ask my fellow Senators to support this legislation in the hope that in the unfortunate likelihood of another disaster our citizens will be able to protect themselves without fear of government intruding upon our second amendment rights.

By Mr. WARNER (for himself and Mrs. CLINTON):

S. 2600. A bill to equalize authorities to provide allowances, benefits, and gratuities to civilian personnel of the United States Government in Iraq and Afghanistan, and for other purposes; to the Committee on Armed Services.

Mr. WARNER. I would like to take a few minutes of the Senate's time to introduce a bill together with Senator CLINTON. The bill is to equalize authorities to provide allowances, benefits, and gratuities to civilian personnel of the United States Government for their services in Iraq and Afghanistan and for other purposes. Throughout the hearings of the Armed

Services Committee this year and the appearance of our distinguished group of witnesses, and based on two—and I say this most respectfully and humbly—personal conversations I have had with the President of the United States and, indeed, the Secretary of State, I very forcefully said to each that we need to get the entirety of our Federal Government into a greater degree—they have done much—of harness in our overall efforts in Iraq and Afghanistan to secure a measure of democracy for the peoples of those countries.

For example, the QDR so aptly states that ''success requires unified statecraft: the ability of the U.S. Government to bring to bear all elements of national power at home and to work in close cooperation with allies and partners abroad.''

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

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

Likewise General Pace, Chairman of the Joint Chiefs of Staff, iterated much the same message when he appeared before our committee.

I commend the President and the Cabinet officers. I ask unanimous consent to print in the RECORD a letter that I sent every Cabinet officer and agency head, asking what they had done thus far and of their ability to contribute even more.

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

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

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

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

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

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

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

I commend the President for his leadership in issuing a directive to improve our interagency coordination by signing the National Security Presidential Directive–44, titled ''Management of Interagency Efforts Concerning Reconstruction and Stabilization,'' dated December 7, 2005. I applaud each of the heads of departments and agencies for working together to develop this important and timely directive. Now that the directive has been issued, I am writing to inquire about the plan for its full implementation. In particular, what steps have each federal department or agency taken to implement this directive?

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

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

I look forward to continued consultation on this important subject.

With kind regards, I am

Sincerely,

JOHN WARNER,
Chairman.

Mr. WARNER. In my conversations with President Bush and the Cabinet officers and others, there seems to be total support. The administration, at their initiative, asked OMB to draw up the legislation, which I submit today in the form of a bill.

I hope this will garner support across the aisle—Senator CLINTON has certainly been active in this area, as have others—and that we can include this on the forthcoming supplemental appropriations bill. The urgency is now, absolutely now. Every day it becomes more and more critical in the balance of those people succeeding with their message of 11 million on December 15 in Iraq: We want a government, a unified government stood up and operating. To do that, this government, hopefully, will utilize such assets as we can provide them from across the entire spectrum of our Government. Our troops have done their job with the coalition forces. Their families have borne the brunt of these conflicts now for these several years. Now it is time for every individual to step forward and work to make the peace secure in those nations so they do not revert back the lands of Iraq and Afghanistan to havens for terrorism and destruction to the free world.

I yield the floor.

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

S. 2601. A bill to amend the Social Security Act to improve choices available to Medicare eligible seniors by permitting them to elect (instead of regular Medicare benefits) to receive a voucher for a health savings account, for premiums for a high deductible health insurance plan, or both and by suspending Medicare late enrollment penalties between ages 65 and 70; to the Committee on Finance.

Mr. ALEXANDER. Mr. President, I rise today to introduce the Health Care Choices for Seniors Act. My colleague from Tennessee, Representative BLACKBURN, has taken the lead in the House of Representatives, and I am proud to join with her by introducing this bill in the Senate. Our legislation is about giving seniors a new health insurance option by making it easier for them to create or continue using a health savings account (HSA) after they reach age 65.

A growing number of Americans are using HSAs, which allow individuals to save for future medical expenses on a tax-free basis. The money you put into an HSA is tax-deductible, the money in your account grows tax-free, balances can be rolled over year-to-year, and you can take money out of the account tax-free to pay for a wide range of health care expenses. Plus HSAs are portable—you can take them with you from job to job.

Many members of the Baby Boom generation are not planning to retire at age 65 and want more health care options. But the problem under current law is that seniors can't continue using health savings accounts after turning 65 because they are penalized if they don't join Medicare. The first penalty is that once you join Medicare, you can no longer make tax-free contributions into HSAs. The second penalty is that if you don't join Medicare, you can't collect your Social Security benefits. The third penalty is that if you delay enrollment in Medicare to a later age, you have to pay more. So, of course, almost everyone joins Medicare when they turn 65 instead of using an HSA for their health care needs.

At a time when health care costs are rising sharply, we need to move in the direction of giving Americans more options for getting health coverage at an affordable cost. Rather than forcing people into Medicare at age 65, the legislation that I am introducing today would make it easier for seniors to delay joining Medicare and to continue using health savings accounts. First, you could delay joining Medicare without losing the ability to make tax-free contributions into your HSA. Those

who delay enrollment in Medicare would be eligible for a monthly voucher of up to $200 for an HSA. Second, you could delay joining Medicare without losing your Social Security benefits. Third, if you use an HSA, you would not be penalized for putting off joining Medicare until age 70. With these changes, HSAs would become a real option for seniors in Tennessee and throughout the nation.

I am a strong supporter of HSAs, which show the promise of holding down health care costs by putting more health care decisions in the hands of individual consumers and families. Health savings accounts only became available in January 2004, but they have seen significant growth in both individual and employer markets. A recent census by America's Health Insurance Plans showed that high deductible health insurance plans (HDHPs) offered in conjunction with HSAs covered 3.17 million people in January 2006, up from 1.03 million in March 2005.

This bill is an important step toward giving seniors more options to manage their health care and to allow greater use of health savings accounts. I look forward to working with Representative BLACKBURN to build support for our legislation in both Chambers of Congress.

By Mr. ALLARD:

S. 2604. A bill to address the forest and watershed emergency in the State of Colorado that has been exacerbated by the bark beetle infestation, to provide for the conduct of activities in the State to reduce the risk of wildfire and flooding, to promote economically healthy rural communities by reinvigorating the forest products industry in the State, to encourage the use of biomass fuels for energy, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. ALLARD. Mr. President, I rise today out of concern for the Western United States. The Rocky Mountain West is currently facing a very real threat to one of its most rare and precious resources. Out West there are few things more important than water, and it is this very important and increasingly needed resource that is in peril. This threat was in part brought upon us by a scourge barely larger than my finger tip, the bark beetle. This devious little devil has chewed its way through nearly 7,500,000 trees in Colorado. The beetle left these drought weakened trees dead and dying. This threat is exacerbated by the additional 6,300,000 acres of hazardous fuels that have accumulated throughout Colorado.

This devastation is concerning enough on its own, but when you consider the fire danger that it has created, and the direct threat that a catastrophic fire would pose to our watersheds, the true weight of this situation becomes clear. Much of the precipitation that falls into the forests ultimately finds its way into streams, ponds, rivers and lakes. Changes to forested lands caused by fire can have strong and devastating repercussions on the quality and quantity of water in these bodies. A forest fire is one big chemical reaction which releases a myriad of chemical elements from forest materials into the ecosystem. These chemicals can be washed or leach into our water systems. Forest fires can cause immediate and lasting changes to the chemistry of forest water systems, this happens as a result of increases in water temperature and from the smoke and ash created during the burning process. These effects can last long after the flames have passed, effecting water quality for years after the initial fire.

Colorado should be called ''the Headwaters State,'' because it is the origin point of major rivers flowing both east and west and the source of a vast amount of the water of the United States. In fact the Colorado Rocky Mountains create the headwaters for 4 regional watersheds that eventually supply water to 19 Western States. Should the streams and rivers flowing out of Colorado become choked and polluted with ash and debris from a forest fire much of the United States' water supply would be affected.

The Federal agencies that manage the majority of the affected areas need to adopt an accelerated pace to reduce the public health and safety risk as soon as possible. To address this I am introducing The Headwater Protection and Restoration Act today that would work to help alleviate the pending threat to our Nation's water supply. My legislation takes into consideration the desperate need to create healthy forests in the lands around our Nation's water supply. This bill will not only help provide relief from this threat in the short term, but will help to create the necessary infrastructure to ensure that it does not happen again. It will give us a long term solution to this desperate problem. This would be achieved through steady, judicious, and effective forest management over time. This displays a much better and more cost effective strategy than dealing with the management of catastrophic events under emergency circumstances. Today we find ourselves poised in a position to take steps to help avert this potential disaster before it starts. It is my hope that I will be joined by my colleagues here in the Senate to act swiftly on my legislation before it is too late.

By Mr. BROWNBACK (for himself and Mr. COBURN):

S. 2606. A bill to amend title XVIII of the Social Security Act to make publicly available on the official Medicare Internet site Medicare payment rates for frequently reimbursed hospital inpatient procedures, hospital outpatient procedures, and physicians' services; to the Committee on Finance.

Mr. BROWNBACK. Mr. President, today, I rise to introduce the Medicare Payment Rate Disclosure Act of 2006. This legislation tackles a key problem facing Americans today—that of rising health-related costs. It does so by empowering citizens to act as informed consumers when purchasing their health care. Countless examples in our Nation's history demonstrate that the American consumer possesses the ability to drive prices down and quality up by making informed decisions in the marketplace. Yet the cost of health care is not easily accessible to the American consumer, given the nature of our present system.

The Medicare Payment Rate Disclosure Act would create price transparency at a consumer level, allowing Americans to choose for themselves health care services that are affordable within their region. This bill ensures that there is one location on the Internet where either consumers with health savings accounts or who are uninsured can go to view the Medicare reimbursement rates for all common medical procedures and physician visits, region by region. This information will provide a critical baseline for these individuals to assess health care costs.

I believe that by removing barriers for health care consumers to ''own their health care'' and make the best personal choices, we empower Americans with the knowledge to take charge of their health spending and to negotiate health care prices. I should note that my home State of Kansas is also considering price-transparency initiatives.

This legislation is a good first step towards improving the quality of health care and lowering costs to consumers. I thank the original cosponsor, Senator TOM COBURN, for his support of this measure. Accordingly, I urge my colleagues to support the Medicare Payment Rate Disclosure Act of 2006.

By Ms. SNOWE (for herself and Mr. BENNETT):

S. 2607 A bill to establish a 4-year small business health insurance information pilot program; to the Committee on Small Business and Entrepreneurship.

Ms. SNOWE. Mr. President, as Chair of the Senate Committee on Small Business and Entrepreneurship, I have long believed that it is my responsibility and the duty of this chamber to help small businesses, as they are the driver of this Nation's economy, responsible for generating approximately 75 percent of net new jobs annually.

Today, I rise with Senator BENNETT to introduce legislation that would address the crisis that faces small businesses when it comes to purchasing quality, affordable health insurance. This is not a new crisis. Nearly 46 million Americans are currently uninsured. We've now experienced double digit percentage increases in health insurance premiums in four of the past five years. Small businesses face difficult choices in seeking to provide affordable health insurance to their employees. We must act now.

Study after study tells us that the smallest businesses are the ones least likely to offer insurance and most in need of assistance. According to the Employee Benefit Research Institute, of the working uninsured, who make up 83 percent of our nation's uninsured population, 60.6 percent either work for a small business with fewer than 100 employees or are self-employed.

Furthermore, many of the small businesses who we meet with tell us how they feel like the cost and complexity of the health care system has moved health insurance far beyond their reach.

That is why today we introduce the Small Business Health Education and Awareness Act of 2006. This bill establishes a pilot, competitive matching-grant program for Small Business Development Centers (SBDCs) to provide educational resources and materials to small businesses designed to increase awareness regarding health insurance options available in their areas. Recent research conducted by the Healthcare Leadership Council has found that a short, less than 10 minute education session, can increase small business knowledge and interest in offering health insurance by about 33 percent.

For those of you who are not familiar, SBDCs are one of the greatest business assistance and entrepreneurial development resources provided to small businesses that are seeking to start, grow, and flourish. Currently, there are over 1,100 service locations in every state and territory delivering management and technical counseling to prospective and existing small business owners.

Our legislation would require the Small Business Administration (SBA) to provide up to 20 matching grants to qualified SBDCs across the country. No more than two SBDCs, one per State, would be chosen from each of the SBA's 10 regions. The grants shall be more than $150,000, but less than $300,000 and shall be consistent with the matching requirement under current law. In creating the materials for their grant programs, participating SBDCs should evaluate and incorporate relevant portions existing health insurance options, including materials created by the Healthcare Leadership Council.

In addition, SBDCs participating in the pilot program would be required to submit a quarterly report to the SBA.

Enacting this legislation is an important step in the right direction towards assisting small businesses as they work to strengthen themselves, remain competitive against larger businesses that are able to offer affordable health insurance, and in turn bolster the entire economy.

We encourage our colleagues to join us in supporting this bill, and to continue to work to address the issues facing the small business community.

Thank you. I ask unanimous consent that the text of our bill be printed in the RECORD.

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

S. 2607

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 ''Small Business Health Education and Awareness Act of 2006''.

SEC. 2. PURPOSE.

The purpose of this Act is to establish a 4-year pilot program to provide information and educational materials to small business concerns regarding health insurance options, including coverage options within the small group market.

SEC. 3. DEFINITIONS.

In this Act:

(1) ADMINISTRATION.—The term ''Administration'' means the Small Business Administration.

(2) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the Small Business Administration, acting through the Associate Administrator for Small Business Development Centers.

(3) ASSOCIATION.—The term ''association'' means an association established under section 21(a)(3)(A) of the Small Business Act (15 U.S.C. 648(a)(3)(A)) representing a majority of small business development centers.

(4) PARTICIPATING SMALL BUSINESS DEVELOPMENT CENTER.—The term ''participating small business development center'' means a small business development center described in section 21 of the Small Business Act (15 U.S.C. 648) that—

(A) is certified under section 21(k)(2) of the Small Business Act (15 U.S.C. 648(k)(2)); and

(B) receives a grant under the pilot program.

(5) PILOT PROGRAM.—The term ''pilot program'' means the small business health insurance information pilot program established under this Act.

(6) SMALL BUSINESS CONCERN.—The term ''small business concern'' has the same meaning as in section 3 of the Small Business Act (15 U.S.C. 632).

(7) STATE.—The term ''State'' means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, and Guam.

SEC. 4. SMALL BUSINESS HEALTH INSURANCE INFORMATION PILOT PROGRAM.

(a) AUTHORITY.—The Administrator shall establish a pilot program to make grants to small business development centers to provide information and educational materials regarding health insurance options, including coverage options within the small group market, to small business concerns.

(b) APPLICATIONS.—

(1) POSTING OF INFORMATION.—Not later than 90 days after the date of enactment of this Act, the Administrator shall post on the website of the Administration and publish in the Federal Register a guidance document describing—

(A) the requirements of an application for a grant under the pilot program; and

(B) the types of informational and educational materials regarding health insurance options to be created under the pilot program, including by referencing such materials developed by the Healthcare Leadership Council.

(2) SUBMISSION.—A small business development center desiring a grant under the pilot program shall submit an application at such time, in such manner, and accompanied by such information as the Administrator may reasonably require.

(c) SELECTION OF PARTICIPATING SBDCS.—

(1) IN GENERAL.—The Administrator shall select not more than 20 small business development centers to receive a grant under the pilot program.

(2) SELECTION OF PROGRAMS.—In selecting small business development centers under paragraph (1), the Administrator may not select—

(A) more than 2 programs from each of the groups of States described in paragraph (3); and

(B) more than 1 program in any State.

(3) GROUPINGS.—The groups of States described in this paragraph are the following:

(A) GROUP 1.—Group 1 shall consist of Maine, Massachusetts, New Hampshire, Connecticut, Vermont, and Rhode Island.

(B) GROUP 2.—Group 2 shall consist of New York, New Jersey, Puerto Rico, and the Virgin Islands.

(C) GROUP 3.—Group 3 shall consist of Pennsylvania, Maryland, West Virginia, Virginia, the District of Columbia, and Delaware.

(D) GROUP 4.—Group 4 shall consist of Georgia, Alabama, North Carolina, South Carolina, Mississippi, Florida, Kentucky, and Tennessee.

(E) GROUP 5.—Group 5 shall consist of Illinois, Ohio, Michigan, Indiana, Wisconsin, and Minnesota.

(F) GROUP 6.—Group 6 shall consist of Texas, New Mexico, Arkansas, Oklahoma, and Louisiana.

(G) GROUP 7.—Group 7 shall consist of Missouri, Iowa, Nebraska, and Kansas.

(H) GROUP 8.—Group 8 shall consist of Colorado, Wyoming, North Dakota, South Dakota, Montana, and Utah.

(I) GROUP 9.—Group 9 shall consist of California, Guam, American Samoa, Hawaii, Nevada, and Arizona.

(J) GROUP 10.—Group 10 shall consist of Washington, Alaska, Idaho, and Oregon.

(4) DEADLINE FOR SELECTION.—The Administrator shall make selections under this subsection not later than 6 months after the later of the date on which the information described in subsection (b)(1) is posted on the website of the Administration and the date on which the information described in subsection (b)(1) is published in the Federal Register.

(d) USE OF FUNDS.—

(1) IN GENERAL.—A participating small business development center shall use funds provided under the pilot program to—

(A) create and distribute informational materials; and

(B) conduct training and educational activities.

(2) CONTENT OF MATERIALS.—In creating materials under the pilot program, a participating small business development center shall evaluate and incorporate relevant portions of existing informational materials regarding health insurance options, such as the materials created by the Healthcare Leadership Council.

(e) GRANT AMOUNTS.—Each participating small business development center program shall receive a grant in an amount equal to—

(1) not less than $150,000 per fiscal year; and

(2) not more than $300,000 per fiscal year.

(f) MATCHING REQUIREMENT.—Subparagraphs (A) and (B) of section 21(a)(4) of the Small Business Act (15 U.S.C. 648(a)(4)) shall apply to assistance made available under the pilot program.

SEC. 5. REPORTS.

Each participating small business development center shall transmit to the Administrator and the Chief Counsel for Advocacy of the Administration, as the Administrator may direct, a quarterly report that includes—

(1) a summary of the information and educational materials regarding health insurance options provided by the participating small business development center under the pilot program; and

(2) the number of small business concerns assisted under the pilot program.

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to carry out this Act—

(1) $5,000,000 for the first fiscal year beginning after the date of enactment of this Act; and

(2) $5,000,000 for each of the 3 fiscal years following the fiscal year described in paragraph (1).

(b) LIMITATION ON USE OF OTHER FUNDS.—The Administrator may carry out the pilot program only with amounts appropriated in advance specifically to carry out this Act.

By Ms. SNOWE (for herself and Mr. VITTER):

S. 2608. A bill to ensure full partnership of small contractors in Federal disaster reconstruction efforts; to the Committee on Small Business and Entrepreneurship.

Ms. SNOWE. Mr. President, as Chair of Senate Committee on Small Business and Entrepreneurship, I rise today to introduce The Small Business Partners In Reconstruction Act of 2006. This legislation, co-sponsored by Senator DAVID VITTER, is the product of 3 hearings held in my Committee in September and November 2005, and in February 2006, which examined the response of the Small Business Administration, the Army Corps of Engineers, the Department of Homeland Security and its Federal Emergency Management Agency, and other Federal agencies to the devastation wrought by the Hurricanes Katrina and Rita on our Gulf Coast states.

Speaking on September 15, 2005 from New Orleans' historic Jackson Square, President Bush declared that ''It is entrepreneurship that creates jobs and opportunity; it is entrepreneurship that helps break the cycle of poverty; and we will take the side of entrepreneurs as they lead the economic revival of the Gulf region.'' Unfortunately, the Federal Government's performance has not matched the President's declaration. This is particularly true with regards to the role of small firms, especially Gulf Coast small firms, with regards to contracts and subcontracts for recovery and reconstruction. Too often, small contractors have been treated in the disaster contracting process less like the partners in disaster recovery and economic revitalization they are, and more like unwanted stepchildren. Eight months after Hurricane Katrina, it is time for this to change.

To begin with, some Federal bureaucrats have used the Katrina and Rita disasters to exclude small business from contracting in the name of emergency and speed. Contracting with small firms, it was said, does not provide sufficient flexibility to the contracting officers in time of crisis. Quite the opposite is true. The Small Business Act contains flexible contracting authorities as part of the 8(a) program, the HUBZone program, and the service-disabled veteran-owned program, which allow Federal agencies to quickly buy goods and services in emergency situations. Indeed, on May 30, 2003, the Office of Federal Procurement Policy issued guidance on Emergency Procurement Flexibilities, which encouraged Federal agencies to use contracting flexibilities, such as the HUBZone flexibilities, which are part of the Small Business Act. This guidance was largely ignored, as billions of dollars went to large corporations through non-competitive mechanisms such as no-bid contracts or the so called micro-purchase authority, originally intended by Congress to cover small purchase card transactions.

My legislation requires the Office of Federal Procurement Policy and the Small Business Administration (SBA) to ensure that Federal contracting officials have the most comprehensive and up-to-date guidance on the full use of available small business emergency procurement flexibilities, and that such guidance is published in the Federal Register. My legislation also ensures that the SBA provides government-wide training for procurement agencies on using small business contracting flexibilities in emergency situations, and directs the SBA to designate at least one advisor for small business emergency contracting who would help Federal agencies apply small business procurement flexibilities in emergency situations.

Small contractors have also been denied access to reconstruction dollars by paperwork and bureaucracy. Red tape had the most serious effect on small disadvantaged businesses. Many of these contractors have been certified to do business under the Federally-funded, Congressionally-established Disadvantaged Business Enterprise Program (DBE) for transportation contracting such as highway or bridge construction. In the Federal procurement system, a parallel Small Disadvantaged Business (SDB) Program exists. According to law and the Memorandum of Understanding between the SBA and the U.S. Department of Transportation, the DBE certifications are based on the SDB certification requirements under the Small Business Act. Unfortunately, DBEs have been unable to secure recognition as SDBs by the Federal agencies or by Federal prime contractors. As a result, agencies and prime contractors had little assurance that SDB goals may be met by doing business with DBEs. My measure will ensure that capable small contractors enjoy full reciprocity among contracting programs instead of the red tape they currently face.

Lack of comprehensive procurement data on Katrina and Rita contracting is another flaw which my bill is trying to correct. It is hard to believe that almost 8 months since the Hurricane Katrina struck, the Federal Government's disaster contracting ship is literally sailing blind. Both the Small Business Act and the Office of Federal Procurement Policy Act require that accurate and comprehensive data on government contracting and subcontracting, especially including small business participation, be collected and maintained. Although the government-wide procurement spending database, the Federal Procurement Data System (FPDS), collects the data related to Hurricane Katrina and Rita reconstruction, this data is demonstrably incomplete. According to the Government Accountability Office and admissions of Federal procurement officials, the FPDS data is not accurate and omits billions in Defense and Homeland Security contracts. As a result of these deficiencies, the Executive Branch made exaggerated claims concerning the share of reconstruction work that went to small businesses. For instance, last October, the Commerce Department claimed that small businesses received 72 percent of Katrina contracting dollars, and the SBA claimed the small business share to be at 45 percent. During hearings before my Committee, the GAO confirmed that the Administration's claimed numbers are unrealistic and unsubstantiated. My legislation directs the Administrators of the SBA and the OFPP to ensure that the Federal Procurement Data System reflects comprehensive government-wide contracting spending on Katrina and Rita reconstruction.

For years, the Historically Underutilized Business Zone (HUBZone) program, created to direct Federal contacting dollars to small firms in economically distressed areas, has been recognized as a potent economic development stimulus. Since its inception in 1997, the HUBZone program stimulated the hiring of over 124,000 HUBZone residents and investment of over half a billion dollars in HUBZones by HUBZone-certified firms. With the support of the Administration, I propose extending the HUBZone designation to the disaster region. A HUBZone designation would enable small businesses located in the disaster area and employing people in that area to receive contracting preferences and price evaluation preferences to offset greater costs of doing business. Extending the HUBZone designation to the Gulf Coast would bring needed businesses development tools to affected areas of the Gulf Coast. Under my proposal, the SBA Administrator would have the discretion to define the geographic scope or duration of this designation to ensure that the HUBZone preference is targeted to those who need it the most.

Small businesses vying for government contracts or subcontracts often must post bid or performance bonds in order to convince Federal contracting officials or prime contractors that small business are a good project risk. In turn, small firms must seek bonding from private bonding companies. The SBA, through its surety bond program,

has provided guarantees on bonds awarded to small businesses up to $2 million. But small firms need an increase in bonds to handle larger projects for hurricane relief. Local small businesses in the Gulf Coast can use higher bonds to compensate for the damage to their assets from the hurricanes. My legislation would increase the maximum size of SBA surety bonds from $2 million to $5 million, and provide the SBA with authority to increase the maximum size to $10 million upon request of another Federal agency. In its proposal to re-build the Gulf Coast region, the Administration suggested making the $5 million increase.

My legislation also directs the SBA to create a contracting outreach program for small businesses located or willing to locate in the Katrina disaster area for the next five years. Federal contracts and subcontracts can provide critical assistance to small businesses located in the areas devastated by the hurricanes in the form of solid business opportunities and prompt, steady pay. In addition, government procurement would open doors for many local small businesses to participate in the long-term reconstruction work in the Gulf Coast areas. While many small businesses would benefit from other forms of disaster assistance, many of them want to get back to work and into business as soon as possible. Technical assistance and outreach through the SBA, the Procurement Technical Assistance Centers, the Federal Offices of Small and Disadvantaged Business Utilizations, and other organizations could prove invaluable to these firms.

Yet, outreach alone would not ensure fair participation of small businesses in Gulf Coast reconstruction contracts. To promote jobs creation and development in the disaster region, the Federal Government must set and follow definitive goals for small business participation. Prior to the disaster, small construction companies in Alabama, Mississippi, and Louisiana received nearly $500 million in Federal contracts a year. Total small business contracts in the Gulf Coast region exceeded $3 billion a year. With the Federal cost of hurricane relief and rebuilding estimated at over $100 billion, small businesses, particularly those located in the disaster area and that employ individuals in the affected areas, should receive their fair share of Federal contracting and subcontracting dollars. My legislation establishes a 30 percent prime contracting goal and a 40 percent subcontracting goal on each agency's hurricane-related reconstruction contracts. These goals are compatible with the Department of Homeland Security's and the Army Corps of Engineers' history of small business achievements.

My legislation would also address two unfortunate provisions in the Second Katrina Supplemental Appropriations that unwisely changed the emergency procurement authority Congress granted to contracting officers in the aftermath of 9/11 and reclassified many reconstruction contracts into categories that excluded small firms from prime contracting or subcontracting. I spoke out against these provisions, and Congress ultimately repealed them last year. Nonetheless, this bill puts in place safeguards to ensure that small firms do not fall prey to such actions again. My legislation protects the Small Business Reservation (SBR) for disaster-related contracts below the Simplified Acquisition Threshold (SAT). The SAT and the SBR are normally set at $100,000. The Federal Acquisition Streamlining Act allowed Federal agencies to use simplified procedures for all contracts below the SAT, but only if they attempt to place, or ''reserve'', these contracts to qualified small businesses. Many small businesses qualify for contracts under expedited procedures under the Small Business Act, which would help to move the reconstruction process forward. The SBR does not delay relief contracting. If no qualified small business is available to do the job, agencies can place the contract with any qualified supplier. This provision restores the parity between the SBR and the SAT any time the SAT is increased for disaster-related contracts.

My legislation also restores small business subcontracting requirements in emergency procurements. The Second Katrina Supplemental abolished small business subcontracting requirements for all Katrina-related contracts by treating contracts for hundreds of millions of dollars as purchases of commercial items, like contracts for office supplies. This is an improper and unjustified procurement practice. The Army Corps of Engineers currently imposes a 73 percent subcontracting requirement on hurricane-related contracts, demonstrating that the subcontracting requirements are not onerous. Under the Small Business Act, only a ''good faith effort'' to provide subcontracting opportunities is required. The legislation allows a grace period of 30 days to negotiate an acceptable plan (subject to a 50 percent payment limitation until the plan is concluded).

Looking forward, my legislation directs the Administrators of the OFPP and the SBA to work with other Federal agencies to ensure creation of multiple-award contracts for disaster recovery which are set aside for small business concerns. As the GAO testified before the Senate Committee on Small Business and Entrepreneurship last year, Federal agencies lacked adequate acquisition planning for hurricane disaster relief. This measure would reverse this practice both for ongoing and for future disaster recovery efforts.

I am a firm believer that the reconstruction acquisition process must be not only efficient, but also transparent. In this regard, the Federal Government provides central website postings for all Katrina-related opportunities through the SBA's Sub-NET. Unfortunately, the SBA's Sub-NET subcontracting database, though recommended by the Government, has been until recently unused by the Katrina prime contractors. My legislation directs all prime contractors which received substantial Federal contracts related to the Hurricanes Katrina and Rita for which subcontracting plans are required to post subcontracting announcements on the SBA's Sub-NET online database.

Finally, my legislation addresses the government's failure to direct contract dollars to those who need them the most—local small businesses. During the hearings in my Committee last November, I was deeply troubled to discover that Federal agencies failed to grant business opportunities to qualified Gulf Coast small firms. These shocking practices make a mockery of our national commitment to rebuild the Gulf Coast. For instance, while investigating Hurricane Katrina contracts at my request, the GAO found a memorandum from an official in the Army Corps of Engineers informing the SBA that the Corps has successfully concealed the information about millions of dollars in upcoming contracts for mobile classrooms in Mississippi from, among others, local small businesses. The Corps requested that SBA approve giving this work to an out-of-state company without any prior experience. As a result, the Corps excluded a local small business, licensed by the Mississippi Department of Education, from bidding. Incredibly, the SBA obliged and approved the contract three times, eventually increasing its value from $10 million to $47 million.

Practices such as these violate Section 15 of the Small Business Act, which unequivocally directs priority in government contracts ''to small business concerns which shall perform a substantial proportion of the production on those contracts and subcontracts within areas of concentrated unemployment or underemployment or within labor surplus areas.'' It is hard to imagine a clearer example of an ''area of concentrated unemployment or underemployment'' or a area with labor surplus than the devastated Gulf Coast region. Nonetheless, some have ignored the clear command of the statute. My legislation would designate the Gulf Coast disaster area as a labor surplus area for purposes of the Small Business Act's preference for labor surplus area contractors. In addition, this provision authorizes Federal agencies to use contractual set-asides, incentives, and penalties to enhance participation of local small business concerns in disaster recovery contracts and subcontracts.

Finally, my legislation suspends the application of the Small Business Competitiveness Demonstration (Comp Demo) program to Gulf Coast disaster contracts. The Comp Demo Program denies the protections of the Small Business Act like set-asides to small businesses involved in construction and

specialty trade contracting, refuse systems and related services, landscaping, pest control, non-nuclear ship repair, and architectural and engineering services, including surveying and mapping. Historically, small businesses have been the backbone of these industries, and these industries are in heavy demand for disaster recovery efforts. The Comp Demo Program, ostensibly a test program, denies Federal agencies likes the Departments of Defense and nine other agencies the ability to do small business set-asides. Essentially, the Comp Demo Program reserves whole industries for big business. Last year, at the request of the Department of Defense, I supported an amendment to terminate the Comp Demo Program. The Senate agreed that small businesses in all industries should receive the full protections of the Small Business Act, and unanimously voted to repeal this Program. Suspending this Program for Katrina and Rita contracts would go a long way towards restoring fair treatment for small businesses affected by this disaster.

I believe this legislation will find broad support in this body. Indeed, the HUBZone designation, the outreach programs, and the surety bonding increase have already been adopted by the Senate on a vote of 96–0 as part of my amendment to the Science, State, Commerce, and Justice Appropriations Act for Fiscal Year 2006. The provisions dealing with the small business reservation offset and retention of small business subcontracting in emergency procurements were cosponsored by a bi-partisan group of Senators as part of my bi-partisan disaster relief bill, S. 1807. With the Senate leadership and every Senator of both parties on the record in support of greater access of small businesses to Federal contracts, I look forward to speedy consideration of this legislation and its support by the Senate.

By Mr. THUNE (for himself and Mr. OBAMA):

S. 2614. A bill to amend the Solid Waste Disposal Act to establish a program to provide reimbursement for the installation of alternative energy refueling systems; to the Committee on Finance.

Mr. THUNE. Mr. President, I rise today to introduce legislation along with my colleague from Illinois, Senator OBAMA, concerning what we believe is yet another important step in reducing our Nation's dependence on petroleum fuels.

S. 264, the Alternative Energy Refueling System Act of 2006 would provide an incentive for gas station owners across the country to install alternative refueling systems for automobiles. This legislation builds upon the existing tax credit that gas station owners can receive for installing alternative energy tanks. Most importantly, I would like to point out to my colleagues that this legislation does not require any additional taxes.

Currently, as a result of the Energy Policy Act of 2005, a tax credit of up to $30,000 is available through 2009 for gas station owners who install an alternative refueling system. Eligible alternative fuels include those that contain 85 percent by volume of ethanol, natural gas, compressed natural gas, liquefied natural gas, liquefied petroleum gas, hydrogen, or any mixture of biodiesel or diesel fuel that is composed of at least 20 percent biodiesel.

Our legislation basically allows gas station owners and operators to be reimbursed for 30 percent of the costs—not to exceed $30,000—of installing an alternative energy system.

One of the primary benefits of this legislation is that it can be used for up to two alternative refueling systems per gas station. This is important because under the tax credit that was part of last year's energy bill, a gas station owner can only utilize the $30,000 tax credit one time—even for those individuals who own multiple refueling stations.

For example, if a gas station owner in South Dakota, Illinois, or elsewhere wanted to install three new alternative refueling systems at his or her gas station, under the current system that owner would be limited to the $30,000 tax credit for a single alternative fuel system.

Under our legislation, that same gas station owner would continue to receive the tax credit for the first alternative fuel system. However, the station owner could also be reimbursed for 30 percent of the costs—not to exceed $30,000—for up to two additional alternative refueling systems. Therefore, the legislation we have introduced today would drastically increase the incentives for gas station owners to install additional alternative fuel systems.

I am hopeful that if this bill is signed into law, gas station owners across the country will be able to use this reimbursement mechanism to help consumers who already own or are thinking of purchasing an alternative fuel vehicle.

Senator OBAMA and I are both strong supporters of alternative fuels. In fact, South Dakota and Illinois are leaders in the production of ethanol—our Nation's leading renewable fuel. The legislation we are introducing today in no way preferences ethanol over other alternative fuels. In fact, they are all treated equally under our bill.

Alternative fuels such as E–85, which is composed of 85 percent ethanol, are starting to gain popularity. However, while automakers such as Ford and General Motors are producing an increasing number of flex fuel vehicles, which can run on either E–85 or gasoline, there is a critical need for more alternative refueling sites across the country. Many individuals would be shocked to know that of the 180,000 gas stations across the country, only 600—far less than 1 percent—offer alternative fuels such as E–85.

There are approximately 5 million flexible fuel vehicles on the road today. The addition of alternative refueling systems—such as E–85, compressed natural gas, biodiesel, and hydrogen—will allow American consumers the ability to refuel their vehicles with alternative fuels that are better for both the environment and our Nation's security.

As President Bush noted in his State of the Union Address earlier this year, ''America is addicted to oil, which is often imported from unstable parts of the world.'' Since being elected to Congress I have worked hard in promoting the development of alternative energy sources. In fact, last year's energy bill marked an important milestone due to the 7.5 billion gallon renewable fuels standard that I and others advocated.

S. 2614 utilizes the interest earned from the Leaking Underground Storage Tank Trust Fund, which currently has a $2.6 billion surplus, to reimburse eligible gas station owners who add alternative refueling systems.

This trust fund continues to grow from a portion of the Federal gas tax—one-tenth of a cent per gallon—which amounted to roughly $190 million last year. The fund also continues to grow from the interest that is earned on the balance of the fund, which amounted to roughly $67 million in 2005.

I firmly believe that the Leaking Underground Storage Tank program serves an important function in keeping our land and water safe from storage tank releases. Our legislation simply seeks to use a portion of the interest earned annually to reimburse gas station owners for a portion of the costs associated with the installation of new alternative refueling systems.

An added benefit of using a portion of the interest from this trust fund is that the installation of alternative refueling systems reduces the overall number of petroleum tanks that can cause leaks.

Additionally, this bill ensures that States are not required to use their annual allocation of appropriated funding to reimburse gas station owners for the installation of alternative refueling systems. Such reimbursement would come directly from the EPA Administrator.

Mr. President, this bill would help to lessen our Nation's dependence on foreign sources of oil and—increase the use of alternative fuels. It is a step in the right direction, and is something I hope my colleagues will support.

Mr. OBAMA. I am pleased to join my distinguished colleague from South Dakota, Mr. THUNE, in introducing the Alternative Energy Refueling System Act of 2006. I applaud his work in crafting this bill and I hope my colleagues will provide their full support and work towards its swift enactment.

As members of the Senate Environment and Public Works Committee, the Senator from South Dakota and I have worked to promote the expansion of alternative fuels production capacity in the United States—most notably

with the enactment of the Renewable Fuels Standard (RFS) included in last year's Energy Policy Act of 2005. The RFS states that 7.5 billion gallons of ethanol must be phased into the 140-billion-gallon annual national gasoline pool during the next 6 years.

That's a bold step in reducing our reliance on foreign oil, but we can't just rely on greater production of alternative fuels if we also don't make sure those fuels are available at gas stations. We need to make sure that when American drivers want to ''fill 'er up'' with something other than petroleum, they can.

Last year, I introduced S. 918, a bill to provide a tax credit for the cost of installing alternative fuel pumps. I was pleased that this tax credit was enacted as part of the Energy Policy Act of 2005. Soon hundreds more ethanol and biodiesel pumps throughout the United States will be installed as a result of this new policy.

But if we are serious about reducing our reliance on foreign oil in an expeditious fashion, we must intensify our efforts. We must double, triple, and quadruple our efforts. And that's exactly the purpose of our bill today, which simply provides a partial Federal reimbursement for the installation of alternative fuel pumps that otherwise are ineligible or have received the new tax credit.

Many more alternative refueling properties will be established by this bill—a strong complement to the tax credit passed last year. And this bill is fully offset in that it is financed by using just a small slice of the approximately $70 million in annual interest generated by the Leaking Underground Storage Tank (LUST) Trust Fund. We don't ask to use that small slice in perpetuity, but just for the next several years until enough alternative fuel refueling capacity is established across the country.

The total principal of the LUST fund is more than $2.5 billion—none of which we propose to draw down. And given that this fund has been capitalized by a one-tenth-of-a-penny fee for every gallon of petro-gas or petro-diesel purchased by the American people, it is altogether appropriate that any interest generated by any unused fractions-of-pennies be reinvested in infrastructure that weans our Nation from its dependence on the Middle East. All of this can be accomplished, while ensuring that the integrity of the LUST fund—which is used to clean up underground storage tanks—remains fully intact and untouched. In fact, I hope my colleagues on the Appropriations Committee will take note and will increase funding for LUST fund activities to the level it has long needed and deserved.

The Thune-Obama bill is a good bill that will accomplish good things for our national energy dependence, but even if enacted, this bill cannot by itself guarantee more alternative fuel refueling stations. As my colleagues are aware, alternative fuel refueling stations make up only a tiny fraction of the nationwide network of gas stations. And while that fraction is growing by leaps and bounds, the vast majority of stations within that small fraction are independently owned and operated.

By comparison, the big oil companies—the Exxons, the BPs, or the ConocoPhillips of the American petroleum industry—have not installed alternative fuel pumps. Rather, the evidence is accumulating that these companies have used institutional policies to deter the installation of alternative fuel pumps despite their retailers asking to sell these new fuels to meet growing consumer demand.

I think these practices must end. It is time for these companies to demonstrate leadership and reinvest in America. Until that day comes, however, I pledge to continue my work in Congress with like-minded colleagues to ensure that this Nation invests in a 21st Century refueling structure. The bill we are introducing today is part of that investment. I thank my colleague from South Dakota for his authorship on this bill.

By Mr. LAUTENBERG (for himself, Mr. HAGEL, Mr. KERRY, Mr. MENENDEZ, Mrs. LINCOLN, and Mr. DEWINE):

S. 2617. A bill to amend title 10, United States Code, to limit increases in the costs to retired members of the Armed Forces of health care services under the TRICARE program, and for other purposes; to the Committee on Armed Services.

Mr. LAUTENBERG. Mr. President, I rise to introduce the Military Retirees' Health Care Protection Act along with my colleagues, Senators HAGEL, KERRY, MENENDEZ, LINCOLN, and DEWINE.

This important legislation will keep the Pentagon from dramatically raising health care fees on military retirees.

Our bill will limit increases to TRICARE military health insurance premiums, deductibles, and co-payments for those in the National Guard and Reserves who are enrolled in TRICARE. Under this legislation, increases in health care fees cannot exceed the rate of growth in uniformed services beneficiaries' military compensation, thereby protecting beneficiaries from an undue financial burden.

In February, officials at the Department of Defense (DOD) announced plans to double fees on senior enlisted retirees and triple them for officer retirees. If enacted this would mean increases of up to $1,000 annually for some military retirees. While the Department of Defense has since temporarily halted plans to raise fees, it still has authority to implement steep increases in the future and may do so. We must pass legislation now that limits the amount of any health care increase and protects beneficiaries from extreme health care fee increases in the future.

Senator HAGEL and I want to demonstrate our commitment to our troops and future veterans by assuring them that just as they protected us, we will take care of them when their service ends. Just as our men and women in uniform vow never to leave a soldier behind in battle, so should we commit never to leave a veteran behind when he or she needs health care.

For three years, Congress has rejected a $250 Veterans Administration health fee increase for non-disabled veterans—doubling and tripling fees for career military is equally inappropriate.

I urge my colleagues on both sides of the aisle to support our troops by supporting this important bill.

I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 2617

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 ''Military Retirees Health Care Protection Act''.

SEC. 2. FINDINGS AND SENSE OF CONGRESS.

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

(1) Career members of the Armed Forces and their families endure unique and extraordinary demands, and make extraordinary sacrifices, over the course of 20-year to 30-year careers in protecting freedom for all Americans.

(2) The nature and extent of these demands and sacrifices are never so evident as in wartime, not only during the current Global War on Terrorism, but also during the wars of the last 60 years when current retired members of the Armed Forces were on continuous call to go in harm's way when and as needed.

(3) The demands and sacrifices are such that few Americans are willing to bear or accept them for a multi-decade career.

(4) A primary benefit of enduring the extraordinary sacrifices inherent in a military career is a range of extraordinary retirement benefits that a grateful Nation provides for those who choose to subordinate much of their personal life to the national interest for so many years.

(5) One effect of such curtailment is that retired members of the Armed Forces are turning for health care services to the Department of Defense, and its TRICARE program, for the health care benefits in retirement that they earned by their service in the Armed Forces.

(6) In some cases, civilian employers establish financial incentives for employees who are also eligible for participation in the TRICARE program to receive health care benefits under that program rather than under the health care benefits programs of such employers.

(7) While the Department of Defense has made some efforts to contain increases in the cost of the TRICARE program, a large part of those efforts has been devoted to shifting a larger share of the costs of benefits under that program to retired members of the Armed Forces.

(8) The cumulative increase in enrollment fees, deductibles, and copayments being proposed by the Department of Defense for

health care benefits under the TRICARE program far exceeds the 31 percent increase in military retired pay since such fees, deductibles, and copayments were first required on the part of retired members of the Armed Forces 10 years ago.

(9) Proposals of the Department of Defense for increases in the enrollment fees, deductibles, and copayments of retired members of the Armed Forces who are participants in the TRICARE program fail to recognize adequately that such members paid the equivalent of enormous in-kind premiums for health care in retirement through their extended sacrifices by service in the Armed Forces.

(10) Some of the Nation's health care providers refuse to accept participants in the TRICARE program as patients because that program pays them significantly less than commercial insurance programs, and imposes unique administrative requirements, for health care services.

(11) The Department of Defense has chosen to count the accrual deposit to the Department of Defense Military Retiree Health Care Fund against the budget of the Department of Defense, contrary to the requirements of section 1116 of title 10, United States Code, as amended section 725 of Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 118 Stat. 1991).

(12) Senior officials of the Department of Defense leaders have reported to Congress that counting such deposits against the budget of the Department of Defense is impinging on other readiness needs of the Armed Forces, including weapons programs, an inappropriate situation which section 1116 of title 10, United States Code, was intended expressly to prevent.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the Department of Defense and the Nation have a committed obligation to provide health care benefits to retired members of the Armed Forces that exceeds the obligation of corporate employers to provide health care benefits to their employees;

(2) the Department of Defense has many additional options to constrain the growth of health care spending in ways that do not disadvantage retired members of the Armed Forces who participate or seek to participate in the TRICARE program and should pursue any and all such options rather than seeking large increases for enrollment fees, deductibles, and copayments for such retirees, and their families or survivors, who do participate in that program;

(3) any percentage increase in fees, deductibles, and copayments that may be considered under the TRICARE program for retired members of the Armed Forces and their families or survivors should not in any case exceed the percentage increase in military retired pay; and

(4) any percentage increase in fees, deductibles, and copayments under the TRICARE program that may be considered for members of the Armed Forces who are currently serving on active duty or in the Selected Reserve, and for the families of such members, should not exceed the percentage increase in basic pay or compensation for such members.

SEC. 3. LIMITATIONS ON CERTAIN INCREASES IN HEALTH CARE COSTS FOR MEMBERS OF THE UNIFORMED SERVICES.

(a) PHARMACY BENEFITS PROGRAM.—Section 1074g of title 10, United Stated Code, is amended by adding at the end the following new subparagraph:

''(C) The amount of any cost sharing requirements under this paragraph shall not be increased in any year by a percentage that exceeds the percentage increase of the most current previous adjustment to retired pay for members of the armed forces under section 1401a(b)(2) of this title. To the extent that such increase for any year is less than one dollar, the accumulated increase may be carried over from year to year, rounded to the nearest dollar.''.

(b) PREMIUMS FOR TRICARE STANDARD FOR RESERVE COMPONENT MEMBERS WHO COMMIT TO SERVICE IN THE SELECTED RESERVE AFTER ACTIVE DUTY.—Section 1076d(d)(3) of such title is amended—

(1) by striking ''The monthly amount'' and inserting ''(A) Except as provided in subparagraph (B), the monthly amount''; and

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

''(B) In any year after 2006, the percentage increase in the amount of the premium in effect for a month for TRICARE Standard coverage under this section may not exceed a percentage equal to the percentage of the most recent increase in the rate of basic pay authorized for members of the uniformed services for a year.''.

(c) COPAYMENTS UNDER CHAMPUS.—Section 1086(b)(3) of such title is amended in the first sentence by inserting before the period at the end the following: '', except that in no event may such charges exceed $535 per day''.

(d) PROHIBITION ON ENROLLMENT FEES UNDER CHAMPUS.—Section 1086(b) of such title is further amended by adding at the end the following new paragraph:

''(5) A person covered by subsection (c) may not be charged an enrollment fee for coverage under this section.''.

(e) PREMIUMS AND OTHER CHARGES UNDER TRICARE.—Section 1097(e) of such title is amended—

(1) by inserting ''(1)'' before ''The Secretary of Defense''; and

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

''(2) In any year after 2006, the percentage increase in the amount of any premium, deductible, copayment or other charge established by the Secretary of Defense under this section may not exceed the percentage increase of the most current previous adjustment of retired pay for members and former members of the armed forces under section 1041a(b)(2) of this title.''.

Mr. DEWINE. Mr. President, I rise today to express my support for Senator LAUTENBERG's and Senator HAGEL's bill, the Military Retirees Health Care Protection Act, which I have co-sponsored. We must ensure that our military personnel and military retirees, as well as their families, have access to affordable, quality health insurance.

Over the past 10 years, military health care benefits have been greatly expanded to include Medicare eligible retirees, Reservists, and their families. Additionally, new options for health care have been added for active duty families, including an elimination of co-pays if the families use military treatment facilities instead of civilian doctors. Since 1995, health insurance costs have increased in the civilian sector, but TRICARE rates have not increased. If fees aren't increased and other avenues for funding TRICARE aren't explored, defense health care costs, alone, may rise to as much as $64 billion by 2015.

As part of the fiscal year 2007 budget request, the Department of Defense proposed a significant increase to the enrollment and prescription drug prices for military retirees under age 65 and survivors. This increase would more than double enrollment fees. In almost every case, that's an unfathomable single-year increase for families who live on a very tight budget. This is particularly troublesome when the Department of Defense has many other options that it may pursue to limit the mounting costs of medicine.

In addition, last year I worked to extend military health insurance to every dependent child of a deceased servicemember at no cost as if that parent were still alive and serving our Nation. The Department of Defense indicates that this important benefit could save dependents as much as $15,000 per year compared to the cost of private health insurance premiums. This cost-free extension of TRICARE Prime medical insurance to surviving minor children will alleviate one of the biggest worries on families today—and that's health care costs. However, if premiums and fees are increased drastically for the surviving spouse, worries about health care costs will still weigh heavily on these families. TRICARE Prime premium increases would undo the good we have accomplished on this front.

The legislation we are introducing today would begin to address the need for premiums and other health care fees to keep pace with the rise in health care costs, while keeping in mind the effect such increases would have on the yearly budget for our military retirees, survivors, and their families.

This proposal calls for a yearly increase in premiums that is equivalent to the cost of living increase that military retirees receive. For instance, if the cost of living increase is 2 percent, TRICARE Prime premiums will increase by 2 percent. Similarly, under this proposal, fees for TRICARE Reserve Select—which I have fought for with many of my colleagues—would increase by the same percent as the basic pay raise. I believe that these represent fair fee increases for the men, women, and families who have selflessly served our country.

Unfortunately, I understand that these modest fee increases will not completely solve the rising costs of providing superior military health care. I encourage the Department of Defense to explore other options for reducing the overall cost to taxpayers of delivering this benefit. For instance, the DoD should negotiate with drug manufacturers for discounts in the TRICARE retail pharmacy network and encourage beneficiaries to use the mail-order pharmacy. There are many more options available to DoD to fund this health care system, which I strongly urge them to explore.

I believe we owe a great debt of gratitude to those men, women, and families who served our country in the armed services in uniform and on the home front. It is essential that we

honor our commitment and investigate all available options for funding our military health care system, rather than strap the bill on the backs of those who already have paid for their health insurance with their blood, sweat, and tears. I will continue to work with Senators LAUTENBERG and HAGEL to ensure fair treatment of these men and women.

By Mr. HARKIN (for himself and Mr. GRASSLEY):

S. 2618. A bill to permit an individual to be treated by a health care practitioner with any method of medical treatment such individual requests, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. HARKIN. Mr. President, I am pleased to join with Senator GRASSLEY today to introduce the Access to Medical Treatment Act. The idea behind this legislation is to allow greater freedom of choice and increased access in the realm of medical treatments, while preventing abuses of unscrupulous entrepreneurs. The Access to Medical Treatment Act allows individual patients and their properly licensed health care providers to use certain alternative and complementary therapies not approved by the Food and Drug Administration (FDA), but that may be approved elsewhere. As more Americans seek out alternative and complimentary treatments for their health care, we need to be responsive. We need to see what works and what does not, but we also need to make sure that patients are protected, and are not misled about the potential benefits and risks of alternative treatments. The Access to Medical Treatment Act presents one option to help Americans make better choices, and it is my hope that this legislation can help spur a dialogue about the best way to promote access to safe and effective alternative medical treatments.

Importantly, the bill contains an informed consent protection for patients, modeled after the National Institutes of Health's, NIH, human subject protection regulations. Under the protections provided for in the legislation, a patient must be fully informed, orally and in writing of the following: the nature, content and methods of the medical treatment; that the treatment is not approved by the FDA; the anticipated benefits and risks of the treatment; any reasonably foreseeable side effects that may result; the results of past applications of the treatment by the health care provider and others; the comparable benefits and risks of any available FDA-approved treatment conventionally used for the patient's condition; and any financial interest the provider has in the product. The consent documents will then become part of the patient's medical record.

Providers and manufacturers are required to report to the Centers for Disease Control and Prevention, CDC, any adverse effects from alternative treatments, and must immediately cease use and manufacture of the product, pending a CDC investigation. The CDC is required to conduct an investigation of any adverse effects, and if the product is shown to cause any danger to patients, the physician and manufacturers are required to immediately inform all providers who have been using the product of the danger.

Our legislation ensures the public's access to reliable information about complementary and alternative therapies by requiring providers and manufacturers to report the results of the use of their product to the National Center for Complementary and Alternative Medicine at NIH, which is then required to compile and analyze the information for an annual report. The bill also stipulates that the provider and manufacturer may make no advertising claims regarding the safety and effectiveness of the treatment of therapy, and grants FDA the authority to guarantee that the labeling of the treatment is not false or misleading.

Mr. President, the goal of this legislation is to preserve the consumer's freedom to choose alternative therapies while addressing the fundamental concern of protecting patients from dangerous treatments and those who would advocate unsafe and ineffective therapies. I hope that we have struck the appropriate balance, and I welcome feedback from interested parties.

It wasn't long ago that William Roentgen was afraid to publish his discovery of X-rays as a diagnostic tool. He knew they would be considered an alternative medical practice and widely rejected by the medical establishment. As everyone knows, X-rays are a common diagnostic tool today. Well into this century, many scientists resisted basic antiseptic techniques as quackery because they refused to accept the germ theory of disease. I think we can all be thankful the medical profession came around on that one.

The underlying point is this: today's consumers want alternatives in many medical situations for them and their families. They want less invasive, less expensive preventive options. Americans want to stay healthy. And they are speaking with their feet and their pocketbooks. Mr. President, Americans spend $30 billion annually on unconventional therapies. That is one of the reasons we established the National Center for Complimentary and Alternative Medicine, NCCAM, at NIH in 1998. As more Americans look for alternative courses of treatment, we needed to provide a way to see what works and what does not. This bill is another step in that direction.

This legislation simply provides patients the freedom to use—with strong consumer protections—the complementary and alternative therapies and treatments that have the potential to relieve pain and cure disease. And it provides a means to see what works and what does not. I thank Senator GRASSLEY for his continued leadership on this issue, and urge my colleagues to consider this bill.

By Mrs. CLINTON:

S. 2620. A bill to amend the Older Americans Act of 1965 to authorize the Assistant Secretary for Aging to provide older individuals with financial assistance to select a flexible range of home and community-based long-term care services or supplies, provided in a manner that respects the individuals' choices and preferences; to the Committee on Health, Education, Labor, and Pensions.

Mrs. CLINTON. Mr. President, I am pleased today to introduce the Community-Based Choices for Older Americans Act of 2006. This legislation would take several important steps toward helping older Americans meet their long-term care needs.

Issues related to long-term care are of growing concern to many in New York and around the country, especially as baby boomers begin to require more of these important services. Older Americans are struggling to afford costly care and to maintain dignity and choice regarding these services.

As I talk with seniors around the State of New York and throughout the country, what I hear most is that people want to stay in their homes for as long as they can. However, too many individuals struggle to afford quality home and community-based care and, as a result, are forced into institutional care: A more costly outcome they do not desire and that places additional burden on the Medicaid program.

That is why I am introducing this legislation today. The Community-Based Choices for Older Americans Act will assist individuals age 60 or older who grapple with daily living activities or with a disability, yet are above a State's Medicaid eligibility threshold, in meeting their long-term care needs.

This bill will establish a matching grant program to States to help these individuals pay for a broad range of health, social, and supportive services based on the individuals' personal choices and preferences in collaboration with a service coordinator. Eligible individuals will be able to purchase services and supports that would be provided in home or community-based settings, such as home modifications like a wheelchair or ramp, assistance with grocery shopping or meal preparation, or adult day services.

This legislation is based on the Cash and Counseling model successfully used in demonstration projects in 15 States. This consumer-directed approach offers individuals more choice, flexibility, and control in managing their daily lives.

Through this bill, State Agencies on Aging throughout the country will be given the tools to develop a community-based, long-term care system where seniors choose the services and the providers they want so they are able to maintain independence and dignity while they age in place in the

homes and communities where they have often lived for decades.

This year marks the first year that the baby boom population turns 60. Development of a consumer-friendly, home and community-based system of long-term care is a critical step in planning services for this population.

I look forward to working with all of my colleagues to ensure passage of this bill to help our seniors choose the long-term care resources and services they need to remain independent.

I ask unanimous consent that the text of this bill be printed in the RECORD.

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

S. 2620

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 ''Community-Based Choices for Older Americans Act of 2006''.

SEC. 2. PURPOSE.

The purpose of this Act is to provide grants to States in order to achieve the following:

(1) To enable eligible individuals to make informed choices about the long-term care services and supplies that best meet their needs and preferences.

(2) To provide financial assistance to older individuals to purchase a flexible range of long-term care services or supplies in a manner that respects the individuals' cultural, ethnic, and lifestyle preferences in the least restrictive settings possible.

(3) To make the purchase of long-term care services and supplies delivered in a home or community-based setting, such as a naturally occurring retirement community, more affordable for individuals with financial need.

(4) To help families continue to care for their older relatives with long-term care needs, including older individuals with physical and cognitive impairments, and to help reduce the number of older individuals who are forced to impoverish themselves in order to pay for the long-term care services and supplies they need.

(5) To help relieve financial pressure on the medicaid program by delaying or preventing older individuals from spending down their income and assets to medicaid eligibility thresholds.

(6) To concentrate the resources made available under this Act to those individuals with the greatest economic need for long-term care services and supplies.

SEC. 3. ESTABLISHMENT OF THE NATIONAL LONG-TERM CARE CHOICE PROGRAM.

The Older Americans Act of 1965 (42 U.S.C. 3001 et seq.) is amended by adding at the end the following:

''TITLE VIII—NATIONAL LONG-TERM CARE CHOICE PROGRAM

''SEC. 801. DEFINITIONS.

''In this title:

''(1) CAREGIVER.—The term 'caregiver' means an adult family member, or another individual, who is a paid or unpaid provider of home or community-based care to an eligible individual.

''(2) CONSUMER CHOICE.—The term 'consumer choice' means the opportunity for an eligible individual—

''(A) to have greater control over the covered long-term care services and supplies the individual receives; and

''(B) to elect—

''(i) to receive a payment under this title through a fiscal intermediary as described in section 806(b)(2)(B) for the purpose of purchasing covered long-term care services or supplies; or

''(ii) to receive such services or supplies from a provider paid by the State involved (or its designee) as described in section 806(b)(2)(A).

''(3) COVERED LONG-TERM CARE SERVICES OR SUPPLIES.—

''(A) IN GENERAL.—Subject to subparagraph (B), the term 'covered long-term care services or supplies' means any of the following services or supplies, but only if, with respect to an eligible individual, such services or supplies are not available or not eligible for payment by any entity carrying out a program described in section 804(b)(8) or a similar third party:

''(i) Adult day services (including health and social day care services).

''(ii) Bill paying.

''(iii) Care-related supplies and equipment.

''(iv) Companion services.

''(v) Congregate meals.

''(vi) Environmental modifications.

''(vii) Fiscal intermediary services.

''(viii) Home-delivered meals.

''(ix) Home health services.

''(x) Homemaker services (including chore services).

''(xi) Mental and behavioral health services.

''(xii) Nutritional counseling.

''(xiii) Personal care services.

''(xiv) Personal emergency response systems.

''(xv) Respite care.

''(xvi) Telemedicine devices.

''(xvii) Transition services for individuals who have a plan that meets such requirements as a State shall establish, to relocate from a nursing home to a home or community-based setting within 60 days.

''(xviii) Transportation.

''(xix) Any service or supply that a State describes in its State plan and is approved by the Assistant Secretary.

''(xx) Any service or supply that is requested by an eligible individual (in coordination with the individual's service coordinator) and that is approved by the State.

''(B) EXCLUSIONS.—

''(i) SERVICE COORDINATION.—Such term does not include a service directly provided by the service coordinator for an eligible individual as part of service coordination under this title.

''(ii) SERVICES FOR NURSING HOME RESIDENTS.—Such term does not include any service for a resident of a nursing home, except a service described in subparagraph (A)(xvii).

''(4) ELIGIBLE INDIVIDUAL.—The term 'eligible individual' means an individual—

''(A) who is age 60 or older;

''(B) who is not eligible for medical assistance under the medicaid program established under title XIX of the Social Security (42 U.S.C. 1396 et seq.);

''(C) who meets such income eligibility and total asset criteria as a State may establish;

''(D) who—

''(i)(I) is unable to perform (without substantial assistance from another individual) at least 2 activities of daily living (such as eating, toileting, transferring, bathing, dressing, and continence); or

''(II) at the option of the State, is unable to perform at least 3 such activities without such assistance;

''(ii) has a level of disability similar (as determined by the State) to the level of disability described in clause (i); or

''(iii) requires substantial supervision due to cognitive or mental impairment; and

''(E) who satisfies such other eligibility criteria as the State may establish in accordance with such guidance as the Assistant Secretary may provide.

''(5) ELIGIBLE STATE.—The term 'eligible State' means a State with an approved State plan under section 804.

''(6) FISCAL INTERMEDIARY.—The term 'fiscal intermediary' means an entity that—

''(A) assists individuals who choose to employ providers of covered long-term care services or supplies directly, to—

''(i) carry out employer-related responsibilities, as designated by a State with the approval of the Assistant Secretary;

''(ii) assure compliance with Federal, State, and local law; and

''(iii) assure compliance with other requirements designated by the State; and

''(B) receives and disburses, as described in section 806(b)(2)(B), payments described in section 806(b).

''(7) FISCAL INTERMEDIARY SERVICE.—The term 'fiscal intermediary service' means a service to enable an eligible individual to carry out a responsibility described in subparagraph (A)(i) or (B) of paragraph (6) or assure compliance with Federal, State, or local law, or another requirement designated by the State.

''(8) LONG-TERM CARE.—The term 'long-term care' means a wide range of supportive social, health, and mental health services for individuals who do not have the capacity for self-care due to illness or frailty.

''(9) NATURALLY OCCURRING RETIREMENT COMMUNITY.—The term 'naturally occurring retirement community' means a residential area (such as an apartment building, housing complex or development, or neighborhood) not originally built for older individuals but in which a substantial number of individuals have aged in place and become older individuals.

''(10) NURSING HOME.—The term 'nursing home' means—

''(A) a nursing facility, as defined in section 1919(a) of the Social Security Act (42 U.S.C. 1396r(a));

''(B) a skilled nursing facility, as defined in section 1819(a) of such Act (42 U.S.C. 1395i–3(a)); and

''(C) a residential care facility that directly provides care or services described in paragraph (1) of section 1919(a) of the Social Security Act (42 U.S.C. 1396r(a)) but does not receive payment for such care or services under the medicare or medicaid programs established under titles XVIII and XIX, respectively, of the Social Security Act (42 U.S.C. 1395 et seq., 1396 et seq.).

''(11) QUALIFIED PROVIDER.—The term 'qualified provider' means a provider of covered long-term care services or supplies who meets such licensing, quality, and other standards as the State may establish.

''(12) REPRESENTATIVE.—The term 'representative' means a person appointed by the eligible individual, or legally acting on the individual's behalf, to represent or advise the individual in financial or service coordination matters.

''(13) SERVICE COORDINATION.—The term 'service coordination' means a service that—

''(A) is provided to an eligible individual, at the direction of the eligible individual or a representative of the eligible individual (as appropriate); and

''(B) consists of facilitating consumer choice or carrying out—

''(i) a function described in section 805; or

''(ii) a function described in section 804(9), as determined appropriate by the State involved.

''(14) SERVICE COORDINATOR.—The term 'service coordinator' means an individual who—

''(A) provides service coordination for an eligible individual; and

''(B) is trained or experienced in the skills that are required to facilitate consumer choice and carry out the functions described in paragraph (13)(B).

''(15) STATE.—The term 'State' means each of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the United States Virgin Islands, American Samoa, and the Commonwealth of the Northern Mariana Islands.

''SEC. 802. ALLOTMENTS TO ELIGIBLE STATES.

''(a) ALLOTMENTS.—

''(1) IN GENERAL.—The Assistant Secretary shall make an allotment to each eligible State for a fiscal year, to enable the State to carry out a program that pays for the Federal share of the cost of providing covered long-term care services and supplies for eligible individuals under this title. The Assistant Secretary shall make the allotment in an amount determined under section 803.

''(2) LIMITATIONS.—From an allotment made under paragraph (1) for a program carried out in a State under this title for a fiscal year, not more than 15 percent may be used to pay for administrative costs (other than service coordination) of the program.

''(b) FEDERAL SHARE.—From that allotment for that fiscal year—

''(1) funds from the allotment shall be available to such State for paying a Federal share equal to such percentage as the State determines to be appropriate, but not more than 75 percent, of the cost of administration of the program carried out in the State under this title; and

''(2) the remainder of such allotment shall be available to such State only for paying a Federal share equal to such percentage as the State determines to be appropriate, but not more than 85 percent, of the cost of providing covered long-term care services and supplies through the program.

''(c) SUPPLEMENT, NOT SUPPLANT.—Allotments made to a State under this section shall supplement and not supplant other Federal or State payments that are made for the provision of long-term care services or supports under—

''(1) the medicaid program carried out under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.);

''(2) a program funded under title XX of such Act (42 U.S.C. 1397 et seq.);

''(3) a program funded under title III of this Act; or

''(4) any other Federal or State program.

''SEC. 803. ALLOTMENTS.

''(a) ALLOTMENTS.—

''(1) IN GENERAL.—Subject to subsection (b), from sums appropriated for a fiscal year to carry out this title, the Assistant Secretary shall allot to each eligible State an amount that bears the same relationship to such sums as the number of individuals who are age 60 or older and whose income does not exceed 100 percent of the poverty line who reside in the State bears to the total number of such individuals who reside in all States.

''(2) DATA.—For purposes of paragraph (1), the number of individuals described in that paragraph shall be determined on the basis of the most recent available data from the Bureau of the Census.

''(3) DEFINITION.—In paragraph (1), the term 'State' does not include a State specified in subsection (b).

''(b) ALLOTMENTS TO TERRITORIES.—Of the sums appropriated for a fiscal year to carry out this title, the Assistant Secretary shall allot an amount equal to 0.25 percent of such sums among the following commonwealths and territories according to the percentage specified for each such commonwealth or territory:

''(1) The Commonwealth of Puerto Rico, 91.6 percent.

''(2) Guam, 3.5 percent.

''(3) The United States Virgin Islands, 2.6 percent.

''(4) American Samoa, 1.2 percent.

''(5) The Commonwealth of the Northern Mariana Islands, 1.1 percent.

''(c) AVAILABILITY OF AMOUNTS ALLOTTED.—

''(1) IN GENERAL.—Except as provided in paragraph (2), an amount allotted to an eligible State for a fiscal year shall remain available for expenditure by the State for the 2 succeeding fiscal years.

''(2) AVAILABILITY OF REDISTRIBUTED AMOUNTS.—An amount redistributed to an eligible State under subsection (d) in a fiscal year shall be available for expenditure by the State for the succeeding fiscal year.

''(d) REDISTRIBUTION OF UNSPENT FUNDS.—An amount that is not expended by an eligible State during the period in which such amount is available under subsection (c) shall be redistributed by the Assistant Secretary according to a formula determined by the Assistant Secretary that takes into account the extent to which an eligible State has exhausted, or is likely to exhaust, its allotment for that fiscal year.

''SEC. 804. STATE PLANS.

''(a) IN GENERAL.—In order to receive an allotment made under section 802 for an eligible State for a fiscal year, the State shall submit to the Assistant Secretary for approval a State plan that includes the information and assurances described in subsection (b).

''(b) CONTENTS.—

''(1) ELIGIBILITY.—The plan shall include descriptions of the eligibility criteria and methodologies that the State will apply, consistent with section 801(4), to determine whether an individual is an eligible individual for the program carried out in the State under this title.

''(2) PRIORITY FOR ELIGIBLE INDIVIDUALS WITH GREATEST ECONOMIC NEED.—The plan shall include an assurance that, in establishing and applying the eligibility criteria and methodologies described in paragraph (1), the State will give priority to providing assistance to those eligible individuals who have the greatest economic need, as defined by the State.

''(3) NEEDS AND PREFERENCES OF ELIGIBLE INDIVIDUALS.—The plan shall include a description of how the State will ensure that the needs and preferences of an eligible individual are addressed in all aspects of the program.

''(4) PAYMENTS FOR SERVICES.—The plan shall include an assurance that the State will make payments, at the election of an eligible individual, in accordance with section 806(b)(2), and will provide a fiscal intermediary for each eligible individual electing to receive a payment as described in section 806(b)(2)(B).

''(5) SERVICES AND SUPPLIES.—The plan shall describe the services and supplies that the State will make available to an eligible individual, consistent with the definition of covered long-term services or supplies specified in section 801(3).

''(6) COST-SHARING.—The plan shall include a description of the methodologies to be used—

''(A) to calculate the ability of an eligible individual to pay for covered long-term care services or supplies without assistance under the program carried out under this title;

''(B) based on the calculation of ability to pay, to determine the amount of cost-sharing that the eligible individual will be responsible for under the program, set on a sliding scale based on income;

''(C) to collect cost-sharing amounts, both in cases in which the State makes payments directly to a qualified provider as described in section 806(b)(2)(A), and in cases in which the State makes payments to a fiscal intermediary on behalf of an eligible individual, as described in section 806(b)(2)(B); and

''(D) to track expenditures by eligible individuals for the purchase of covered long-term care services or supplies.

''(7) COST-SHARING REQUIREMENTS FOR PROVIDERS.—The plan shall provide an assurance that the State will require each provider involved in the program carried out in the State under this title—

''(A) to protect the privacy and confidentiality of each eligible individual with respect to the income, and any cost-sharing amount determined under paragraph (6), of an eligible individual;

''(B) to establish appropriate procedures to account for cost-sharing amounts; and

''(C) to widely distribute State-created written materials in languages reflecting the reading abilities of eligible individuals that describe the criteria for cost-sharing, and the State's sliding scale described in paragraph (6)(B).

''(8) COORDINATION WITH OTHER PROGRAMS.—The plan shall include a description of the methods by which the State will, as appropriate, refer individuals who apply for assistance under a program carried out under this title for eligibility determinations under—

''(A) the State medicaid program carried out under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.);

''(B) the medicare program carried out under title XVIII of such Act (42 U.S.C. 1395 et seq.);

''(C) a program funded under title XX of such Act (42 U.S.C. 1397 et seq.);

''(D) other programs funded under this Act; and

''(E) other Federal or State programs that provide long-term care.

''(9) ENTITIES AND PROCEDURES.—The plan shall include a description of the entities and procedures that the State will use to carry out the following functions:

''(A) Establishing eligibility for the program carried out under this title.

''(B) Assessing the need of an eligible individual for covered long-term care services or supplies.

''(C) Determining the amount of payments described in section 806(b) to be made for the eligible individual under the program.

''(D) Evaluating the cost-sharing by the eligible individual under the program.

''(E) In the case of an eligible individual who elects to receive payments as described in section 806(b)(2)(B), helping the eligible individual or the eligible individual's representative (as appropriate) identify, retain, and negotiate and terminate agreements with, qualified providers of covered long-term services or supplies.

''(F) Monitoring payments made for an eligible individual to ensure that—

''(i) the cost-sharing amounts that the eligible individual is responsible for under the State plan are paid;

''(ii) the payments made by the State for the eligible individual—

''(I) are made in a timely fashion; and

''(II) do not exceed the annual assistance amount established for the eligible individual under section 806(a); and

''(iii) when appropriate, the payments are made by the State in an expedited manner to account for health status changes of an eligible individual that require rapid responses.

''(G) Establishing a quality assurance system that assesses the covered long-term services or supplies provided for the eligible individual to ensure that the qualified provider of such services or supplies meets such

licensing, quality, or other standards as the State may establish in accordance with paragraph (11).

''(H) Providing information to eligible individuals about average market rates for covered long-term care services or supplies.

''(I) Administering payments in a timely fashion and in accordance with a written care plan described in section 805(1) for an eligible individual (that takes into account payment rates established by the eligible individual or a representative of the eligible individual (as appropriate)), including the methods for—

''(i) making payments directly to a qualified provider as described in section 806(b)(2)(A);

''(ii) making payments to a fiscal intermediary on behalf of an eligible individual, as described in section 806(b)(2)(B), for the purchase of such services or supplies; and

''(iii) making payments (when appropriate) in an expedited manner to account for health status changes of the eligible individual that require rapid responses.

''(J) Carrying out such other activities as the eligible State determines are appropriate with respect to the eligible individual or the program carried out under this title.

''(10) SERVICE COORDINATORS.—The plan shall include a description of how the State will—

''(A) provide a service coordinator (directly or by contract) for each eligible individual receiving assistance under the program carried out under this title; and

''(B) ensure that the service coordinator carries out the responsibilities described in section 805, including any responsibilities assigned by the State under section 805(5).

''(11) QUALIFIED PROVIDERS.—The plan shall include a description of any licensing, quality, or other standards for qualified providers (including both providers paid directly by the State as described in section 806(b)(2)(A) or through payments made to a fiscal intermediary on behalf of an eligible individual, as described in section 806(b)(2)(B).

''(12) QUALITY ASSURANCE.—The plan shall include a description of the procedures to be used to ensure the quality and appropriateness of the covered long-term care services or supplies provided to an eligible individual and the program carried out under this title, which shall include—

''(A) a quality assessment and improvement strategy that establishes—

''(i) standards that provide for access to covered long-term care services or supplies within reasonable time frames and that are designed to ensure the continuity and adequacy of such services or supplies; and

''(ii) procedures for monitoring and evaluating the quality and appropriateness of the covered long-term care services or supplies provided to eligible individuals under the program carried out under this title; and

''(B) a mechanism for obtaining feedback from eligible individuals and others regarding their experiences with, and recommendations for improvement of, the program carried out under this title.

''(13) OUTREACH.—The plan shall include a description of the procedures by which the State will conduct outreach for enrollment (including outreach to persons residing in naturally occurring retirement communities) in the program carried out under this title.

''(14) INDIANS.—The plan shall include a description of the procedures by which the State will ensure the provision of assistance under the program carried out under this title to eligible individuals who are Indians (as defined in section 4(c) of the Indian Health Care Improvement Act (25 U.S.C. 1603(c))) or Native Hawaiians, as defined in section 625.

''(15) DATA COLLECTION.—The plan shall include an assurance that the State will annually collect and report to the Assistant Secretary such data and information related to the program carried out under this title as the Assistant Secretary may require, including the information required under section 807(a)(1)(B).

''SEC. 805. RESPONSIBILITIES OF SERVICE COORDINATORS.

''Each eligible State shall ensure that the service coordinator for an eligible individual receiving assistance under the program carried out under this title, at a minimum, carries out the following responsibilities:

''(1)(A) Assisting an eligible individual and the eligible individual's representative (as appropriate) with the development of a written care plan for the eligible individual that—

''(i) specifies the covered long-term care services or supplies that best meet the needs and preferences of the eligible individual; and

''(ii) takes into account the ability of caregivers to provide adequate and safe care.

''(B) Assuring that the care plan is coordinated with other care plans that may be developed for the eligible individual under other Federal or State programs (including care plans applicable to naturally occurring retirement communities).

''(2) Reassessing and, as appropriate, assisting with revising the care plan for the eligible individual—

''(A) not less than annually; and

''(B) whenever there is a change of health status or other event that requires a reassessment of the care plan.

''(3) Educating—

''(A) an eligible individual who elects to receive payments as described in section 806(b)(2)(B) about available qualified providers of covered long-term care services or supplies; and

''(B) an eligible individual about specific covered long-term care services or supplies.

''(4) Recommending, as appropriate, methods for community integration for an eligible individual who resides in a nursing home and who is relocating to a home or community-based setting.

''(5) Carrying out any other responsibilities assigned to the service coordinator by the State.

''SEC. 806. PAYMENTS FOR COVERED LONG-TERM CARE SERVICES OR SUPPLIES.

''(a) ANNUAL ASSISTANCE AMOUNT.—

''(1) IN GENERAL.—Subject to paragraph (2), an eligible State shall establish an annual assistance amount for each eligible individual enrolled in the program carried out under this title based on an assessment of the eligible individual.

''(2) COST-SHARING AMOUNT.—The State shall subtract from the annual assistance amount the individual's cost-sharing amount determined under section 804(b)(6) to obtain the amount of the payments described in subsection (b).

''(3) LIMITATION.—The annual assistance amount made for an eligible individual under a program carried out under this title may not exceed—

''(A) in the case of fiscal year 2007, $8,000; and

''(B) in the case of any subsequent fiscal year, the amount described in this paragraph for the preceding fiscal year increased by the percentage increase in the Consumer Price Index for all urban consumers (all items: U.S. city average) for the preceding fiscal year.

''(b) PAYMENTS.—

''(1) WRITTEN CARE PLANS.—Under a program carried out under this title, an eligible State (or its designee) shall make payments for the provision or purchase of covered long-term care services or supplies for eligible individuals in accordance with the written care plans established for such individuals.

''(2) ELECTIONS.—At the election of an eligible individual, the payments shall be made by the State (or its designee)—

''(A) directly to a qualified provider of covered long-term care services or supplies; or

''(B) to a fiscal intermediary on behalf of the eligible individual, to enable the fiscal intermediary to disburse the payments for the purchase of such services or supplies—

''(i) in advance to the provider or the eligible individual; or

''(ii) as reimbursement for the eligible individual.

''(c) LIMITATIONS.—In making payments under this section, a State shall ensure that not more than 10 percent of the funds made available to the State under section 802(a) shall be used to pay for service coordination.

''(d) EXCLUSION FROM INCOME.—Payments made for an eligible individual under this section for a program carried out under this title shall not be—

''(1) included in the gross income of the eligible individual for purposes of the Internal Revenue Code of 1986; or

''(2) treated as income, assets, or benefits, or otherwise be taken into account, for purposes of determining the individual's eligibility for, the amount of benefits under, or the amount of cost-sharing required by, any other Federal or State program.

''SEC. 807. ANNUAL REPORTS.

''(a) STATE REPORTS.—

''(1) IN GENERAL.—Each eligible State shall—

''(A) evaluate the establishment and operation of the State plan under this title in each fiscal year for which the State receives allotments under section 802; and

''(B) prepare and submit to the Assistant Secretary, not later than January 1 of the succeeding fiscal year, a report that includes the following:

''(i) The number of total unduplicated eligible individuals and the amount of expenditures made for the individuals, analyzed by type of payment specified in subparagraph (A) or (B) of section 806(b)(2) in the program carried out under this title in the State.

''(ii) The number of eligible individuals in the program that received each of the categories of covered long-term care services or supplies described in clauses (i) through (xx) of section 801(3)(A), analyzed, for each category by type of payment specified in subparagraph (A) or (B) of section 806(b)(2).

''(iii) The total amount of cost-sharing amounts that the State received from eligible individuals in the program.

''(iv) Information on the age and income of the eligible individuals.

''(2) FORMAT.—The Assistant Secretary shall provide guidance to eligible States regarding the format for the information included in the report required under paragraph (1) in such manner as to allow for comparison of the information provided across such States.

''(3) PUBLIC AVAILABILITY.—The Assistant Secretary shall make the State reports submitted under paragraph (1) available to the public.

''(b) REPORTS BY FISCAL INTERMEDIARIES AND QUALIFIED PROVIDERS.—The State shall require fiscal intermediaries and qualified providers participating in the program carried out in the State under this title to prepare and submit to the State, not less often than twice a year, reports containing such information as is necessary for the State to meet the reporting requirements described in subsection (a) and as is necessary for the administration of the program.

''(c) REPORT TO CONGRESS.—At the end of each fiscal year, the Assistant Secretary shall prepare and submit to the Committee on Education and the Workforce of the House of Representatives and the Committee of Health, Education, Labor, and Pensions of the Senate a report that contains a summary of the data submitted under subsection (a)(1)(B) and a description of any implementations issues with the programs carried out under this title.

''SEC. 808. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated to the Secretary to carry out this title, such sums as may be necessary for each of fiscal years 2007 through 2012.''.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 438—EXPRESSING THE SENSE OF CONGRESS THAT INSTITUTIONS OF HIGHER EDUCATION SHOULD ADOPT POLICIES AND EDUCATIONAL PROGRAMS ON THEIR CAMPUSES TO HELP DETER AND ELIMINATE ILLICIT COPYRIGHT INFRINGEMENT OCCURRING ON, AND ENCOURAGE EDUCATIONAL USES OF, THEIR COMPUTER SYSTEMS AND NETWORKS

Mr. ALEXANDER (for himself, Mr. LEAHY, Mr. HATCH, and Mr. NELSON of Florida) submitted the following resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. RES. 438

Whereas the colleges and universities of the United States play a critically important role in educating young people;

Whereas the colleges and universities of the United States are responsible for helping to build and shape the educational foundation of their students, as well as the values of their students;

Whereas the colleges and universities of the United States play an integral role in the development of a civil and ordered society founded on the rule of law;

Whereas the colleges and universities of the United States have been the origin of much of the creativity and innovation throughout the history of the United States;

Whereas much of the most valued intellectual property of the United States has been developed as a result of the colleges and universities of the United States;

Whereas the United States has, since its inception, realized the value and importance of intellectual property protection in encouraging creativity and innovation;

Whereas intellectual property is among the most valuable assets of the United States;

Whereas the importance of music, motion picture, software, and other intellectual property-based industries to the overall health of the economy of the United States is significant and well documented;

Whereas the colleges and universities of the United States are uniquely situated to advance the importance and need for strong intellectual property protection;

Whereas intellectual property-based industries are under increasing threat from all forms of global piracy, including hard goods and digital piracy;

Whereas the pervasive use of so-called peer-to-peer (P2P) file sharing networks has led to rampant illegal distribution and reproduction of copyrighted works;

Whereas the Supreme Court, in MGM Studios Inc. v. Grokster, Ltd., reviewed evidence of users' conduct on just two peer-to-peer networks and noted that, ''the probable scope of copyright infringement is staggering'' (125 S. Ct. 2764, 2772 (2005));

Whereas Justice Breyer, in his opinion in MGM Studios Inc. v. Grokster, Ltd., wrote that ''deliberate unlawful copying is no less an unlawful taking of property than garden-variety theft'' (125 S. Ct. 2764, 2793 (2005));

Whereas many computer systems of the colleges and universities of the United States are illicitly utilized by students and employees to further unlawful copying;

Whereas throughout the course of the past few years, Federal law enforcement has repeatedly executed search warrants against computers and computer systems located at colleges and universities, and has convicted students and employees of colleges and universities for their role in criminal intellectual property crimes;

Whereas in addition to illicit activity, unauthorized peer-to-peer use has multiple negative impacts on college computer systems;

Whereas individuals engaged in illegal downloading on college computer systems use significant amounts of system bandwidth which exist for the use of the general student population in the pursuit of legitimate educational purposes;

Whereas peer-to-peer use on college computer systems potentially exposes those systems to a myriad of security concerns, including spyware, viruses, worms or other malicious code which can be easily transmitted throughout the system by peer-to-peer networks;

Whereas peer-to-peer use on college computer systems also exposes those systems to increased volumes of pornographic or obscene material, including child pornography, which are readily available on peer-to-peer systems;

Whereas peer-to-peer systems have also been used to gain unauthorized access to personal and sensitive information, such as social security account numbers, medical information, tax returns, and bank statements;

Whereas colleges and universities must use valuable and finite resources in responding to requests from victims and law enforcement seeking to stop illegal downloading on college computer systems;

Whereas computer systems at colleges and universities exist for the use of all students and should be kept free of illicit activity;

Whereas college and university systems should continue to develop and to encourage respect for the importance of protecting intellectual property; the illegality and potential legal consequences of unauthorized downloading of copyrighted works; and the additional security risks associated with unauthorized peer-to-peer use; and

Whereas it should be clearly established that unauthorized peer-to-peer use is prohibited and violations punished consistent with upholding the rule of law: Now, therefore, be it

Resolved, That—

(1) colleges and universities should continue to take a leadership role in educating students regarding the detrimental consequences of online infringement of intellectual property rights; and

(2) colleges and universities should continue to take all practicable steps to deter and eliminate unauthorized peer-to-peer use on their computer systems by adopting or continuing policies to educate and warn students about the risks of unauthorized use, and educate students about the intrinsic value of and need to protect intellectual property.

Mr. ALEXANDER. Mr. President, today I am submitting a resolution that expresses the Sense of Congress that colleges and universities should continue to educate their students about the importance of intellectual property and the harm caused by copyright infringement. I am joined in introducing this resolution by Senators LEAHY, HATCH, and NELSON of Florida, and I thank them for their support.

The intent of this resolution is to help draw attention to the problem of digital piracy on campus through the use of university computer networks to illegally share copyrighted materials. Efforts to combat digital piracy were bolstered last year when the U.S. Supreme Court handed down its decision in MGM Studios, Inc. v. Grokster, Ltd. That ruling has allowed the movie and recording industries to take additional steps to protect intellectual property and prevent what Justice Breyer described in the Grokster decision as ''no less an unlawful taking of property than garden-variety theft.''

However, truly stamping out digital piracy requires that we challenge the widespread belief that there is nothing wrong with illegally downloading music and other copyrighted material, and that it doesn't hurt anybody except for rich performers and corporate executives who have plenty of money. I can tell you that's not true because I have personally met with songwriters from Nashville who have explained how illegal downloading has hurt their livelihoods. There are many other Americans without million-dollar bank accounts who have been hurt by copyright infringement as well.

The place to start turning that belief around is at our institutions of higher learning. For many students, a college campus is the first place where they have high-speed Internet access and are exposed to technology that allows them to trade copyrighted files with other computer users. At the same time, college campuses are the source of some of our Nation's most valuable intellectual property. The combination of these two factors makes our colleges and universities the ideal place for students to develop a respect for intellectual property and to understand the harm caused by copyright infringement.

The resolution that my colleagues and I are introducing today encourages colleges and universities to take a leadership role in educating students regarding the importance of protecting intellectual property, and to take steps to prevent unauthorized downloading on their computer systems. Throughout the country, many schools are already meeting this challenge. In my own State, Vanderbilt University has taken steps to instill respect for intellectual property in its students, while taking action to prevent its computer system from being misused. For example, Vanderbilt has created VUmix, a music downloading service, to help its students understand the digital piracy issue and provide them with a legal alternative. The VUmix service is part of

the university's Digital Life Initiative, a comprehensive approach to offering music, film, and other forms of digital media to the Vanderbilt community. Other schools are doing similar things to combat copyright infringement, and this resolution encourages such efforts.

I encourage my colleagues to support this resolution and promote respect for one of America's most valuable assets: its intellectual property.

Mr. LEAHY. Mr. President, I am pleased today to stand with my colleagues, Senator ALEXANDER, Senator HATCH, and Senator NELSON of Florida, to express the sense of this Congress that institutions of higher education should act diligently to help eliminate the harms from the illicit copyright infringement that plagues many campus computer systems.

Online piracy, especially illegal file-sharing of copyrighted works such as music, movies and software, is a growing problem. While I always encourage technological innovation, I am also acutely aware of the need to respect the intellectual property rights and talent of those who create the works that are made available online. Some peer-to-peer software applications allow individuals, without authorization, to copy and distribute—for free—unlimited numbers of these valuable works. The speed and convenience of our universities' networks, which were built for academic pursuits, have unfortunately also proved to be a lure for students seeking to engage in this illegal and detrimental behavior.

When music and movie industry representatives speak with me about this problem, they describe a disturbing level of online piracy. In addition to exposing students to legal liability, illegal file-sharing on school networks may compromise the integrity of those systems by using up expensive bandwidth, introducing spyware, and hosting destructive viruses.

I am pleased that colleges and universities in my home state have been working for nearly two years to combat these problems. In July 2004, Middlebury College, located in Middlebury VT, announced a deal with Napster to provide legitimate file sharing services that offer online music to students. It is my hope that more institutions will follow in step, and work to provide students with the tools needed to lawfully access the wealth of information available on the web.

As technology continues to advance, the issues that surround legitimately accessing online content will become increasingly important. I want to thank my colleagues on both sides of the isle for working with me to convey this important message.

SENATE RESOLUTION 439—DESIGNATING THE THIRD WEEK OF APRIL 2006 AS ''NATIONAL SHAKEN BABY SYNDROME AWARENESS WEEK''

Mr. DODD (for himself, Mr. ALEXANDER, Ms. SNOWE, Ms. LANDRIEU, Mrs. CLINTON, Mr. LEVIN, Mrs. MURRAY, Mr. LIEBERMAN, Mr. SALAZAR, Mr. DURBIN, and Mr. COLEMAN) submitted the following resolution; which was considered and agreed to:

S. RES. 439

Whereas the month of April has been designated ''National Child Abuse Prevention Month'' as an annual tradition that was initiated in 1979 by former President Jimmy Carter;

Whereas the most recent National Child Abuse and Neglect Data System figures reveal that almost 900,000 children were victims of abuse and neglect in the United States in 2002, causing unspeakable pain and suffering to our most vulnerable citizens;

Whereas among the children who are victims of abuse and neglect, nearly 4 children die in the United States each day;

Whereas children aged 1 year or younger accounted for 41.2 percent of all child abuse and neglect fatalities in 2002, and children aged 4 years or younger accounted for 76.1 percent of all child abuse and neglect fatalities in 2002;

Whereas abusive head trauma, including the trauma known as ''Shaken Baby Syndrome'', is recognized as the leading cause of death of physically abused children;

Whereas Shaken Baby Syndrome can result in loss of vision, brain damage, paralysis, seizures, or death;

Whereas a 2003 report in the Journal of the American Medical Association estimated that, in the United States, an average of 300 children will die each year, and 600 to 1,200 more will be injured, of whom ⅔ will be babies or infants under 1 year in age, as a result of Shaken Baby Syndrome, with many cases resulting in severe and permanent disabilities;

Whereas medical professionals believe that thousands of additional cases of Shaken Baby Syndrome are being misdiagnosed or are not detected;

Whereas Shaken Baby Syndrome often results in permanent, irreparable brain damage or death to an infant and may result in more than $1,000,000 in medical costs to care for a single, disabled child in just the first few years of life;

Whereas the most effective solution for ending Shaken Baby Syndrome is to prevent the abuse, and it is clear that the minimal costs of education and prevention programs may prevent enormous medical and disability costs and immeasurable amounts of grief for many families;

Whereas prevention programs have demonstrated that educating new parents about the danger of shaking young children and how they can help protect their child from injury can bring about a significant reduction in the number of cases of Shaken Baby Syndrome;

Whereas education programs have been shown to raise awareness and provide critically important information about Shaken Baby Syndrome to parents, caregivers, daycare workers, child protection employees, law enforcement personnel, health care professionals, and legal representatives;

Whereas efforts to prevent Shaken Baby Syndrome are supported by advocacy groups across the United States that were formed by parents and relatives of children who have been killed or injured by shaking, including the National Shaken Baby Coalition, the Shaken Baby Association, the Shaking Kills: Instead Parents Please Educate and Remember Initiative (commonly known as the ''SKIPPER Initiative''), the Shaken Baby Alliance, Shaken Baby Prevention, Inc., A Voice for Gabbi, Don't Shake Jake, and the Kierra Harrison Foundation, whose mission is to educate the general public and professionals about Shaken Baby Syndrome and to increase support for victims and the families of the victims in the health care and criminal justice systems;

Whereas child abuse prevention programs and ''National Shaken Baby Syndrome Awareness Week'' are supported by the National Shaken Baby Coalition, the National Center on Shaken Baby Syndrome, the Children's Defense Fund, the American Academy of Pediatrics, the Child Welfare League of America, Prevent Child Abuse America, the National Child Abuse Coalition, the National Exchange Club Foundation, the American Humane Association, the American Professional Society on the Abuse of Children, the Arc of the United States, the Association of University Centers on Disabilities, Children's Healthcare is a Legal Duty, Family Partnership, Family Voices, National Alliance of Children's Trust and Prevention Funds, United Cerebral Palsy, the National Association of Children's Hospitals and related institutions, Never Shake a Baby Arizona, Prevent Child Abuse Arizona, the Center for Child Protection and Family Support, and many other organizations;

Whereas a 2000 survey by Prevent Child Abuse America shows that approximately half of all citizens of the United States believe that, of all the public health issues facing the United States, child abuse and neglect is the most important issue;

Whereas Congress previously designated the third week of April 2001 as ''National Shaken Baby Syndrome Awareness Week 2001''; and

Whereas Congress strongly supports efforts to protect children from abuse and neglect: Now, therefore, be it

Resolved, That the Senate—

(1) designates the third week of April 2006 as ''National Shaken Baby Syndrome Awareness Week'';

(2) commends those hospitals, child care councils, schools, and other organizations that are—

(A) working to increase awareness of the danger of shaking young children; and

(B) educating parents and caregivers on how they can help protect children from injuries caused by abusive shaking; and

(3) encourages the citizens of the United States to—

(A) remember the victims of Shaken Baby Syndrome; and

(B) participate in educational programs to help prevent Shaken Baby Syndrome.

SENATE RESOLUTION 440—CONGRATULATING AND COMMENDING THE MEMBERS OF THE UNITED STATES OLYMPIC AND PARALYMPIC TEAMS, AND THE UNITED STATES OLYMPIC COMMITTEE, FOR THEIR SUCCESS AND INSPIRED LEADERSHIP

Mr. ALLARD (for himself and Mrs. DOLE) submitted the following resolution; which was considered and agreed to:

S. RES. 440

Whereas athletes of the United States Winter Olympic Team captured 9 gold medals, 9 silver medals, and 7 bronze medals at the Olympic Winter Games in Torino, Italy;

Whereas the total number of medals won by the competitors of the United States placed the United States ahead of all but 1 country, Germany, in total medals awarded to teams from any 1 country;

Whereas the paralympic athletes of the United States captured 7 gold medals, 2 silver medals, and 3 bronze medals at the

Paralympic Winter Games, which were held immediately after the Olympic Winter Games in Torino, Italy;

Whereas the total medal count for the United States Winter Paralympic Team ranked the team 7th among all participating teams;

Whereas members of the United States Winter Olympic Team, such as skater Joey Cheek, who donated his considerable monetary earnings to relief efforts in Darfur, Sudan, and skier Lindsey Kildow, who exhibited considerable courage by returning to the field of competition only days after a painful and horrendous accident, demonstrated the true spirit of generosity and tenacity of the United States and the Olympic Winter Games; and

Whereas the leadership displayed by United States Olympic Committee Board Chairman Peter Ueberroth and Chief Executive Officer Jim Scherr has helped transform the committee into an organization that—

(1) upholds the highest ideals of the Olympic movement; and

(2) discharges the responsibilities of the committee to the athletes and the citizens of the United States in the manner that Congress intended when it chartered the committee in 1978: Now, therefore, be it

Resolved, That the Senate—

(1) commends and congratulates the members of the 2006 United States Winter Olympic and Paralympic Teams;

(2) expresses its appreciation for the firm, inspired, and ethical leadership displayed by the United States Olympic Committee; and

(3) extends its best wishes and encouragement to those athletes of the United States and their numerous supporters who are preparing to represent the United States at the 2008 Olympic Games, which are to be held in Beijing, China.

SENATE CONCURRENT RESOLUTION 88—URGING THE GOVERNMENT OF CHINA TO REINSTATE ALL LICENSES OF GAO ZHISHENG AND HIS LAW FIRM, REMOVE ALL LEGAL AND POLITICAL OBSTACLES FOR LAWYERS ATTEMPTING TO DEFEND CRIMINAL CASES IN CHINA, INCLUDING POLITICALLY SENSITIVE CASES, AND REVISE LAW AND PRACTICE IN CHINA SO THAT IT CONFORMS TO INTERNATIONAL STANDARDS

Mr. FEINGOLD (for himself and Mr. BROWNBACK) submitted the following concurrent resolution; which was referred to the Committees on Foreign Relations;

S. CON. RES. 88

Whereas, since November 2005, the Beijing Judicial Bureau has shut down the law firm and suspended the license of Mr. Gao Zhisheng, one of China's best known lawyers and legal rights defenders;

Whereas Mr. Gao has represented citizens of China in lawsuits against various local and administrative governmental bodies of the People's Republic of China over corruption, land seizures, police abuse, and violations of religious freedom;

Whereas Mr. Gao wrote 3 open letters to President Hu Jintao and Premier Wen Jiabao condemning the methods employed by the Government of China in implementing its ban on ''evil cults'', such as the Falun Gong and an additional letter documenting severe persecution of Christians in Xinjiang Uighur Autonomous Region;

Whereas Mr. Gao's law practice filed a petition to appeal the verdict against Cai Zhuohua, who was found guilty of ''illegal business practices'' based upon his distribution of Bibles and religious material;

Whereas Mr. Gao's home has been constantly monitored by agents from the Ministry of State Security and Mr. Gao was prevented by the Public Security Ministry from meeting with the representatives of the United Nations Special Rapporteur on Torture during his November 2005 visit to Beijing;

Whereas agents of the Public Security Bureau of China, numbering between 10 and 20, have consistently monitored the activities and whereabouts of Mr. Gao, his wife, and his daughter since late November 2005;

Whereas, on November 10, 2005, an open letter, signed by 138 organizations worldwide, was submitted to President Bush calling on him to voice support of Mr. Gao and his legal practice during the President's November 2005 visit to China;

Whereas other human rights lawyers, collectively known as ''rights defenders'', or Wei Quan, have also faced harassment, arrest, and detention for their consistent and vigorous activities to defend the fundamental rights of the people of China, contrary to measures within the law of China protecting human rights and rights of lawyers;

Whereas Mr. Chen Guangcheng, a blind human rights lawyer who has exposed cases of violence against women, including forced abortion and forced sterilization perpetrated by authorities of China under the 1-child policy, was beaten on October 10, 2005, and currently remains under house arrest;

Whereas law professor and People's Political Consultative Congress Delegate, Xu Zhiyong, who advocates on behalf of petitioners filing grievances with the Central government in Beijing, was also beaten on October 10, 2005, when meeting with Chen Guangcheng;

Whereas Mr. Yang Maodong (also known as Guo Feixiong), a lawyer representing villagers in Taishi village who attempted to oust their village head in peaceful elections, has been arbitrarily detained repeatedly and remains under consistent surveillance by security agents;

Whereas Mr. Tang Jingling, a Guangdong based lawyer also working on the Taishi village elections case, has been fired from his law firm and was beaten on February 2, 2006, after attempting to meet with Yang Maodong;

Whereas, according to the Department of State 2005 Country Reports on Human Rights Practices, lawyers who aggressively tried to defend their clients continued to face serious intimidation and abuse by police and prosecutors, and some of these lawyers were detained;

Whereas the Constitution of China states that the courts shall, in accordance with the law, exercise judicial power independently, without interference from administrative organs, social organizations, and individuals, but in practice, the judiciary is not independent and it receives policy guidance from both the Government of China and the Communist Party, whose leaders use a variety of means to direct courts on verdicts and sentences, particularly in politically sensitive cases;

Whereas the Criminal Procedure Law of China gives suspects the right to seek legal counsel, but defendants in politically sensitive cases frequently find it difficult to find an attorney;

Whereas the Lawyers Law of the People's Republic of China states that a lawyer may ''accept engagement by a criminal suspect in a criminal case to provide him with legal advice and represent him in filing a petition or charge or obtaining a guarantor pending trial'';

Whereas according to Article 306 of the Criminal Law of China, defense attorneys can be held responsible if their clients commit perjury, and prosecutors and judges in such cases have wide discretion in determining what constitutes perjury;

Whereas according to the All-China Lawyers Association, since 1997 more than 500 defense attorneys have been detained on similar charges, and such cases continued during the last year despite promises made by the Government of China to amend Article 306;

Whereas the State Department's 2005 Annual Report on Human Rights states that China's human rights record ''remained poor'', that authorities of China quickly moved to suppress those who openly expressed dissenting political views, and that writers, religious activists, dissidents, lawyers, and petitioners to the Central Government were particularly targeted;

Whereas directly following their August 2005 visit to China, the United States Commission on International Religious Freedom found that—

(1) the Government of China actively seeks to control and suppress the activities of unregistered religious organizations;

(2) China has outlawed unregistered religious organizations and provides severe penalties for engaging in unregistered religious activities;

(3) leaders of unregistered Protestant organizations have come under increased pressure to register their churches and affiliate with one of the government approved organizations, and those who refuse, for theological or other reasons, are subject to harassment, detention, arrest, and closing of their religious facilities;

(4) groups determined by the Government of China to be ''evil cults'', such as Falun Gong, are brutally suppressed; and

(5) practitioners of Falun Gong have experienced severe persecution, including arrests, numerous detentions, torture, irregular trials, imprisonment, and subjection to the reeducation through labor system, whereby accused criminals are subject to up to 3 years detention;

Whereas despite questions raised by the Government of the United States and others about the charges made against Pastor Cai Zhuohua, the Government of China sentenced Pastor Cai and other members of his family to 3 years in prison for ''illegal business practices'' for their printing and distribution of religious materials;

Whereas, according to China's Regulations on Religious Affairs, promulgated in March 2005, any religious organization that carries out activities without registering with the government is subject to civil punishment and to criminal prosecution;

Whereas since the promulgation of the Regulations on Religious Affairs, the Government of China has stepped up its efforts to eliminate unregistered religious activity, with raids on ''house church'' Christian groups in several provinces, resulting in detention of hundreds of leaders of the house church, dozens of whom remain in custody; and

Whereas the Government of China has, on several occasions, stated a commitment to ratify the International Covenant on Civil and Political Rights, but has delayed ratification since signing the document in 1998: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That—

(1) Congress—

(A) commends ''rights defense'' lawyers and activists of China for their courage and integrity, and expresses moral support for

this grass-roots ''rights defense'' movement in China;

(B) urges the Government of the People's Republic of China, at all levels, to cease its harassment of Mr. Gao Zhisheng, overturn the suspension of his license to practice law, and restore his legal right to represent the clients of his choosing as protected by China's own Constitution, its Criminal Procedure Law, and its Lawyers Law;

(C) urges the Government of the People's Republic of China to repeal Article 306 of the Criminal Code of China, which provides penalties for lawyers whose clients are accused of perjury and has been used to curtail the active legal defense of individuals accused of political crimes;

(D) urges the Government of the People's Republic of China to undertake measures to further amend the Lawyers Law to ensure lawyers' rights to investigate charges brought against their clients, to provide a vigorous defense of their clients, and to remain free of harassment and intimidation throughout the course of representing clients, including clients who are charged with offenses related to political or religious activities;

(E) urges the Government of the People's Republic of China to respect fully the universality of the right to freedom of religion or belief and other human rights;

(F) urges the Government of the People's Republic of China to ratify and implement in law the International Covenant on Civil and Political Rights, and to adopt such legislative or other measures as may be necessary to give effect to the rights recognized in the Covenant;

(G) urges the Government of the People's Republic of China to amend or repeal Article 300 of the Criminal Code of China so it is consistent with international law, and to halt its crackdown on spiritual movements;

(H) urges the Government of the People's Republic of China to halt arrests, harassment, and intimidation of leaders of unregistered religious organizations on the basis that their organizations violated the law by not registering with the Government of China;

(I) urges the Government of the People's Republic of China to Amend the Regulations on Religious Affairs to conform more closely with the internationally recognized freedom of thought, conscience, religion or belief and allow all religious believers in China to practice their religion without interference from the government or from government sponsored ''patriotic religious associations'';

(J) urges the Government of the People's Republic of China to release Pastor Cai Zhuohua, his wife, and others imprisoned with him, and to allow Pastor Cai to resume religious activities and to resume leadership of his congregation in Beijing; and

(K) urges the Government of the People's Republic of China to invite the Special Rapporteur of the Commission on Human Rights on freedom of religion or belief to China as promised according to an agreement between the Ministry of Foreign Affairs of China and the Department of State of China in March 2005; and

(2) it is the sense of Congress that—

(A) the Government of the United States should support democracy and human rights programs that strengthen protection of basic rights and freedoms, and should initiate programs to train lawyers, judges, academics, and students in China about international human rights law, to inform citizens of China about international human rights norms, and to build organizations and associations to promote these priorities;

(B) the Government of the United States should support programs to promote legal protections and cultural awareness of the right to the freedom of religion or belief in China; and

(C) the President should raise the issue of the Government of China's harassment, arrest, detention, and persecution of rights defense lawyers and activists and the need for the Government of China to respect the basic human rights of its citizens and the rule of law with Chinese President Hu Jintao.

AMENDMENTS SUBMITTED AND PROPOSED

SA 3587. Mr. MCCONNELL (for Mr. MCCAIN) submitted an amendment intended to be proposed by Mr. MCCONNELL to the bill H.R. 3351, to make technical corrections to laws relating to Native Americans, and for other purposes.

TEXT OF AMENDMENTS

SA 3587. Mr. MCCONNELL (for Mr. MCCAIN) submitted an amendment intended to be proposed by Mr. MCCONNELL to the bill H.R. 3351, to make technical corrections to laws relating to Native Americans, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Native American Technical Corrections Act of 2006''.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

TITLE I—TECHNICAL AMENDMENTS AND OTHER PROVISIONS RELATING TO NATIVE AMERICANS

SEC. 101. ALASKA NATIVE CLAIMS SETTLEMENT ACT TECHNICAL AMENDMENT.

(a)(1) Section 337(a) of the Department of the Interior and Related Agencies Appropriations Act, 2003 (Division F of Public Law 108–7; 117 Stat. 278; February 20, 2003) is amended—

(A) in the matter preceding paragraph (1), by striking ''Section 1629b of title 43, United States Code,'' and inserting ''Section 36 of the Alaska Native Claims Settlement Act (43 U.S.C. 1629b)'';

(B) in paragraph (2), by striking ''by creating the following new subsection:'' and inserting ''in subsection (d), by adding at the end the following:''; and

(C) in paragraph (3), by striking ''by creating the following new subsection:'' and inserting ''by adding at the end the following:''.

(2) Section 36 of the Alaska Native Claims Settlement Act (43 U.S.C. 1629b) is amended in subsection (f), by striking ''section 1629e of this title'' and inserting ''section 39''.

(b)(1) Section 337(b) of the Department of the Interior and Related Agencies Appropriations Act, 2003 (Division F of Public Law 108–7; 117 Stat. 278; February 20, 2003) is amended by striking ''Section 1629e(a)(3) of title 43, United States Code,'' and inserting ''Section 39(a)(3) of the Alaska Native Claims Settlement Act (43 U.S.C. 1629e(a)(3))''.

(2) Section 39(a)(3)(B)(ii) of the Alaska Native Claims Settlement Act (43 U.S.C. 1629e(a)(3)(B)(ii)) is amended by striking ''(a)(4) of section 1629b of this title'' and inserting ''section 36(a)(4)''.

(c) The amendments made by this section take effect on February 20, 2003.

SEC. 102. ANCSA AMENDMENT.

All land and interests in land in the State of Alaska conveyed by the Federal Government under the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.) to a Native Corporation and reconveyed by that Native Corporation, or a successor in interest, in exchange for any other land or interest in land in the State of Alaska and located within the same region (as defined in section 9(a) of the Alaska Native Claims Settlement Act (43 U.S.C. 1608(a)), to a Native Corporation under an exchange or other conveyance, shall be deemed, notwithstanding the conveyance or exchange, to have been conveyed pursuant to that Act.

SEC. 103. MISSISSIPPI BAND OF CHOCTAW TRANSPORTATION REIMBURSEMENT.

The Secretary of the Interior is authorized and directed, within the 3-year period beginning on the date of enactment of this Act, to accept funds from the State of Mississippi pursuant to the contract signed by the Mississippi Department of Transportation on June 7, 2005, and by the Mississippi Band of Choctaw Indians on June 2, 2005. The amount shall not exceed $776,965.30 and such funds shall be deposited in the trust account numbered PL7489708 at the Office of Trust Funds Management for the benefit of the Mississippi Band of Choctaw Indians. Thereafter, the tribe may draw down these moneys from this trust account by resolution of the Tribal Council, pursuant to Federal law and regulations applicable to such accounts.

SEC. 104. FALLON PAIUTE SHOSHONE TRIBES SETTLEMENT.

(a) SETTLEMENT FUND.—Section 102 of the Fallon Paiute Shoshone Indian Tribes Water Rights Settlement Act of 1990 (Public Law 101–618; 104 Stat. 3289) is amended—

(1) in subsection (C)—

(A) in paragraph (1)—

(i) by striking the matter preceding subparagraph (a) and inserting the following: ''Notwithstanding any conflicting provision in the original Fund plan during Fund fiscal year 2006 or any subsequent Fund fiscal year, 6 percent of the average quarterly market value of the Fund during the immediately preceding 3 Fund fiscal years (referred to in this title as the 'Annual 6 percent Amount'), plus any unexpended and unobligated portion of the Annual 6 percent Amount from any of the 3 immediately preceding Fund fiscal years that are subsequent to Fund fiscal year 2005, less any negative income that may accrue on that portion, may be expended or obligated only for the following purposes:''; and

(ii) by adding at the end the following:

''(g) Fees and expenses incurred in connection with the investment of the Fund, for investment management, investment consulting, custodianship, and other transactional services or matters.''; and

(B) by striking paragraph (4) and inserting the following:

''(4) No monies from the Fund other than the amounts authorized under paragraphs (1) and (3) may be expended or obligated for any purpose.

''(5) Notwithstanding any conflicting provision in the original Fund plan, during Fund fiscal year 2006 and during each subsequent Fund fiscal year, not more than 20 percent of the Annual 6 percent Amount for the Fund fiscal year (referred to in this title as the 'Annual 1.2 percent Amount') may be expended or obligated under paragraph (1)(c) for per capita distributions to tribal members, except that during each Fund fiscal year subsequent to Fund fiscal year 2006, any unexpended and unobligated portion of the Annual 1.2 percent Amount from any of the 3 immediately preceding Fund fiscal years that are subsequent to Fund fiscal year 2005, less any negative income that may accrue on that portion, may also be expended or obligated for such per capita payments.''; and

(2) in subsection (D), by adding at the end the following: ''Notwithstanding any conflicting provision in the original Fund plan, the Fallon Business Council, in consultation with the Secretary, shall promptly amend the original Fund plan for purposes of conforming the Fund plan to this title and making nonsubstantive updates, improvements, or corrections to the original Fund plan.''.

(b) DEFINITIONS.—Section 107 of the Fallon Paiute Shoshone Indian Tribes Water Rights Settlement Act of 1990 (Public Law 101–618; 104 Stat. 3293) is amended—

(1) by redesignating subsections (D), (E), (F), and (G) as subsections (F), (G), (H), and (I), respectively; and

(2) by striking subsections (B) and (C) and inserting the following:

''(B) the term 'Fund fiscal year' means a fiscal year of the Fund (as defined in the Fund plan);

''(C) the term 'Fund plan' means the plan established under section 102(F), including the original Fund plan (the 'Plan for Investment, Management, Administration and Expenditure dated December 20, 1991') and all amendments of the Fund plan under subsection (D) or (F)(1) of section 102;

''(D) the term 'income' means the total net return from the investment of the Fund, consisting of all interest, dividends, realized and unrealized gains and losses, and other earnings, less all related fees and expenses incurred for investment management, investment consulting, custodianship and transactional services or matters;

''(E) the term 'principal' means the total amount appropriated to the Fallon Paiute Shoshone Tribal Settlement Fund under section 102(B);''.

TITLE II—INDIAN LAND LEASING

SEC. 201. PRAIRIE ISLAND LAND CONVEYANCE.

(a) IN GENERAL.—The Secretary of the Army shall convey all right, title, and interest of the United States in and to the land described in subsection (b), including all improvements, cultural resources, and sites on the land, subject to the flowage and sloughing easement described in subsection (d) and to the conditions stated in subsection (f), to the Secretary of the Interior, to be—

(1) held in trust by the United States for the benefit of the Prairie Island Indian Community in Minnesota; and

(2) included in the Prairie Island Indian Community Reservation in Goodhue County, Minnesota.

(b) LAND DESCRIPTION.—The land to be conveyed under subsection (a) is the approximately 1290 acres of land associated with the Lock and Dam #3 on the Mississippi River in Goodhue County, Minnesota, located in tracts identified as GO–251, GO–252, GO–271, GO–277, GO–278, GO–284, GO–301 through GO–313, GO–314A, GO–314B, GO–329, GO–330A, GO–330B, GO–331A, GO–331B, GO–331C, GO–332, GO–333, GO–334, GO–335A, GO–335B, GO–336 through GO–338, GO–339A, GO–339B, GO–339C, GO–339D, GO–339E, GO–340A, GO–340B, GO–358, GO–359A, GO–359B, GO–359C, GO–359D, and GO–360, as depicted on the map entitled ''United States Army Corps of Engineers survey map of the Upper Mississippi River 9-Foot Project, Lock & Dam No. 3 (Red Wing), Land & Flowage Rights'' and dated December 1936.

(c) BOUNDARY SURVEY.—Not later than 5 years after the date of conveyance under subsection (a), the boundaries of the land conveyed shall be surveyed as provided in section 2115 of the Revised Statutes (25 U.S.C. 176).

(d) EASEMENT.—

(1) IN GENERAL.—The Corps of Engineers shall retain a flowage and sloughing easement for the purpose of navigation and purposes relating to the Lock and Dam No. 3 project over the portion of the land described in subsection (b) that lies below the elevation of 676.0.

(2) INCLUSIONS.—The easement retained under paragraph (1) includes—

(A) the perpetual right to overflow, flood, and submerge property as the District Engineer determines to be necessary in connection with the operation and maintenance of the Mississippi River Navigation Project; and

(B) the continuing right to clear and remove any brush, debris, or natural obstructions that, in the opinion of the District Engineer, may be detrimental to the project.

(e) OWNERSHIP OF STURGEON LAKE BED UNAFFECTED.—Nothing in this section diminishes or otherwise affects the title of the State of Minnesota to the bed of Sturgeon Lake located within the tracts of land described in subsection (b).

(f) CONDITIONS.—The conveyance under subsection (a) is subject to the conditions that the Prairie Island Indian Community shall not—

(1) use the conveyed land for human habitation;

(2) construct any structure on the land without the written approval of the District Engineer; or

(3) conduct gaming (within the meaning of section 4 of the Indian Gaming Regulatory Act (25 U.S.C. 2703)) on the land.

(g) NO EFFECT ON ELIGIBILITY FOR CERTAIN PROJECTS.—Notwithstanding the conveyance under subsection (a), the land shall continue to be eligible for environmental management planning and other recreational or natural resource development projects on the same basis as before the conveyance.

(h) EFFECT OF SECTION.—Nothing in this section diminishes or otherwise affects the rights granted to the United States pursuant to letters of July 23, 1937, and November 20, 1937, from the Secretary of the Interior to the Secretary of War and the letters of the Secretary of War in response to the Secretary of the Interior dated August 18, 1937, and November 27, 1937, under which the Secretary of the Interior granted certain rights to the Corps of Engineers to overflow the portions of Tracts A, B, and C that lie within the Mississippi River 9-Foot Channel Project boundary and as more particularly shown and depicted on the map entitled ''United States Army Corps of Engineers survey map of the Upper Mississippi River 9-Foot Project, Lock & Dam No. 3 (Red Wing), Land & Flowage Rights'' and dated December 1936.

SEC. 202. AUTHORIZATION OF 99-YEAR LEASES.

(a) IN GENERAL.—Subsection (a) of the first section of the Act of August 9, 1955 (25 U.S.C. 415(a)), is amended in the second sentence—

(1) by striking ''Moapa Indian reservation'' and inserting ''Moapa Indian Reservation'';

(2) by inserting ''the Confederated Tribes of the Umatilla Indian Reservation,'' before ''the Burns Paiute Reservation'';

(3) by inserting ''the'' before ''Yavapai-Prescott'';

(4) by inserting ''the Muckleshoot Indian Reservation and land held in trust for the Muckleshoot Indian Tribe,'' after ''the Cabazon Indian Reservation,'';

(5) by striking ''lands comprising the Moses Allotment Numbered 10, Chelan County, Washington,,'' and inserting ''the lands comprising the Moses Allotment Numbered 8 and the Moses Allotment Numbered 10, Chelan County, Washington,'';

(6) by inserting ''land held in trust for the Prairie Band Potawatomi Nation,'' before ''lands held in trust for the Cherokee Nation of Oklahoma'';

(7) by inserting ''land held in trust for the Fallon Paiute Shoshone Tribes,'' before ''lands held in trust for the Pueblo of Santa Clara''; and

(8) by inserting ''land held in trust for the Yurok Tribe, land held in trust for the Hopland Band of Pomo Indians of the Hopland Rancheria,'' after ''Pueblo of Santa Clara,''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to any lease entered into or renewed after the date of enactment of this Act.

SEC. 203. CERTIFICATION OF RENTAL PROCEEDS.

Notwithstanding any other provision of law, any actual rental proceeds from the lease of land acquired under the first section of the Act entitled ''An Act to provide for loans to Indian tribes and tribal corporations, and for other purposes'' (25 U.S.C. 488) certified by the Secretary of the Interior shall be deemed—

(1) to constitute the rental value of that land; and

(2) to satisfy the requirement for appraisal of that land.

TITLE III—NATIONAL INDIAN GAMING COMMISSION FUNDING AMENDMENT

SEC. 301. NATIONAL INDIAN GAMING COMMISSION FUNDING AMENDMENT.

(a) POWERS OF THE COMMISSION.—Section 7 of the Indian Gaming Regulatory Act (25 U.S.C. 2706) is amended by adding at the end the following:

''(d) APPLICATION OF GOVERNMENT PERFORMANCE AND RESULTS ACT.—

''(1) IN GENERAL.—In carrying out any action under this Act, the Commission shall be subject to the Government Performance and Results Act of 1993 (Public Law 103–62; 107 Stat. 285).

''(2) PLANS.—In addition to any plan required under the Government Performance and Results Act of 1993 (Public Law 103–62; 107 Stat. 285), the Commission shall submit a plan to provide technical assistance to tribal gaming operations in accordance with that Act.''.

(b) COMMISSION FUNDING.—Section 18(a)(2) of the Indian Gaming Regulatory Act (25 U.S.C. 2717(a)(2)) is amended by striking subparagraph (B) and inserting the following:

''(B) The total amount of all fees imposed during any fiscal year under the schedule established under paragraph (1) shall not exceed 0.080 percent of the gross gaming revenues of all gaming operations subject to regulation under this Act.''.

TITLE IV—INDIAN FINANCING

SEC. 401. INDIAN FINANCING ACT AMENDMENTS.

(a) IN GENERAL.—Section 201 of the Indian Financing Act of 1974 (25 U.S.C. 1481) is amended—

(1) by striking ''SEC. 201. In order'' and inserting the following:

''SEC. 201. LOAN GUARANTIES AND INSURANCE.

''(a) IN GENERAL.—In order'';

(2) by striking ''the Secretary is authorized (a) to guarantee'' and inserting ''the Secretary may—

''(1) guarantee'';

(3) by striking ''members; and (b) in lieu of such guaranty, to insure'' and inserting ''members; or

''(2) insure''; and

(4) by adding at the end the following:

''(b) ELIGIBLE BORROWERS.—The Secretary may guarantee or insure loans under subsection (a) to both for-profit and nonprofit borrowers.''.

(b) SALE OR ASSIGNMENT OF LOANS AND UNDERLYING SECURITY.—Section 205 of the Indian Financing Act of 1974 (25 U.S.C. 1485) is amended—

(1) by striking ''SEC. 205.'' and all that follows through subsection (b) and inserting the following:

''SEC. 205. SALE OR ASSIGNMENT OF LOANS AND UNDERLYING SECURITY.

''(a) IN GENERAL.—All or any portion of a loan guaranteed or insured under this title, including the security given for the loan—

''(1) may be transferred by the lender by sale or assignment to any person; and

''(2) may be retransferred by the transferee.

''(b) TRANSFERS OF LOANS.—With respect to a transfer described in subsection (a)—

''(1) the transfer shall be consistent with such regulations as the Secretary shall promulgate under subsection (h); and

''(2) the transferee shall give notice of the transfer to the Secretary.'';

(2) by striking subsection (c);

(3) by redesignating subsections (d), (e), (f), (g), (h), and (i) as subsections (c), (d), (e), (f), (g), and (h), respectively;

(4) in subsection (c) (as redesignated by paragraph (3)), by striking paragraph (2) and inserting the following:

''(2) VALIDITY.—Except as provided in regulations in effect on the date on which a loan is made, the validity of a guarantee or insurance of a loan under this title shall be incontestable.'';

(5) in subsection (e) (as redesignated by paragraph (3))—

(A) by striking ''The Secretary'' and inserting the following:

''(1) IN GENERAL.—The Secretary''; and

(B) by adding at the end the following:

''(2) COMPENSATION OF FISCAL TRANSFER AGENT.—A fiscal transfer agent designated under subsection (f) may be compensated through any of the fees assessed under this section and any interest earned on any funds or fees collected by the fiscal transfer agent while the funds or fees are in the control of the fiscal transfer agent and before the time at which the fiscal transfer agent is contractually required to transfer such funds to the Secretary or to transferees or other holders.''; and

(6) in subsection (f) (as redesignated by paragraph (3))—

(A) by striking ''subsection (i)'' and inserting ''subsection (h)''; and

(B) in paragraph (2)(B), by striking '', and issuance of acknowledgments,''.

(c) LOANS INELIGIBLE FOR GUARANTY OR INSURANCE.—Section 206 of the Indian Financing Act of 1974 (25 U.S.C. 1486) is amended by inserting ''(not including an eligible Community Development Finance Institution)'' after ''Government''.

(d) AGGREGATE LOANS OR SURETY BONDS LIMITATION.—Section 217(b) of the Indian Financing Act of 1974 (25 U.S.C. 1497(b)) is amended by striking ''$500,000,000'' and inserting ''$1,500,000,000''.

TITLE V—NATIVE AMERICAN PROBATE REFORM TECHNICAL AMENDMENT

SEC. 501. CLARIFICATION OF PROVISIONS AND AMENDMENTS RELATING TO INHERITANCE OF INDIAN LANDS.

(a) CLARIFICATIONS RELATING TO APPLICABLE LAWS.—

(1) IN GENERAL.—Section 207(g)(2) of the Indian Land Consolidation Act (25 U.S.C. 2206(g)(2)) is amended—

(A) in the matter preceding subparagraph (A), by striking ''described in paragraph (1)'' and inserting ''specified in paragraph (1)''; and

(B) in subparagraph (B), by striking ''identified in Federal law'' and inserting ''identified in such law''.

(2) LIMITATION ON EFFECT OF PARAGRAPH.—Section 207(g) of the Indian Land Consolidation Act (25 U.S.C. 2206(g)) is amended by striking paragraph (3) and inserting the following:

''(3) LIMITATION ON EFFECT OF PARAGRAPH.—Except to the extent that this Act would amend or otherwise affect the application of a Federal law specified or described in paragraph (1) or (2), nothing in paragraph (2) limits the application of this Act to trust or restricted land, interests in such land, or any other trust or restricted interests or assets.''.

(b) TRANSFER AND EXCHANGE; LAND FOR WHICH PATENTS HAVE BEEN EXECUTED AND DELIVERED.—

(1) TRANSFER AND EXCHANGE OF LAND.—Section 4 of the Act of June 18, 1934 (25 U.S.C. 464), is amended to read as follows:

''SEC. 4. TRANSFER AND EXCHANGE OF RESTRICTED INDIAN LANDS AND SHARES OF INDIAN TRIBES AND CORPORATIONS.

''Except as provided in this Act, no sale, devise, gift, exchange, or other transfer of restricted Indian lands or of shares in the assets of any Indian tribe or corporation organized under this Act shall be made or approved: *Provided,* That such lands or interests may, with the approval of the Secretary of the Interior, be sold, devised, or otherwise transferred to the Indian tribe in which the lands or shares are located or from which the shares were derived, or to a successor corporation; *Provided further,* That, subject to section 8(b) of the American Indian Probate Reform Act of 2004 (Public Law 108–374; 25 U.S.C. 2201 note), lands and shares described in the preceding proviso shall descend or be devised to any member of an Indian tribe or corporation described in that proviso or to an heir or lineal descendant of such a member in accordance with the Indian Land Consolidation Act (25 U.S.C. 2201 et seq.), including a tribal probate code approved, or regulations promulgated under, that Act: *Provided further,* That the Secretary of the Interior may authorize any voluntary exchanges of lands of equal value and the voluntary exchange of shares of equal value whenever such exchange, in the judgment of the Secretary, is expedient and beneficial for or compatible with the proper consolidation of Indian lands and for the benefit of cooperative organizations.''.

(2) LAND FOR WHICH PATENTS HAVE BEEN EXECUTED AND DELIVERED.—Section 5 of the Act of February 8, 1887 (25 U.S.C. 348) is amended in the second proviso by striking ''That'' and inserting ''That, subject to section 8(b) of the American Indian Probate Reform Act of 2004 (Public Law 108–374; 118 Stat. 1810),''.

(3) EFFECTIVE DATES.—Section 8 of the American Indian Probate Reform Act of 2004 (25 U.S.C. 2201 note; 118 Stat. 1809) is amended by striking subsection (b) and inserting the following:

''(b) EFFECTIVE DATES.—

''(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this Act apply on and after the date that is 1 year after the date on which the Secretary makes the certification required under subsection (a)(4).

''(2) EXCEPTIONS.—The following provisions of law apply as of the date of enactment of this Act:

''(A) Subsections (e) and (f) of section 207 of the Indian Land Consolidation Act (25 U.S.C. 2206) (as amended by this Act).

''(B) Subsection (g) of section 207 of the Indian Land Consolidation Act (25 U.S.C. 2206) (as in effect on March 1, 2006).

''(C) The amendments made by section 4, section 5, paragraphs (1), (3), (4), (5), (6), (7), (8), (9), (10), and (11) of section 6(a), section 6(b)(3), and section 7 of this Act.''.

(c) EFFECTIVE DATE OF AMENDMENTS.—The amendments made by subsection (b) shall take effect as if included in the enactment of the American Indian Probate Reform Act of 2004 (Public Law 108–374; 118 Stat. 1773).

NOTICES OF HEARINGS/MEETINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. DOMENICI. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Committee on Energy and Natural Resources.

The hearing will be held on Wednesday, April 19, 2006 at 10 a.m. in the Salón Ortega at the National Hispanic Cultural Center of New Mexico located at 1701 4th Street SW in Albuquerque, New Mexico.

The purpose of the hearing is to receive testimony regarding the drought conditions facing the state of New Mexico and S. 2561, to authorize the Secretary of the Interior to make available cost-shared grants and enter into cooperative agreements to further the goals of the Water 2025 Program by improving water conservation, efficiency, and management in the Reclamation States, and for other purposes.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510–6150.

For further information, please contact Nate Gentry at (202) 224–2179 or Steve Waskiewicz at (202) 228–6195.

NOTICE: REGISTRATION OF MASS MAILINGS

The filing date for 2006 first quarter mass mailings is Tuesday, April 25, 2006. If your office did no mass mailings during this period, please submit a form that states ''none.''

Mass mailing registrations, or negative reports, should be submitted to the Senate Office of Public Records, 232 Hart Building, Washington, D.C. 20510–7116.

The Public Records office will be open from 9:00 a.m. to 5:30 p.m. on the filing date to accept these filings. For further information, please contact the Public Records office at (202) 224–0322.

MEASURES READ THE FIRST TIME—S. 2603, S. 2611, AND S. 2612

Mr. MCCONNELL. Mr. President, I understand there are three bills at the desk, and I ask for their first reading en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

A bill (S. 2603) to reduce temporarily the royalty required to be paid for sodium produced on Federal lands and for other purposes.

A bill (S. 2611) to provide for comprehensive immigration reform and for other purposes.

A bill (S. 2612) to provide for comprehensive immigration reform and for other purposes.

Mr. MCCONNELL. I now ask for their second reading and, in order to place the bills on the calendar under the provisions of rule XIV, I object to my own request.

The PRESIDING OFFICER. Objection is heard.

The bills will be read for the second time on the next legislative day.

H.R. 4939—MOTION TO PROCEED

Mr. MCCONNELL. Mr. President, I move to proceed to Calendar No. 391, H.R. 4939, the supplemental appropriations bill.

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

The motion was agreed to.

Mr. MCCONNELL. I ask unanimous consent that the pending legislation be set aside until Tuesday, April 25, at a time to be determined by the majority leader in consultation with the Democratic leader.

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

EXECUTIVE SESSION

TREATY ON THE MARPOL CONVENTION

TREATY ON MUTUAL LEGAL ASSISTANCE WITH JAPAN

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following treaties on today's Executive Calendar: No. 12 and 14.

I further ask unanimous consent that the treaties be considered as having passed through the various parliamentary stages up to and including the presentation of the resolutions of ratification, that any statements be printed in the RECORD as if read, and the Senate take one vote on a resolution of ratification to be considered as separate votes; further, that when the resolutions of ratification are voted upon, the motion to reconsider be laid upon the table, the President be notified of the Senate's action, and that following the disposition of the treaties, the Senate return to legislative session.

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

Mr. MCCONNELL. Mr. President, I ask for a division vote on the resolutions of ratification.

The PRESIDING OFFICER. A division vote has been requested.

Senators in favor of the ratification of these treaties, please rise.

Those opposed will rise and stand until counted.

With two-thirds of the Senators present having voted in the affirmative, the resolutions of ratification are agreed to.

The resolutions of ratification are as follows:

PROTOCOL OF 1997 AMENDING MARPOL CONVENTION (TREATY DOC. 108–7)

Resolved (two-thirds of the Senators present concurring therein),

Section 1. Senate Advice and Consent Subject to Understandings and Declaration.

The Senate advises and consents to the ratification of the Protocol of 1997 to Amend the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 Relating Thereto (hereinafter in this resolution referred to as the ''Protocol of 1997''), signed by the United States on December 22, 1998 (T. Doc. 108–7), subject to the understandings and declaration in sections 2 and 3.

Section 2. Understandings.

The advice and consent of the Senate under section 1 is subject to the following understandings, which shall be included in the United States instrument of ratification:

(1) The United States of America understands that the Protocol of 1997 does not, as a matter of international law, prohibit Parties from imposing, as a condition of entry into their ports or internal waters, more stringent emission standards or fuel oil requirements than those identified in the Protocol.

(2) The United States of America understands that Regulation 15 applies only to safety aspects associated with the operation of vapor emission control systems that may be applied during cargo transfer operations between a tanker and port-side facilities and to the requirements specified in Regulation 15 for notification to the International Maritime Organization of port State regulation of such systems.

Section 3. Declaration.

The advice and consent of the Senate under section 1 is subject to the following declaration, which shall be included in the United States instrument of ratification:

The United States of America notes that at the time of adoption of the Protocol of 1997, the NO_x emission control limits contained in Regulation 13 were those agreed as being achievable by January 1, 2000, on new marine diesel engines, and further notes that Regulation 13(3)(b) contemplated that new technology would become available to reduce on-board NO_x emissions below those limits. As such improved technology is now available, the United States expresses its support for an amendment to Annex VI, that would, on an urgent basis, revise the agreed NO_x emission control limits contained in Regulation 13 in keeping with new technological developments.

MUTUAL LEGAL ASSISTANCE TREATY WITH JAPAN (TREATY DOC. 108–12)

Resolved (two-thirds of the Senators present concurring therein),

The Senate advises and consents to the ratification of the Treaty between the United States of America and Japan on Mutual Legal Assistance in Criminal Matters, signed at Washington on August 5, 2003 (Treaty Doc. 108–12).

DESIGNATING THE THIRD WEEK OF APRIL AS ''NATIONAL SHAKEN BABY SYNDROME AWARENESS WEEK''

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 439, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 439) to designate the third week of April 2006 as ''National Shaken Baby Syndrome Awareness Week.''

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

Mr. DODD. Mr. President, I rise today, along with my colleague Senator ALEXANDER, to introduce a resolution that of the resolution the Senate has passed to proclaim the third week of April of 2006 as Shaken Baby Syndrome Awareness Week. Last year, we passed a similar resolution and continue to support raising awareness of this important issue. I would like to recognize the many groups, particularly the National Shaken Baby Coalition and the SKIPPER Initiative, who support this effort to increase awareness of one of the most devastating forms of child abuse, one that results in the death or lifelong disability of hundreds of children each year.

We must recognize child abuse and neglect as the public health problem it is, one that is linked with a host of other problems facing our country and one that needs the comprehensive approach of our entire public health system to solve. The month of April has been designated National Child Abuse Prevention Month as an annual tradition that was initiated in 1979 by former President Jimmy Carter. In 2006, April is again National Child Abuse Prevention Month.

The tragedy of child abuse is well documented. According to the National Child Abuse and Neglect Data System, NCANDS, almost 900,000 children were victims of abuse and neglect in the United States in 2002, causing unspeakable pain and suffering to our most vulnerable citizens. Each day, nearly four of these children die as a result of this abuse. Most experts are certain that cases of child abuse and neglect are in fact underreported.

Abusive head trauma, including the trauma known as Shaken Baby Syndrome, is recognized as the leading cause of death of physically abused children, especially young children. Shaken Baby Syndrome is a totally preventable form of child abuse that results from a caregiver losing control and shaking a baby, usually an infant who is less than 1 year old. This severe shaking can kill the baby, or it can cause loss of vision, brain damage, paralysis, and seizures, resulting in lifelong disabilities and causing untold grief for many families.

Too many families have experienced the pain of Shaken Baby Syndrome. A 2003 report in the Journal of the American Medical Association estimates

that, in the U.S., an average of 300 children will die each year, and 600 to 1,200 more will be injured, of whom two-thirds will be babies or infants under 1 year in age, as a result of Shaken Baby Syndrome. Medical professionals believe that thousands more cases of Shaken Baby Syndrome are being misdiagnosed or not detected.

Families should be spared the needless tragedy of Shaken Baby Syndrome. Prevention is the most effective solution to ending Shaken Baby Syndrome. It is clear that the minimal costs of educational and prevention programs may help to protect our young children. Families as well as professionals who care for children must be made aware of the injuries that shaking can cause. In 1995, the U.S. Advisory Board on Child Abuse and Neglect recommended a universal approach to the prevention of child fatalities that included services such as home visitation by trained professionals or paraprofessionals, hospital-linked outreach to parents of infants and toddlers, community-based programs designed for the specific needs of neighborhoods, and effective public education campaigns.

Prevention programs have demonstrated that educating new parents about the danger of shaking young children and how they can help protect their child from injury can bring about a significant reduction in the number of cases of Shaken Baby Syndrome. In 1998, Dr. Mark Dias started the Upstate New York SBS Prevention Project at Children's Hospital of Buffalo, which uses a simple video to educate new parents before they leave the hospital. Since that time, the number of shaken baby incidents in the Buffalo area has dropped by nearly 50%; none of the perpetrators have been identified as participants in the hospital education program. Hospitals around the country, including several in my own State of Connecticut, have adopted programs similar to these to educate new parents about the dangers of shaking young children.

I urge the Senate to adopt this resolution designating the third week of April of 2006 as National Shaken Baby Syndrome Awareness Week, and to take part in the many local and national activities and events recognizing the month of April as National Child Abuse Prevention Month.

The prevention of Shaken Baby Syndrome is supported by advocacy groups across the U.S. that were formed by parents and relatives of children who have been killed or injured by shaking. I ask unanimous consent that a list of groups supporting this resolution be printed in the RECORD.

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

GROUPS SUPPORTING NATIONAL SHAKEN BABY SYNDROME AWARENESS WEEK

The National Shaken Baby Coalition, The National Center on Shaken Baby Syndrome, The Children's Defense Fund, The American Academy of Pediatrics, The Child Welfare League of America, Prevent Child Abuse America, The National Child Abuse Coalition, The National Exchange Club Foundation, The American Humane Association, The American Professional Society on the Abuse of Children, The Arc of the United States, The Association of University Centers on Disabilities, Children's Healthcare is a Legal Duty, Family Partnership, Family Voices, National Alliance of Children's Trust and Prevention Funds, United Cerebral Palsy, The National Association of Children's Hospitals and Related Institutions, Never Shake a Baby Arizona/Prevent Child Abuse Arizona, The Center for Child Protection and Family Support.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating thereto be printed in the RECORD.

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

The resolution (S. Res. 439) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 439

Whereas the month of April has been designated ''National Child Abuse Prevention Month'' as an annual tradition that was initiated in 1979 by former President Jimmy Carter;

Whereas the most recent National Child Abuse and Neglect Data System figures reveal that almost 900,000 children were victims of abuse and neglect in the United States in 2002, causing unspeakable pain and suffering to our most vulnerable citizens;

Whereas among the children who are victims of abuse and neglect, nearly 4 children die in the United States each day;

Whereas children aged 1 year or younger accounted for 41.2 percent of all child abuse and neglect fatalities in 2002, and children aged 4 years or younger accounted for 76.1 percent of all child abuse and neglect fatalities in 2002;

Whereas abusive head trauma, including the trauma known as ''Shaken Baby Syndrome'', is recognized as the leading cause of death of physically abused children;

Whereas Shaken Baby Syndrome can result in loss of vision, brain damage, paralysis, seizures, or death;

Whereas a 2003 report in the Journal of the American Medical Association estimated that, in the United States, an average of 300 children will die each year, and 600 to 1,200 more will be injured, of whom ⅔ will be babies or infants under 1 year in age, as a result of Shaken Baby Syndrome, with many cases resulting in severe and permanent disabilities;

Whereas medical professionals believe that thousands of additional cases of Shaken Baby Syndrome are being misdiagnosed or are not detected;

Whereas Shaken Baby Syndrome often results in permanent, irreparable brain damage or death to an infant and may result in more than $1,000,000 in medical costs to care for a single, disabled child in just the first few years of life;

Whereas the most effective solution for ending Shaken Baby Syndrome is to prevent the abuse, and it is clear that the minimal costs of education and prevention programs may prevent enormous medical and disability costs and immeasurable amounts of grief for many families;

Whereas prevention programs have demonstrated that educating new parents about the danger of shaking young children and how they can help protect their child from injury can bring about a significant reduction in the number of cases of Shaken Baby Syndrome;

Whereas education programs have been shown to raise awareness and provide critically important information about Shaken Baby Syndrome to parents, caregivers, daycare workers, child protection employees, law enforcement personnel, health care professionals, and legal representatives;

Whereas efforts to prevent Shaken Baby Syndrome are supported by advocacy groups across the United States that were formed by parents and relatives of children who have been killed or injured by shaking, including the National Shaken Baby Coalition, the Shaken Baby Association, the Shaking Kills: Instead Parents Please Educate and Remember Initiative (commonly known as the ''SKIPPER Initiative''), the Shaken Baby Alliance, Shaken Baby Prevention, Inc., A Voice for Gabbi, Don't Shake Jake, and the Kierra Harrison Foundation, whose mission is to educate the general public and professionals about Shaken Baby Syndrome and to increase support for victims and the families of the victims in the health care and criminal justice systems;

Whereas child abuse prevention programs and ''National Shaken Baby Syndrome Awareness Week'' are supported by the National Shaken Baby Coalition, the National Center on Shaken Baby Syndrome, the Children's Defense Fund, the American Academy of Pediatrics, the Child Welfare League of America, Prevent Child Abuse America, the National Child Abuse Coalition, the National Exchange Club Foundation, the American Humane Association, the American Professional Society on the Abuse of Children, the Arc of the United States, the Association of University Centers on Disabilities, Children's Healthcare is a Legal Duty, Family Partnership, Family Voices, National Alliance of Children's Trust and Prevention Funds, United Cerebral Palsy, the National Association of Children's Hospitals and related institutions, Never Shake a Baby Arizona, Prevent Child Abuse Arizona, the Center for Child Protection and Family Support, and many other organizations;

Whereas a 2000 survey by Prevent Child Abuse America shows that approximately half of all citizens of the United States believe that, of all the public health issues facing the United States, child abuse and neglect is the most important issue;

Whereas Congress previously designated the third week of April 2001 as ''National Shaken Baby Syndrome Awareness Week 2001''; and

Whereas Congress strongly supports efforts to protect children from abuse and neglect: Now, therefore, be it

Resolved, That the Senate—

(1) designates the third week of April 2006 as ''National Shaken Baby Syndrome Awareness Week'';

(2) commends those hospitals, child care councils, schools, and other organizations that are—

(A) working to increase awareness of the danger of shaking young children; and

(B) educating parents and caregivers on how they can help protect children from injuries caused by abusive shaking; and

(3) encourages the citizens of the United States to—

(A) remember the victims of Shaken Baby Syndrome; and

(B) participate in educational programs to help prevent Shaken Baby Syndrome.

CONGRATULATING THE MEMBERS OF THE U.S. OLYMPIC AND PARALYMPIC TEAMS

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 440, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 440) congratulating and commending the members of the United States Olympic and Paralympic teams, and the United States Olympic Committee, for their success and inspired leadership.

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

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

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

The resolution (S. Res. 440) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 440

Whereas athletes of the United States Winter Olympic Team captured 9 gold medals, 9 silver medals, and 7 bronze medals at the Olympic Winter Games in Torino, Italy;

Whereas the total number of medals won by the competitors of the United States placed the United States ahead of all but 1 country, Germany, in total medals awarded to teams from any 1 country;

Whereas the paralympic athletes of the United States captured 7 gold medals, 2 silver medals, and 3 bronze medals at the Paralympic Winter Games, which were held immediately after the Olympic Winter Games in Torino, Italy;

Whereas the total medal count for the United States Winter Paralympic Team ranked the team 7th among all participating teams;

Whereas members of the United States Winter Olympic Team, such as skater Joey Cheek, who donated his considerable monetary earnings to relief efforts in Darfur, Sudan, and skier Lindsey Kildow, who exhibited considerable courage by returning to the field of competition only days after a painful and horrendous accident, demonstrated the true spirit of generosity and tenacity of the United States and the Olympic Winter Games; and

Whereas the leadership displayed by United States Olympic Committee Board Chairman Peter Ueberroth and Chief Executive Officer Jim Scherr has helped transform the committee into an organization that—

(1) upholds the highest ideals of the Olympic movement; and

(2) discharges the responsibilities of the committee to the athletes and the citizens of the United States in the manner that Congress intended when it chartered the committee in 1978: Now, therefore, be it

Resolved, That the Senate—

(1) commends and congratulates the members of the 2006 United States Winter Olympic and Paralympic Teams;

(2) expresses its appreciation for the firm, inspired, and ethical leadership displayed by the United States Olympic Committee; and

(3) extends its best wishes and encouragement to those athletes of the United States and their numerous supporters who are preparing to represent the United States at the 2008 Olympic Games, which are to be held in Beijing, China.

NATIVE AMERICAN TECHNICAL CORRECTIONS ACT OF 2005

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be discharged from further consideration of H.R. 3351 and the Senate proceed to its immediate consideration.

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

The legislative clerk read as follows:

A bill (H.R. 3351) to make technical corrections to laws relating to Native Americans, and for other purposes.

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

Mr. MCCAIN. Mr. President, H.R. 3351, the Native American Technical Corrections Act of 2005, was passed by the House on November 16, 2005, and referred to the Committee on Indian Affairs. Many of the provisions in the House bill have already been acted on by the Senate in various bills. I will ask the Senate to pass the bill with a substitute amendment which includes most of the provisions in the original House version of the bill as well as some amendments that were not in the House version. I am pleased to be joined by Senator DORGAN as an original cosponsor of the amendment.

The Senate amendment to H.R. 3551 that I am offering contains the following: Section 104 is the same as S. 1484, which passed the Senate on July 26, 2005, and it amends the Fallon Paiute Shoshone Indian Tribes Water Rights Settlement Act of 1990 to adjust the spending rule set forth in that act for the Tribe's Settlement Fund. The provision would authorize expenditure of 6 percent of the average market value of the Settlement fund over the preceding 3 years. Section 201 is the same as S. 706, which passed the Senate on July 26, 2005, and it authorizes the transfer of lands, now held by the U.S. Army Corps of Engineers, to the Department of the Interior to be held in trust for the benefit of the Prairie Island Indian community in Red Wing, MN. The transfer will have no effect on the tax status of the lands, nor will the Prairie Island Indian Community be permitted to develop commercial or gaming facilities on the land; section 202 authorizes various 99-year leases. Part of this section passed Senate in S. 1485 on July 26, 2005, while other provisions were contained in H.R. 3351. Section 203 addresses the problem of lack of appraisers in Indian country by providing that for purposes of obtaining agricultural loans, the market value of land is the default appraisal value. This section is the same as S. 1489, that passed the Senate on July 26, 2005. Section 301 previously passed the Senate in S. 1295 on December 12, 2005, and it authorizes the National Indian Gaming Commission to collect fees up to 0.08 percent of gross gaming revenues, and eliminates $12 million cap, and subjects NIGC to the Government Performance and Results Act. Section 401, like S. 1758, that passed the Senate on August 22, 2005, amends the Indian Financing Act of 1974 to clarify that nonprofit tribal entities are eligible for Bureau of Indian Affairs Loan Guaranty Program. In addition, because the BIA is fast reaching its $500 million limit on the amount of loans it can have outstanding, and this section will increase that number to $1.5 billion.

The four new provisions that have not passed the Senate as stand-alone measures do the following: Section 101 corrects a drafting error to the Alaska Native Claims Settlement Act; section 102 facilitates exchanges between Alaska Regional and Village Corporations of land obtained through the Alaska Native Claims Settlement Act by clarifying that undeveloped land received by each Native corporation participant in the exchanges is deemed to be land conveyed under ANCSA; and section 103 will allow the State of Mississippi to pay the Mississippi Choctaw for work already preformed, through a newly established BIA Trust Fund. The final new provision is section 501, the Native American Probate Reform and Technical Amendment, described in more detail below.

Section 501 corrects drafting errors and clarifies and includes new provisions relating to amendments made by the American Indian Probate Reform Act of 2004, AIPRA, and S. 1481, which was enacted into law in December of 2005. One of these provisions is an amendment to 25 U.S.C. 464. In 2004, this section was amended in AIPRA so that it would conform to the new uniform Indian probate code that was the centerpiece of AIPRA; however, after reviewing the various amendments that were made by AIPRA, which was a very complex piece of legislation, we concluded that the AIPRA amendments to 25 U.S.C. 464 was drafted in a way that its execution was unclear. So in the 109th Congress, we attempted to correct this in S. 1481—P.L. 109–157, enacted on December 30, 2005, by restating section 464 as it should have read. Unfortunately, there were drafting errors in S. 1481 that were not picked up prior to its enactment. Accordingly, my substitute amendment includes a new restatement of section 464 correcting these drafting errors and conforming the statute to the new uniform Indian probate code enacted as part of AIPRA. I would like to make the point here that the purpose of the amendments restating section 464, both in S. 1481 and in the current substitute amendment to H.R. 3351, were and are intended to do nothing more than to conform the provisions in that section relating to the devise and inheritance of lands to the new uniform probate code contained in the American Indian Probate Reform Act of 2004. As the author of both S. 1481 and the substitute amendment, I want to make it clear

that neither measure intends to affect any of the other sorts of transactions that might otherwise be subject to section 464 or to affect in any way the application of any other Federal laws that might apply to lands that are covered by section 464.

We are also making clarifying amendments to AIPRA relating to the effective date of its amendments and to its amendments to the ''Applicable Federal Law'' provisions of section 207(g) of the Indian Land Consolidation Act. With respect to the former, the substitute includes technical amendments to the effective date section of AIPRA, section 8(b) of AIPRA, to make it clear that the amendments that were made to 25 U.S.C. 464 and 25 U.S.C. 348 are intended to take effect 1 year after the date on which the Secretary of Interior certified that notice of the AIPRA amendments had been given to Indian country in accordance with AIPRA section 8(a), and that sections 348 and 464, as they read immediately prior to the passage of AIPRA, would continue to apply until the effective date of the new amendments.

Finally, the substitute also makes some minor changes to the wording of section 207(g) of ILCA just to further clarify congressional intent that nothing in ILCA supercedes or affects the application of special laws that relate to specific Indian tribes or the allotted lands of specific tribes.

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

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

The amendment (No. 3587) was agreed to.

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

The bill (H.R. 3351), as amended, was read the third time and passed.

PROVIDING FOR ADJOURNMENT OR RECESS OF THE HOUSE AND SENATE

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of H. Con. Res. 382, the adjournment resolution; provided that the concurrent resolution be agreed to and the motion to reconsider be laid upon the table.

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

The concurrent resolution (H. Con. Res. 382) was agreed to, as follows:

H. CON. RES. 382

Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on the legislative day of Thursday, April 6, 2006, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 2 p.m. on Tuesday, April 25, 2006, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the Senate recesses or adjourns on any day from Thursday, April 6, 2006, through Sunday, April 9, 2006, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until noon on Monday, April 24, 2006, or such other time on that day as may be specified by its Majority Leader or his designee in the motion to recess or adjourn, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Speaker of the House and the Majority Leader of the Senate, or their respective designees, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, shall notify the Members of the House and the Senate, respectively, to reassemble at such place and time as they may designate if, in their opinion, the public interest shall warrant it.

APPOINTMENT AUTHORITY

Mr. MCCONNELL. Mr. President, I ask unanimous consent that notwithstanding the upcoming recess or adjournment of the Senate, the President of the Senate, the President pro tempore, and the majority and minority leaders be authorized to make appointments to commissions, committees, boards, conferences, or interparliamentary conferences authorized by law, by concurrent action of the two Houses, or by order of the Senate.

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

AUTHORITY FOR COMMITTEES TO REPORT

Mr. MCCONNELL. Mr. President, I ask unanimous consent that notwithstanding the Senate's adjournment, committees be authorized to report legislative and executive matters on April 20, 2006, from 10 a.m. to 12 noon.

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

CONGRATULATING THE NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H. Con. Res. 366 which was received from the House.

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

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 366) to congratulate the National Aeronautics and Space Administration on the 21st anniversary of the first flight of the space transportation system.

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

Mrs. HUTCHISON. Mr. President, there have been times that we, as a nation, have become so accustomed to successful space shuttle launches that we barely heard about them on the evening news. One hundred and fourteen successful missions have provided a wealth of information and research results that are seen and felt in our everyday lives. Yet few of us could identify these as having resulted from Space Shuttle research.

Today, the Space Shuttle is viewed by many as an over-aged relic of the past and the vehicle whose two failures in the past 24 years of its service cost the lives of 14 brave astronauts. As tragic and unforgettable as the *Challenger* and *Columbia* accidents were, we must honor the memory of their crews by honoring the task for which they gave their lives. I am proud that our Nation has chosen to learn everything possible from those tragic losses to minimize the risks that will always be present in human space flight and to move forward to keep the dream of spaceflight alive.

It is appropriate today, as we consider House Concurrent Resolution 366, to reach back to the very beginning of space shuttle nights to the day, 25 years ago next week—April 12, 1981, at 7 a.m. eastern time. On that morning, the space shuttle *Columbia* lifted off on her maiden voyage, carrying two brave and intrepid explorers, Commander John Young and Pilot Robert Crippen. They orbited the Earth 36 times in two days, six hours and twenty minutes, landing in California at Edwards Air Force Base on April 14, 1981, at 1:20 p.m. eastern time. This first mission of a reusable spacecraft marked the beginning of a new era in human spaceflight.

This era also provided the Nation and the world with new and incredible views of our Earth as seen from orbit. It also provided a continuous stream of important microgravity research that has found its way into medical devices, treatment procedures, computer enhancements, communications technologies, and a host of other practical applications that generally go unnoticed. The Great Telescopes, such as Hubble, Chandra and the Compton Gamma Ray Observatory, were all made possible by the Space Shuttle. In the case of the Hubble, its inestimable value as a research tool was both rescued by the Space Shuttle and extended by servicing missions not possible without the Space Shuttle.

In the next several years, as the Space Shuttle completes the mission for which it was designed—completing the assembly and outfitting of the International Space Station—we will move into a new era of human spaceflight. We will experience new firsts and enter new names into the history books of those who accomplish the important milestones along our way to the Moon, Mars and beyond.

None of that would be possible, however, without the service of those who have gone before, and especially those two heroes we honor and recognize today. These two men took a vehicle never flown before on a journey of over a million miles. By any standard, that is an impressive first step.

Mr. NELSON of Florida. Mr. President, 25 years ago, on April 12, 1981, the Space Shuttle *Columbia* lifted off from the Kennedy Space Center in Florida. It marked the beginning of a historic two day mission, and more importantly, it was the first of many future shuttle missions. I am pleased to support passage of H. Con. Res. 366, commemorating this important anniversary.

I applaud the tremendous bravery of the STS–1 crew—Commander John W. Young and Pilot Robert L. Crippen—on accomplishing the mission safely and successfully. This anniversary is a testament to the thousands of people who worked to bring the Space Shuttle Program to life and to those who have sustained it throughout the years.

The Space Shuttle Program brought our Nation commercial and government satellite deliveries, in-orbit satellite repairs, delivery of large science observatories such as the Hubble Space Telescope, Space Lab science missions, historic dockings with the Russian Mir Space Station and assembly of the International Space Station.

Since the STS–1 launch in 1981, this Nation has launched more than 100 flights. Sadly, the *Challenger* and *Columbia* were lost in 1986 and 2003, respectively. What we learned about safety in spaceflight, brought by the sacrifices of the *Challenger* and *Columbia* crews, has made our space program stronger.

Today the great challenge facing our space program is one of transition. We must complete the construction of the station and retire the shuttle fleet with dignity. And equally important, we must work together to preserve the workforce that will soon become the backbone of the new Crew Exploration Vehicle and the next human space project.

With the 25th anniversary of STS–1, let us all rededicate ourselves to the unfinished mission of exploration and discovery. Let us pledge to complete the journey that Commander Young and Pilot Crippen began by returning safely to flight with STS–121 later this summer, and move forward in leading the world in space exploration.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the resolution be printed in the RECORD.

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

The concurrent resolution (H. Con. Res. 366) was agreed to.

AUTHORITY TO SIGN DULY ENROLLED BILLS OR JOINT RESOLUTIONS

Mr. MCCONNELL. Mr. President, I ask unanimous consent that during the adjournment of the Senate, the majority leader and senior Senator from North Carolina be authorized to sign duly enrolled bills or joint resolutions.

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

EXECUTIVE SESSION

NOMINATIONS DISCHARGED

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to executive session; provided further that the Commerce Committee be discharged from further consideration of the following Coast Guard nominations: PN 1332, PN 1333, PN 1334, and PN 1335; provided further that the Senate proceed to their consideration; I further ask unanimous consent that the nominations be confirmed, with the motions to reconsider laid upon the table, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

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

The nominations considered and confirmed are as follows:

COAST GUARD

The following named officer for appointment as Commander, Atlantic Area of the United States Coast Guard and to the grade indicated under Title 14, U.S.C., Section 50:

To be vice admiral

Rear Adm. David B. Peterman

The following named officer for appointment as Commander, Pacific Area of the United States Coast Guard and to the grade indicated under Title 14, U.S.C., Section 50:

To be vice admiral

Rear Adm. Charles D. Wurster

The following named officer for appointment as Chief of Staff of the United States Coast Guard and to the grade indicated under Title 14, U.S.C., section 50a:

To be vice admiral

Rear Adm. (lh) Robert J. Papp

The following named officer for appointment as Vice Commandant of the United States Coast Guard in the grade indicated under Title 14, U.S.C., section 47:

To be vice admiral

Vice Adm. Vivien S. Crea

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

ORDERS FOR MONDAY, APRIL 24, 2006

Mr. MCCONNELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment under the provisions of H. Con. Res. 382 until 2 p.m. on Monday, April 24. I further ask unanimous consent 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 with Senators allowed to speak for up to 10 minutes each.

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

PROGRAM

Mr. MCCONNELL. We will return after the Easter/Passover break and begin consideration of the supplemental appropriations bill. As I indicated earlier, there will be no votes on Monday, April 24. However, Senators will be able to come to the floor for opening statements on the supplemental bill. We will begin consideration of the bill on Tuesday, and therefore votes will occur on Tuesday.

We also have two district judges on the calendar and may well schedule votes on them on that Tuesday as well.

I certainly wish everyone a restful and safe break.

ADJOURNMENT UNTIL MONDAY, APRIL 24, 2006, AT 2 P.M.

Mr. MCCONNELL. 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 provisions of H. Con, Res. 382.

There being no objection, the Senate, at 2:34 p.m., adjourned until Monday, April 24, 2006, at 2 p.m.

DISCHARGED NOMINATIONS

The Senate Committee on Commerce, Science, and Transportation was discharged from further consideration of the following nominations and the nominations were confirmed:

COAST GUARD NOMINATION OF REAR ADM. DAVID B. PETERMAN TO BE VICE ADMIRAL.
COAST GUARD NOMINATION OF REAR ADM. CHARLES D. WURSTER TO BE VICE ADMIRAL.
COAST GUARD NOMINATION OF REAR ADM. (LH) ROBERT J. PAPP TO BE VICE ADMIRAL.
COAST GUARD NOMINATION OF VICE ADM. VIVIEN S. CREA TO BE VICE ADMIRAL.

CONFIRMATIONS

Executive nominations confirmed by the Senate, Friday, April 7, 2006:

DEPARTMENT OF DEFENSE

DORRANCE SMITH, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF DEFENSE.
THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

IN THE COAST GUARD

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS COMMANDER, ATLANTIC AREA OF THE UNITED STATES COAST GUARD AND TO THE GRADE INDICATED UNDER TITLE 14, U.S.C., SECTION 50:

To be vice admiral

REAR ADM. DAVID B. PETERMAN

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS COMMANDER, PACIFIC AREA OF THE UNITED STATES COAST GUARD AND TO THE GRADE INDICATED UNDER TITLE 14, U.S.C., SECTION 50:

To be vice admiral

REAR ADM. CHARLES D. WURSTER

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS CHIEF OF STAFF OF THE UNITED STATES COAST GUARD AND TO THE GRADE INDICATED UNDER TITLE 14, U.S.C., SECTION 50A:

To be vice admiral

REAR ADM. (LH) ROBERT J. PAPP

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS VICE COMMANDER OF THE UNITED STATES COAST GUARD IN THE GRADE INDICATED UNDER TITLE 14, U.S.C., SECTION 47:

To be vice admiral

VICE ADM. VIVIEN S. CREA