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Senate

The Senate met at 2:15 p.m. and was called to order by the Honorable JOHN E. SUNUNU, a Senator from the State of New Hampshire.

PRAYER

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

Let us pray.

Eternal Spirit, the fountain of all wisdom, make us Your servants. Teach us to listen to Your guidance and to be faithful in doing Your bidding. Give us a spirit of kindness so we will properly represent You. Bless us with the peace of knowing we are doing Your will.

Use our lawmakers. Help them to fully understand how to make right choices. Protect them from danger and empower them to never do anything that will bring them shame. Make them wise interpreters of the signs of the times and undergird them with Your enabling might.

We pray in Your powerful name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JOHN E. SUNUNU 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, November 15, 2006.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JOHN E. SUNUNU, a

Senator from the State of New Hampshire, to perform the duties of the Chair.

TED STEVENS,
President pro tempore.

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

RECOGNITION OF THE MAJORITY LEADER

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

SCHEDULE

Mr. FRIST. Mr. President, we are coming in this afternoon rather than this morning, as we did yesterday, following the elections of the Democratic leadership, and today following the Republican leadership elections. Right away I want to congratulate Senators MCCONNELL, LOTT, KYL, HUTCHISON, CORNYN, and ENSIGN, who will represent our Republican Party in our leadership here in this body.

This afternoon the Senate will conduct a period for morning business. As we speak, we are working on an agreement regarding the U.S.-India nuclear agreement and possible progress on appropriations bills. We finished the MILCON bill yesterday and have other bills sequenced and will be able to address those in short order. We hope to be able to schedule votes for later this afternoon. We also need to act on the short-term continuing resolution which has just arrived from the House. When votes are scheduled, Senators will be notified over the course of the afternoon.

Mr. REID. Mr. President, I note the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

UNANIMOUS-CONSENT REQUEST— S. 3709

Mr. FRIST. Mr. President, I ask unanimous consent that at a time to be determined by the majority leader in consultation with the Democratic leader, the Senate proceed to the immediate consideration of Calendar No. 527, S. 3709, the U.S.-India nuclear bill. I further ask that a manager's amendment to be agreed upon by Senators LUGAR, BIDEN, and FRIST be agreed to as original text for the purpose of further amendment, and that the only other amendments in order be: Ensign regarding inspection, to be considered in closed session; Reed, Levin, Obama, two Dorgan amendments, Feingold, Boxer, Feinstein, Harkin, up to seven Bingaman, Kennedy, and Dodd. I further ask that all amendments except Senator FEINGOLD's be subject to relevant second degrees and that all be related to the subject matter of the bill.

I further ask that once the bill as amended has been read a third time, the Senate then proceed to the consideration of H.R. 5682, the House-passed companion, that all after the enacting clause be stricken and the text of S. 3709 as amended be inserted in lieu thereof, and that the Senate then proceed to a vote on passage of H.R. 5682 as amended with no intervening action or debate. I further ask that following passage of the bill, the Senate insist upon its amendment and request a conference with the House, the Chair be authorized to appoint conferees, and S. 3709 be returned to the calendar.

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

Mr. FRIST. Mr. President, this is the unanimous consent about how we will

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



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handle the U.S.-India nuclear cooperation bill. We are currently in discussion with a number of other agreements that we are attempting to reach in order to plan out activity both today and tomorrow and possibly Friday. With that, we expect to complete our business this week and then following that we will be out until December 4, or that week of December 4. As we look ahead, because we have a number of issues to address, we will be keeping our colleagues notified on both sides of the aisle. There are a number of issues the Democratic leader and I have outlined that we would like to do before we leave in December.

RECOGNITION OF THE DEMOCRATIC LEADER

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

Mr. REID. Mr. President, there are a number of amendments that need to be debated. I would hope Senators understand, it is as if it is Friday afternoon at 2:30 and there are 18 or so amendments on here and they have to come and start debating them. We are going to finish this bill before we leave. That is what the majority leader said. I will cooperate with him in any way I can. This is legislation we have been waiting on for a long time. I hope Senators who have amendments will start debating them.

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

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

RESERVATION OF LEADER TIME

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

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business with Senators permitted to speak for up to 5 minutes each. The Senator from Connecticut is recognized.

IRAQ POLICY

Mr. DODD. Mr. President, I thank the Chair. I may request to speak for a few more minutes than 5, and when the time comes, I will so inform the Chair.

Last week the American people went to the polls across our great Nation. They went not simply to choose new political leaders, but to ask those lead-

ers—Democrats and Republicans alike—to work together for a new and long-overdue direction in Iraq.

There is no doubt that the majority of American voters want change in an Iraq policy that has brought such death and chaos and the prospect of failure. There is no doubt that they want us to speak honestly about the current failures and boldly about the way through the present crisis. But it is also very clear that Americans are not defeatists. They want success in Iraq, they want our troops to succeed, and they want them to come home.

I note as I speak here there are hearings occurring in the Armed Services Committee. I commend Senator WARNER and Senator LEVIN for holding such a hearing. They heard this morning from some of our leading military figures. This afternoon there will be additional witnesses appearing before them. So I am very conscious that a lot of people are thinking about this issue now and that we hope to come up with some positive suggestions on how we might come to a successful conclusion of this policy—a policy, I might add, that is in deep jeopardy of failure.

In that respect, the message of the American people was one of hope: that years of strained, painful debate can give way to American pragmatism; that leaders can find in national security not a political cudgel but a political consensus; and that Iraq, even now, is not past salvaging, if we right our course immediately.

I hope the resignation of Secretary Rumsfeld is a sign that the White House has heard that message. But I would add very quickly that it is not enough to change the leadership at the Pentagon when a week ago Sunday the Vice President of the United States proclaimed that we intend to go, and I quote him, “full-speed ahead” in Iraq. The President must fundamentally change our Iraq policies if we are to reverse the downward spiral into chaos that threatens the territorial integrity of that country and our larger regional security interests—as well as the success of our war on al-Qaida and international terrorism.

In the midst of an election season, some of America's best foreign policy minds were working diligently to find that new direction. We are lucky to have two distinguished former public servants to chair the Study Group on Iraq: the former Secretary of State James Baker and the former Chairman of the House International Relations Committee, Lee Hamilton. Their group of experts is striving diligently to find consensus on a set of policy recommendations to put before the President and the Congress of the United States. It is painful work, but it is necessary work. And the tragedy of Iraq—over 30,000 injured troops, hundreds of thousands of innocent Iraqis dead, more than 2,800 of our fellow citizens in uniform killed—the tragedy of Iraq demands nothing less than a new direction and some new thought.

It will take every dram of our honesty and pragmatism to turn around a society that—despite \$400 billion of taxpayer money, \$250 million every single day and still counting—remains broken, crippled, and fractured. The Iraqi economy is in worse shape today than it was in March of 2003. Electric and water treatment capacity, oil production, access to clean water, are all below prewar levels. America has spent \$14 billion training and equipping 300,000 Iraqi police and security forces; yet today as I speak on the floor of this Chamber, some 23 separate sectarian militias alone operate with impunity throughout Baghdad. Sectarian killings continue largely unabated, averaging scores of deaths a day.

These realities mean that none of us should underestimate the difficulties ahead. We need to recognize—every single time we talk about this matter—the remarkable service being performed by our men and women in uniform. Theirs is a very difficult job. Anyone who has been there, regardless of his or her views on policy, has to admire immensely the courage and determination of these people as they go out every single day, facing the kinds of problems that are everywhere in the streets of Baghdad, Fallujah, and other major urban areas. So I do not underestimate the tremendous burden these people bear every single day, as too often they become nothing more than target practice for those who seek to gain the upper hand in Iraq.

Nor do I underestimate the difficult task facing Jim Baker, Lee Hamilton, and their colleagues on this task force that is determined to find some answers to Iraq. They know, as I do, if there were any easy solutions we would have discovered them by now. It may be that members of the Baker-Hamilton commission will not be able to arrive at a consensus. I hope that is not the case. But I have no doubt that their efforts are taking place in a constructive and bipartisan spirit and we here should do everything we can to follow their example in the weeks and months ahead.

I hope to add briefly to that debate by sharing some of my own thoughts this afternoon. Taken individually, none of these proposals that I am going to discuss are groundbreaking or earthshattering in any way. A sound foreign policy rarely is. But after a war sparked by ideology and grand theorizing, maybe we can once more learn the value of quiet virtues. Taken together, I believe these suggestions might help to reverse the ongoing spiral into violence and chaos, permit the phased redeployment of U.S. troops within and from Iraq, and secure America's regional interests to the greatest extent.

Clearly, our interests are in disrepair, and other regions cry out for attention. We are further away from stabilizing Afghanistan and dealing a mortal blow to our al-Qaida and Taliban enemies. In fact, drug traffickers and

tribal warfare now threaten to destroy the fragile foundation of Afghanistan's nascent democracy and the Taliban is stronger now than at any point since our invasion.

This summer an emboldened and defiant Iran launched a proxy war against our ally Israel; and the apocalyptic mullahs are undeterred in their pursuit of nuclear weapons.

Last month North Korea claimed to have tested a nuclear weapon of its own, a further example of our country's growing vulnerabilities, a further cost of this administration's fixation on Iraq. While we have been bogged down in that country, North Korea has taken the chance to expand its nuclear arsenal fivefold.

Al-Qaida, Afghanistan, Iran, North Korea—the conclusion is irrefutable: America is less safe today because of our Iraq diversion. That is precisely why so many voices among our civilian and military leadership are calling upon the President to change course in that country.

I believe there are five key ingredients to any course change that we must take: establishment of internal security in that country; phased redeployment of United States forces; continued training of an independent, professional military and security force for Iraq; a strong central government; and regional and international engagement.

Let me first talk briefly about security. I think we must continue to recruit and train forces that reflect Iraq's ethnic diversity, forces that are capable of neutralizing sectarian militias and are able to restore and maintain domestic stability. Without that, nothing is likely to happen. But I believe the hour has arrived when Iraq must assume the responsibility for policing itself. At great cost, the United States has given the Iraqi people the chance for a much brighter future. Now they must seize it. There is not a treasury deep enough nor an army large enough to achieve this goal if the Iraqi people themselves lack the will to achieve it for themselves.

Second, redeployment. "More troops or fewer troops" is a sterile debate. The reality is that in cities such as Baghdad and Falluja, our soldiers are going door to door like a police force on the front lines of religious violence, and they need to be removed from that fruitless exercise. Our troops should be relocated from these larger urban zones to less populated regions and border areas where they can more effectively advance our strategic interests: continued training of Iraqi forces and the protection of Iraq's territorial integrity until Iraqis can do so for themselves.

Remaining United States forces should be repositioned to United States bases in Kuwait and Qatar, where they could be available to protect American interests if they should be called upon, and to Afghanistan, where we must redouble our efforts to capture bin Laden, dismantle al-Qaida and neu-

tralize the Taliban and the drug lords who are funding them.

These movements must begin immediately and continue over the next 12 to 18 months, in concert with our efforts to enhance the stability of the Iraqi Government, engage Iraq's neighbors, and build a better and more secure life for the people of that country.

Third is professional military and security forces. Iraq will never be unified as a sovereign and secure nation until all of its citizens can count on the Iraqi forces to be capable of maintaining internal stability and protecting the nation's territorial integrity. But no Iraqi Army can ever meaningfully stand up when Iraq's political atmosphere remains so poisonous.

Which leads me to my fourth point, unity government. Our commanding generals have rightly concluded there is no military solution to Iraq's unfolding civil conflict. Only a political solution which unifies all Iraqis around a common cause will save Iraq from becoming a failed state.

So, along with the training of Iraqi troops, I believe we must tackle Iraq's political chaos, because only stability will be the cornerstone of a prosperous nation.

Finding common cause must come first and foremost from within Iraq. It must come from Iraq's secular and religious leaders, leaders such as Ayatollah Sistani. We need Iraqis like him at the table and the United States needs to encourage more acts of leadership by him and others.

Our political goals for Iraq are clear. Though Iraq's constitution is federal, with local flexibility for provinces, we must insist on a stable and unified central government, capable of distributing resources to its citizens on a just basis. Iraq's oil must be shared equitably. At the end of the day, Iraq may end up a divided and partitioned state where sectarian influences govern; but that should not be our stated policy. Nor should we allow short-term political expediency to keep us from disbanding sectarian militias. Our failure to confront them head-on forces uncountable Iraqis to live in daily fear for their very lives.

That said, I believe we should not preclude the possibility of integrating ex-militia members into the professional Iraqi military—but only if they be vetted and retrained first.

Fifth and finally, regional and international engagement. Iraq's neighbors have a huge stake in a stable and competent Iraq. If there is one thing that unites all of the nations bordering Iraq, it is the fear that Iraq will splinter into fractured enclaves with dedicated sectarian militias that will not only terrorize each other but threaten the stability of the nations that border them.

It is for that reason that the administration should find willing partners—if it were willing to look. Iraq's neighbors, as well as regional international organizations can help Iraq toward

unity and stability—not from the goodness of their hearts but from the fact of their interest. Regional powers such as Turkey, Iran, Syria, and Saudi Arabia could be enormously useful to us as mediators—a "Friends of Iraq" group, committed to ensuring the integrity of its borders, the disbanding of the militias, and the unity of its government.

When it comes to protecting our security, we must be as willing to wage diplomacy as we have been willing to wage war. Robust, muscular, and direct negotiations are not gifts to our enemies. They are the essential tools of avoiding conflict and securing peace and stability.

We are reminded of the eloquence of John Kennedy, who said many years ago, "Let us never negotiate out of fear. But let us never fear to negotiate."

Further, rebuilding Iraq's economy should be a part of any regional and international rescue mission. The Iraqi Government has formally requested help from the United States to develop an International Compact for Iraq. This compact could serve as a blueprint for a new partnership with the international community, one aimed at consolidating peace and pursuing political, social, and economic development over the next five years.

There are no guarantees, of course. Iraq is broken. The policies of the Bush administration, in my view, have sadly failed. But last week's elections have given us the gift of opportunity—to chart a new course in Iraq if we are honest enough, tough enough, and bold enough to find it.

Reducing and withdrawing our troop presence. Restoring security. Supporting the development of a unified Iraqi Government. Enlisting Iraq's neighbors and the international community. Creating economic activity in that shattered country. If we take these steps, or ones like them, we can serve our larger interests in peace and prosperity and security, not only for the Iraqis but, as importantly, for ourselves. We can begin to redeem a great harm.

The American voters have asked this of us. While they don't have a specific plan in mind, they want us to come together, to chart a new course, to make some sense, to be rational and think about the importance not only of Iraq getting on its feet—but of our nation meriting its vital role in the world. No other nation in the 21st century is going to lead but this great nation of ours. Other nations down the road may assume that responsibility, but as far as I can see, only one nation can lead now—and it is ours. And if we continue on the path we are following today in Iraq, that mission will be far more difficult to fulfill.

So far more is at risk here than just what happens in Iraq. We risk failing the calling of leadership itself.

Anything I suggested here, I know others have raised. But I came here today, above all, to ask a question:

Who is thinking about this in a concrete way? I trust that Jim Baker and Lee Hamilton are. I hope that my colleagues are.

You may not like all of my ideas. You may reject all of them. But whatever ideas come to the fore, let us debate the substance in tolerance and good faith, open to new thinking and hungering for new action.

The American people are watching us, wondering if we have heard their call for a new way forward. The Iraqi people are watching us, wondering if their united country can still survive and succeed. Americans and Iraqis both want what it is within our power to give them: hope.

Again, I thank the President for his indulgence in providing a little more time.

I yield the floor.

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

TAX EXTENDERS

Mr. NELSON of Florida. Mr. President, I rise to address two matters that will be taken up by the Senate in this lameduck session. The first will be after we come back from the Thanksgiving holiday. We will be taking up a tax bill that will include a group of what we call tax extenders. These are tax breaks that are in existing law which are running out of time. They are going to cease to exist by the 1st of the year, unless we extend these tax breaks. One of those tax breaks is very important to our State of Florida. In fact, six States in this Union do not have a personal income tax at the State level. Whereas, those 44 States that do have the personal income tax are able to deduct that State income tax in the calculation of their Federal income tax, in those six States that do not have the State income tax, they have no such deduction. But their main revenue stream is a State sales tax.

The deduction of that State sales tax has been a major help to constituents in those six States, including my State of Florida. It has saved, for example, the people of the State of Florida \$750 million per year in Federal income taxes by being able to deduct their Florida State sales tax.

It is my understanding that this is all worked out; that, in fact, we are going to be able to extend all of these tax extenders and that it will be done in the week of the lameduck session when we come back after the Thanksgiving holiday. That, of course, is enormously important.

I had a hand, along with Senator HUTCHISON of Texas, in passing that bill to begin with, but that bill was effective for 2 years. That 2 years is about to expire at the end of this calendar year. So we certainly need that extended.

PRESCRIPTION DRUG AMENDMENT

Mr. NELSON of Florida. Mr. President, I also want to speak on a matter

that Senator VITTER and I will introduce shortly, for there will be in front of the Senate an appropriations bill that will fund the Food and Drug Administration. Senator VITTER will offer, on behalf of himself and myself, an amendment that we had offered to the Senate on a different appropriations bill several months ago—and passed—that would allow Americans to purchase low-cost prescription drugs from Canada.

Every year, millions of Americans, who cannot otherwise afford their prescriptions at pharmacies, seek those same FDA-approved prescriptions from Canada at significantly lower prices.

Back in July, Senator VITTER and I introduced a separate amendment on this issue to the Department of Homeland Security appropriations bill. Our amendment prohibited Customs from stopping the importation of FDA-approved prescription drugs by American citizens.

The amendment was in response to a new policy implemented by U.S. Customs which resulted in over 38,000 prescription drug shipments being detained by Federal officials. Our amendment received overwhelming bipartisan support when it was added to the Senate bill.

This Senator started receiving complaints as far back as 2½ years ago. They had been ordering prescriptions from Canada for years, and suddenly Customs was confiscating their prescriptions. Customs has admitted that it was to the tune of almost 40,000 prescriptions.

To a senior citizen who is so desperate to make financial ends meet—and, in fact, sadly, in America in the year 2006, some senior citizens are having to make a choice because of their financial condition between buying their groceries or buying their prescription medicines. They are forced to do things such as cutting their medicine tablets in half to try to stretch it out when, in fact, their doctor tells them that is not what they should be doing. Yet it is happening.

Over and over again, seniors have been able to order from Canadian pharmacists at half the cost of their prescription medicine. It is not a question of safety because it is made by the same manufacturer and even with the same packaging.

Back in the summer, Senator VITTER and I saw an opportunity on an appropriations bill to prohibit Customs from using the appropriated moneys for the seizure of those kinds of individual purchases for a small duration of time—no more than a 90-day supply of their prescriptions and only from Canada.

We passed it in the Senate overwhelmingly. It goes down to a House-Senate conference committee, and they watered down that provision to say that it can be done to bring those small, limited, individual supplies of prescription drugs from Canada but only if you bring it personally back from Canada.

That may help my two colleagues who are from the State of North Dakota because they are right next to the Canadian border. But clearly for the States of Senator VITTER and myself and the States in the Southeastern United States, that doesn't help at all, particularly since some of our seniors have been accustomed to ordering these much less expensive drugs by mail or by e-mail or by telephone calls.

When it got to the conference committee, they watered down the provision. That is what we are going to address today. I am waiting on Senator VITTER to come to the floor so we can offer this amendment.

We have a new opportunity on an appropriations bill that includes the Food and Drug Administration appropriations. This does not assure Americans access to lower cost medications from Canada, since the FDA can still hold up the imports if they choose to do so under current law. That is why we are going to add this amendment to prevent the FDA from interfering with the importation of prescription drugs from Canada.

A little bit of good news came out the last time we tried to do this with regard to the Customs Department. In October, Customs threw up its hands and said: We have more important things to do on the huge import of drugs that are counterfeit. That is what we are going after. We are not going to confiscate these individual purchases of a 90-day supply or less which are prescriptions from Canadian pharmacists.

With that as a precedent, it would seem to me that the Senate would certainly go along with us and put this in the law right now with regard to the FDA to make sure that this policy is very clear.

When Congress returns in January, we should look at, additionally, what is introduced by my colleague who is on the floor now, Senator DORGAN, and Senator SNOWE, the Pharmaceutical Market Access and Drug Safety Act.

This bipartisan bill, which I support, is going to set up a comprehensive system for importation of prescription drugs which will further help our senior citizens on lower prescription drug costs.

Ultimately, we will have to debate the very essence of the problem in Medicare prescription drug benefits, Part D benefits. That is going to be a whole new debate that we will have out here on how to fill the doughnut hole which some people say would cost something like \$26 billion. But there is a way to do that—by allowing Medicare to do what other parts of the Federal Government have done for years, including the Veterans' Administration and the Department of Defense; that is, use the bulk purchasing power to negotiate lower prices for drugs.

As most people know, that was prohibited in the Medicare prescription drug benefit. But I think we are going to be addressing that because that is a

huge stake in the heart of the purchasing power of Medicare for 43 million senior citizens to be able to negotiate those prices down by bulk purchases.

It is clearly time for the Congress to stand up for our constituents and to help lower these prescription drug prices.

I am looking forward to working with Senators in a bipartisan way to embrace this Vitter-Nelson amendment.

Thank you.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from North Dakota.

Mr. DORGAN. Mr. President, my colleague from Florida was describing the issue of prescription drug pricing in our country—an amendment that would be offered to a subsequent appropriations bill dealing with the FDA and its enforcement of the reimportation of prescription drugs.

Let me point out, as he properly said, that Senator SNOWE and myself and others, a large bipartisan group, Senators MCCAIN and KENNEDY, introduced legislation—and have been blocked from having it considered for some many months in the Senate—dealing with the comprehensive approach to reimportation of FDA-approved drugs.

The American consumer is now charged the highest prices for prescription drugs in the entire world. Let me say that again. The American consumer is charged the highest prices for prescription drugs anywhere in the world. It is not fair. That pricing policy has to change. One of the ways to change it will be to put downward pressure on pricing in this country by allowing American consumers to access those identical FDA-approved drugs, some of which are actually made in this country; to reimport them from other countries, FDA-approved, made and manufactured in manufacturing plants approved by the FDA.

My colleague talked about Canada and the United States. That is an obvious issue. My State borders Canada, and we see people coming back and forth going to Canada to purchase prescription drugs, in some cases for one-tenth the price they are charged in this country.

We need to find a way to pass the comprehensive legislation. My colleague from Florida cosponsored that bill and worked with us on it—myself, Senator SNOWE from Maine, Senator MCCAIN, Senator GRASSLEY, Senator KENNEDY, a pretty significant bipartisan group in the Senate. We have not had a vote on that only because it has been blocked. We will have a vote on that in the next session of Congress if we are not able to offer it in the coming weeks. In the next session of Congress, we will have a vote on it.

We will have very substantial numbers in the Senate supporting that legislation. When we do, it will be good news for American consumers who now pay the highest prices in the world for

prescription drugs. That is unfair. I certainly support the amendment that deals with a funding limitation that would be offered as described by my colleague from Florida. That in itself does not solve the larger problem. He has indicated that. I believe Senator VITTER would indicate that as well. It is a step in the right direction.

I am supportive of it with the understanding that we will have a more comprehensive piece of legislation on this issue which will be introduced, will be offered, and will be voted on with a very large majority in the Senate. The House of Representatives has already demonstrated its support for such a plan. If we can't get it done in the lameduck session, as soon as we turn the calendar and begin a new year, I am convinced we will get this done.

I appreciated the words of my colleague from Florida.

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

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

The senior Senator from North Dakota is recognized.

FARMER DISASTER ASSISTANCE

Mr. CONRAD. Mr. President, yesterday I withdrew an amendment to provide disaster assistance to farmers and ranchers for the disasters of 2005 and 2006. I did so on the basis of an assurance by the majority leader that is in the RECORD very clearly: we would go to the Agriculture appropriations bill today, I would have a chance to offer my amendment today, the rights of all Senators were protected, and that they would have their rights. Now I am told there is an objection to going to the Agriculture appropriations bill.

I say to my colleagues, that leaves me with no alternative but to object to other business. I, in good faith, removed my amendment yesterday, took it down, with the assurance—and that is in the RECORD, very clearly in the RECORD—from the majority leader, the assurance that we would go to Agriculture appropriations today. I alert my colleagues I kept my word. I would hope others would keep theirs.

If that is not to be, I will be in a position in which I will be objecting to any other business coming before the Senate. If they want to have a live quorum, we can go through that exercise, but we will go through it repeatedly. This is not fair. It is not right. We have tried repeatedly to get this bill up so we can have a vote. It has previously passed the Senate with 77 votes in favor.

What we are asking for is not unreasonable. We have reduced the cost dra-

matically. Here, a person's word is their bond. I kept my word. I am expecting others to keep theirs.

The ACTING PRESIDENT pro tempore. The Senator from North Dakota.

Mr. DORGAN. Mr. President, my colleague was on the Senate floor yesterday, as I was, and he was offering an amendment on the Military Construction appropriations bill dealing with agricultural disaster. In exchange for withdrawing that amendment on the Military Construction bill, he was given some assurance that the Agriculture appropriations bill would come next to the Senate and he would be able to offer that amendment on the Agriculture appropriations bill.

Let me, first of all, support my colleague, Senator CONRAD. He knows and I know that the Agriculture appropriations bill includes a disaster piece that I added in the committee many months ago. That amendment I offered in the committee was one we had worked on with Senator CONRAD and many other Senators on a bipartisan basis. It was Senator CONRAD and myself who were recognized in the committee to offer the agricultural disaster plan. That was in the spring of this year.

Subsequent to that, we have now had a very substantial drought that has enveloped a fair part of this country, devastating some additional crops, and we have not been able to get the Agriculture appropriations bill back to the Senate so we can make an adjustment to the disaster plan for farmers, an adjustment to include the 2006 disaster, but we have not been able to get it to the floor of the Senate. That is why my colleague, Senator CONRAD, offered it yesterday as an amendment to the Military Construction bill. We have already passed it twice in the Senate; that is, an agricultural disaster plan.

Two times I added it in the Appropriations Committee. On two occasions—I believe both were with supplemental bills—both occasions we went to a conference with the House of Representatives. I had money in for a farm disaster plan. In both circumstances, we went to the conference; the Senate conferees, at my request, had a vote, insisted on the Senate position which included an agricultural disaster plan for family farmers who got hit with the weather disaster; and on both occasions the President threatened a veto and got the House conferees, at the request of the Speaker, to object. Therefore, twice it got knocked out in a conference.

The third time now, I have added the farm disaster piece to the Agriculture appropriations bill. We did that before this growing season in which we had a very devastating drought, so that needs to be adjusted.

My colleague, Senator CONRAD, is offering the farm disaster piece that would try to reach out to those family farmers who now do not know whether they will be able to continue farming, reach out with a helping hand to say: You are not alone. We cannot make

you whole, but we can help you during a tough time.

This Congress has already said to the farmers in the Gulf of Mexico: You will get disaster aid because you got hit with Hurricane Katrina and you lost your crops. You get disaster aid. This Congress has essentially said to other farmers and this President has said to other farmers: You might have lost all of your crops from a drought or a flood, but it didn't have a name named "Katrina." It is not like a hurricane, it is not named; therefore, you are not going to get any disaster help—just those who got hit with Hurricane Katrina and lost their crops. That is not fair. No one in this country would think that is fair.

So what we are trying to do—I in the Committee on Appropriations and my colleague, Senator CONRAD, here in the Senate with this amendment—is to say to farmers who are out there wondering: Will our family be able to continue on the farm next year? Will we be able to do spring planting? Will we have the capability to put a crop in? At this point, the answer for many of them, thousands of them, is: No, we are not going to be able to continue farming because we had a disaster. Where a crop should have existed on our land, there was barren land, no seeds, no crop.

It used to be in our farm bill we had a disaster title. When a disaster occurred, we, with that disaster title, could say to farmers: We want to help you. Now there is no disaster title in the farm bill, and each year when there is a disaster we have to reach out to try to create a disaster bill.

This country goes almost every place in the world to help when there is trouble. What about at home? What about when there is trouble on the family farm? I know that is far from the city lights and far from the cameras, but the fact is, that is real trouble for families whose dream is about to end because they cannot continue farming. Why? Is it because they mismanaged? Is it because they are not good farmers, because they can't grow a crop? No. It is because a drought came around and destroyed everything on their farm or it is because a flood came and washed it away.

In 2005, in parts of our State, there were over a million acres that could not be planted—think of that—could not be planted at all, and nearly another 1 million planted acres and all the seeds were washed away with torrential rain where one-third of a year's worth of rain fell in 24 hours. Think of that. Then you say to those farmers: You know what. Tough luck. You are on your own.

That is not the way this country has dealt with farmers. We have always believed there is value and importance in having farmers on the land farming and creating America's food supply. We have always said: We want to have a bridge across troubled times for you. When price depressions occur, when

natural disasters occur, we want to create a safety net for you. We have always done that.

Now what happens with disasters, with no disaster title in the farm bill, we face a situation where, because of two years—2005, with substantial flooding, and in 2006, a protracted drought in some significant areas of the country—we face a prospect of losing a great many family farmers just because this country will have said—if we do not do what Senator CONRAD and I and others want to do, this country will have said: It doesn't matter. The only farmers we will help are in the gulf region, those who were hit by a hurricane. Some of my colleagues have said it is tempting to name a drought. Give it a name, if that is what is required here. Give these natural disasters a name. We do with hurricanes.

My colleague is suggesting the right remedy. We have, apparently, some people saying we need to go to another piece of legislation. Perhaps there is the India nuclear agreement.

My colleague says, properly—and I was in the Senate when this exchange took place—my colleague says: Yesterday, I withdrew my amendment from the Military Construction bill—and he did—and I heard the discussion as a result of his withdrawing that amendment. I believe there is an understanding that the next piece of legislation we go to, which would be this afternoon, is the Agriculture appropriations bill. That will give him the opportunity—and me and others—to both introduce and speak to farm disaster aid that is long overdue, that should have been done long ago.

Senator CONRAD has indicated that he would object to other procedures and other proceedings unless we reach an understanding of going to the Agriculture appropriations bill. I certainly support that and would be in the Senate with him, prepared to object, just as he would.

That is the background. That is the story. My colleague, Senator CONRAD, is perfectly within his rights. He is absolutely accurate in terms of what we understood when we left the Senate yesterday.

I yield the floor.

The PRESIDING OFFICER (Mr. DEMINT). The Senator from North Dakota.

Mr. CONRAD. Mr. President, I thank my colleague, Senator DORGAN, and I also point to the RECORD, the RECORD from yesterday, page S. 10900. It says:

Mr. CONRAD. Mr. President, I notice the majority leader has returned to the floor. I tried to recount for our colleagues the status of our discussion, and the understanding that we had reached, that I would withdraw my amendment from this bill with the understanding that we would go to the Agriculture Appropriations bill tomorrow and have a chance to offer it there. All Senators' rights would be reserved. That is the status of it. I just ask if that is the majority leader's understanding. If it is, I will then be willing to withdraw my amendment for the Military Construction bill and we can conclude that.

Mr. FRIST. Mr. President, in the last hour or so we have had numerous discussions on the floor, as our colleagues have observed, and many participated in the discussion. My understanding and the general agreement we have is to go to the Agriculture Appropriations bill tomorrow. That does facilitate the progress we need to make on the current bill that is on the floor, which I hope and expect to be able to finish tonight. If that is the case, we plan on going to the Agriculture bill tomorrow. All rights would be reserved for all Senators, of course. We don't have an agreement, but that is the intention.

The disaster aid relief bill is very important and has been talked about by Republicans and Democrats and we expect to debate it tomorrow. It is a more appropriate place for this amendment. So I think this is a good understanding.

Mr. President, I withdrew my amendment based on that understanding. I did it in good faith. I did it to accommodate my colleagues. I did it so other legislation could move. But now I am told the agreement is not going to be kept. That is not acceptable. That is just not acceptable. That puts me in the position now of having to object to proceeding to other business. I have no alternative but to do that.

I am here representing thousands of farm families across our State and really right down the heartland of the country. We have 26 cosponsors for this legislation, totally bipartisan, about as many Republicans as Democrats on the bill because we have had the third worst drought in the country's history. That is the reality.

I have a letter on my desk from a man talking about the disaster. And in that letter he said to me—this is from last year when we had terrible flooding—he had 26 inches of rain over a very short period of time. The result was he had no production, and he lost \$120,000. Even with the crop insurance, it did not come close to covering his bills, and that he and his wife and his family were going to be forced off the land if there were not some assistance.

Let me just recount the history. Always in our past when anyone suffered from natural disaster in this country, anywhere, Congress responded. Congress responded. We responded when there was Hurricane Katrina. We responded when there was Hurricane Rita. In fact, this gentleman says: I urged our delegation to support the victims of Hurricane Katrina. We suffered the same kind of loss here, a complete economic loss, but there were no news cameras seeing our disaster. We had a slow-motion disaster but every bit as devastating.

The question is, Are those people going to be given any kind of helping hand, the kind of thing we have done repeatedly in the past?

Now, we don't budget for disasters. Some have said it is a budget buster. No, it is not. No. 1, there is no budget. No. 2, to the extent we have agreed on guidelines for spending, it has always been understood, it has always been the case for the 20 years I have been here that natural disasters are treated separate and apart from the budget. It

is very hard to budget for natural disasters. Nobody knows the extent or when they will occur. As a result, we have always dealt with disaster spending as an emergency outside the budget.

Now, how much money is being talked about here? Mr. President, \$4.5 billion for 2 years of disasters. And this is a national bill. This is not restricted to one region, one location. This will assist anybody who had a loss of at least 35 percent. And if you have a loss of at least 35 percent, only then do you start to get any assistance; and then you only get a percentage of the loss, 50 percent covered. So you get nothing on the first 35 percent of loss, nothing. Only if you have a loss of at least 35 percent do you get anything. If your loss is over 35 percent, you will get assistance on a highly restricted basis.

The bankers of my State have told me if this kind of assistance is not forthcoming, 5 to 10 percent of the farmers and ranchers in our State will go out of business, not because of any fault of theirs, but because of the most incredible swing in weather that we have ever seen.

Last year, we had flooding that prevented a million acres from even being planted. It was not even planted. This year, we have had the third worst drought, according to the scientists, in our Nation's history, a drought that Senator DORGAN and I saw firsthand in a tour with our Governor and agricultural leaders of our State.

I even saw irrigated corn—irrigated corn—in which the ears never filled out because the heat was so unbelievably intense. In one day in my hometown, it was 112 degrees. I am not talking about the heat index. I am talking about the actual temperature, 112 degrees.

In July and August of this last year, we had extreme temperatures day after day after day, and no rain. It was devastating. And it is just not my State. It is right down the heartland of the country: South Dakota, Nebraska, Oklahoma, Texas, over into Minnesota, Montana.

There are 26 cosponsors of this bill. It is fully bipartisan. This legislation has passed overwhelmingly in the Senate with 77 votes.

So I just say to my colleagues, I was given a commitment yesterday that we would go to the Agriculture appropriations bill today, and that I would have a chance to offer my amendment; that Senators could raise any objections they might have. They could raise a rule XVI objection. By the way, we now know that would not lie against our bill. We also know that they could raise a budget point of order. That would require a supermajority vote. We are fully prepared to do that and to accept the will of the body.

But what is not fair is not to have a vote. And what is especially not fair is not to keep the commitment that was made yesterday publicly and privately that we would go to the Agriculture appropriations bill today and have an

opportunity for a vote. That was the commitment that was made. This leaves me with no alternative but to object to going to other business. I will make that objection. And if I have to do it repeatedly, I will make it repeatedly.

With that, I yield the floor.

Mr. REID. 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. CONRAD. 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. CONRAD. Mr. President, I ask unanimous consent that Senator LAUTENBERG be recognized for 10 minutes and that I be recognized at the end of that period.

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

The Senator from New Jersey.

HONORING OUR ARMED FORCES

Mr. LAUTENBERG. Mr. President, I thank the Senator from North Dakota for enabling me to make some remarks about the war and where things are as we see them.

It has been more than a month since we were last together in the Senate. While we were out of session, the war in Iraq continued to rage. We in the Congress had the pleasure of going home to our families, our friends, familiar circumstances and surroundings. Our troops in Iraq, however, didn't have that opportunity while we were off, so to speak, for almost 6 weeks. Everyone knows that we did work at home, but we were in familiar, safe territory. The troops were in harm's way, trying to bring order to a country in absolute chaos.

Tragically, many of our people there did not survive since the Senate was last in session. During the recess, America lost 157 brave men and women in combat, 146 in Iraq and 11 in Afghanistan, and 649 were seriously wounded. Most of us have been to Walter Reed and the naval hospital in Bethesda and had opportunities to talk to some of those people who are so seriously wounded, some limbless, some sightless. Their pain goes way beyond that which is directly part of their wound; their pain goes on for the rest of their lives.

Now here we are, almost at Thanksgiving. Americans are looking forward to sharing a holiday with family and friends. But in this season of giving and cheer, we have to find a serious way to give some cheer, some recognition for the sacrifices of our soldiers. Outside my office, I have found a way to express thanks to them. We have established a photographic display of those who have lost their lives. It is called the "Faces of the Fallen." It is visited daily by tourists and others

who search the gallery for people they may have known from a hometown or region.

Today I offer another way to honor our courageous men and women. I am going to place the names and hometowns of the 157 troops that we lost since the Senate was last in session in the CONGRESSIONAL RECORD.

Too often when we talk about our fallen troops, they become faceless, if it is not your family, statistics, but we don't want that anymore. We want to recognize, and the American people want to recognize, what is really happening to the fathers, mothers, sisters, and children. They are our children, and many have children of their own.

Among those who perished are PFC Donald S. Brown, 19 years of age, from Succasunna, NJ. I attended his wake 2 weeks ago, met with his family, and LCpl Christopher B. Cosgrove III of Cedar Knolls, NJ. There are many more New Jerseyans who have perished there. The number is almost 80 now. We look around, and they are from States across the country. Almost every State has seen the loss of a former resident, someone with roots in that State:

SGT Bryan Burgess of Garden City, MI;
SGT Courtland A. Kennard of Starkville, MS;
CWO Miles P. Henderson of Amarillo, TX;
CPL Kyle W. Powell of Colorado Springs, CO;
SPC James L. Bridges of Buhl, ID;
LTC Paul J. Finken of Mason City, IA;
LCpl James Brown of Owensville, IN;
SSG Jason D. Whitehouse of Phoenix, AZ;
PFC Jason Franco of Corona, CA;
SGT Luke J. Zimmerman of Luxemburg, WI;
SGT Thomas M. Gilbert of Downers Grove, IL;
SPC Nicholas K. Rogers of Deltona, FL;
MAJ David G. Taylor of Apex, NC;
LCpl Eric W. Herzberg of Severna Park, MD;
CPL Joshua C. Watkins of Jacksonville, FL;
SSG Patrick O. Barlow of Greensboro, NC;
CPL David M. Unger of Leavenworth, KS;
SGT Norman R. Taylor of Blythe, CA;
SSG Garth D. Sizemore of Mount Sterling, KY;
2LT Joshua L. Booth of Fiskdale, MA;
PFC Keith J. Moore of San Francisco, CA; and
1SG Charles M. King of Mobile, AL.

There are too many more to read them all now.

I ask unanimous consent that a full list of the 157 persons be printed in the RECORD.

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

FALLEN HEROES DURING THE SENATE RECESS
Sergeant Bryan Burgess, of Garden City, Michigan
Sergeant First Class Rudy A. Salcido, of Ontario, California
Sergeant Courtland A. Kennard, of Starkville, Mississippi
Staff Sergeant Gregory W.G. McCoy, of Webberville, Michigan
Staff Sergeant Richwell A. Doria, of San Diego, California
Lance Corporal Ryan T. McCaughn, of Manchester, New Hampshire

Sergeant Lucas T. White, of Moses Lake, Washington
 Chief Warrant Officer John R. Priestner, of Pennsylvania
 Chief Warrant Officer Miles P. Henderson, of Amarillo, Texas
 Specialist Douglas C. Desjardins, of Mesa, Arizona
 Corporal Jose A. Galvan, of San Antonio, Texas
 Corporal Kyle W. Powell, of Colorado Springs, Colorado
 Second Lieutenant Mark C. Gelina, of Moberly, Missouri
 Specialist James L. Bridges, of Buhl, Idaho
 Lieutenant Colonel Paul J. Finken, of Mason City, Iowa
 Lieutenant Colonel Eric J. Kruger, of Garland, Texas
 Staff Sergeant Joseph A. Gage, of Modesto, California
 Lance Corporal James Brown, of Owensville, Indiana
 Staff Sergeant Jason D. Whitehouse, of Phoenix, Arizona
 Corporal Michael H. Lasky, of Sterling, Arkansas
 Lance Corporal Luke B. Holler, of Bulverde, Texas
 Private Michael P. Bridges, of Placentia, California
 Lance Corporal Minhee Kim, of Ann Arbor, Michigan
 Corporal Gary A. Koehler, of Ypsilanti, Michigan
 Private First Class Kevin J. Ellenburg, of Middleburg, Florida
 Private First Class Jason Franco, of Corona, California
 Sergeant Michael R. Weidemann, of Newport, Rhode Island
 Sergeant Kraig D. Foyteck, of Skokie, Illinois
 Sergeant Michael T. Seeley, of Fredrickton, Canada
 Sergeant Kenneth E. Bostic, of Hawthorne, Nevada
 Lance Corporal Troy D. Nealey, of Eaton Rapids, Michigan
 Sergeant Luke J. Zimmerman, of Luxemburg, Wisconsin
 First Sergeant Ricky L. McGinnis, of Hamilton, Ohio
 Private First Class Donald S. Brown, of Succasunna, New Jersey
 Sergeant Thomas M. Gilbert, of Downers Grove, Illinois
 Private First Class Daniel B. Chaires, of Tallahassee, Florida
 Lance Corporal Jonathan B. Thornsberry, of McDowell, Kentucky
 Petty Officer Second Class Charles V. Komppa, of Belgrade, Montana
 First Lieutenant Amos C.R. Bock, of New Madrid, Missouri
 Hospital Corpsman Charles O. Sare, of Hemet, California
 Lance Corporal Richard A. Buerstetta, of Franklin, Tennessee
 Lance Corporal Tyler R. Overstreet, of Galatin, Tennessee
 Specialist Carl A. Eason, of Lovelady, Texas
 Specialist Nicholas K. Rogers, of Deltona, Florida
 Sergeant Willsun M. Mock, of Harper, Kansas
 Specialist Matthew W. Creed, of Covina, California
 Specialist Nathaniel A. Aguirre, of Carrollton, Texas
 Major David G. Taylor, of Apex, North Carolina
 Lance Corporal Eric W. Herzberg, of Severta Park, Maryland
 Sergeant First Class Tony L. Knier, of Sabinsville, Pennsylvania
 Corporal Joshua C. Watkins, of Jacksonville, Florida

Lance Corporal Nicholas J. Manoukian, of Lathrup Village, Michigan
 Lance Corporal Nathan R. Elrod, of Salisbury, North Carolina
 Lance Corporal Clifford R. Collinsworth, of Chelsea, Michigan
 Staff Sergeant Kevin M. Witte, of Beardsley, Minnesota
 Lance Corporal Edwardo Lopez, Jr., of Aurora, Illinois
 Staff Sergeant Patrick O. Barlow, of Greensboro, North Carolina
 Sergeant First Class Daniel A. Brozovich, of Greenville, Pennsylvania
 Specialist Jose R. Perez, of Ontario, California
 Specialist Daniel W. Winegeart, of Kountze, Texas
 Staff Sergeant Ronald L. Paulsen, of Vancouver, Washington
 Staff Sergeant Jesus M. Montalvo, of Rio Piedras, Puerto Rico
 Specialist Joseph C. Dumas, Jr., of New Orleans, Louisiana
 Corporal David M. Unger, of Leavenworth, Kansas
 Corporal Russell G. Culbertson III, of Amity, Pennsylvania
 Second Lieutenant Christopher E. Loudon, of Brockport, Pennsylvania
 Staff Sergeant Ryan E. Haupt, of Phoenix, Arizona
 Sergeant Norman R. Taylor III, of Blythe, California
 Petty Officer First Class Nathan J. Frigo, of Kokomo, Indiana
 Staff Sergeant Garth D. Sizemore, of Mount Sterling, Kentucky
 Second Lieutenant Joshua L. Booth, of Fiskdale, Massachusetts
 Sergeant Lester Domenico Baroncini, Jr., of Bakersfield, California
 Private First Class Stephen Bicknell, of Prattville, Alabama
 First Lieutenant Joshua Deese, of Robeson County, North Carolina
 Sergeant Jonathan E. Lootens, of Lyons, New York
 Captain Mark C. Paine, of Rancho Cucamonga, California
 Sergeant Brock A. Babb, of Evansville, Indiana
 Lance Corporal Joshua M. Hines, of Olney, Illinois
 Private First Class Keith J. Moore, of San Francisco, California
 First Sergeant Charles M. King, of Mobile, Alabama
 Staff Sergeant Joseph M. Kane, of Darby, Pennsylvania
 Specialist Timothy J. Lauer, of Saegertown, Pennsylvania
 Sergeant Jonathan J. Simpson, of Rockport, Texas
 Airman First Class Leebenard E. Chavis, of Hampton, Virginia
 Lieutenant Johnny K. Craver, of McKinney, Texas
 Private First Class Kenny F. Stanton, Jr., of Hemet, California
 Private First Class Thomas J. Hewett, of Tempe, Texas
 Sergeant Gene A. Hawkins, of Orlando, Florida
 Sergeant Justin T. Walsh, of Cuyahoga Falls, Ohio
 Captain Shane T. Adcock, of Mechanicsville, Virginia
 Sergeant Nicholas R. Sowinski, of Tempe, Arizona
 Lance Corporal Shelby J. Feniello, of Connelleville, Pennsylvania
 Lance Corporal Derek W. Jones, of Salem, Oregon
 Lance Corporal Jon Eric Bowman, of Dubach, Louisiana
 Private First Class Phillip B. Williams, of Gardnerville, Nevada

Captain Robert M. Secher, of Germantown, Tennessee
 Private First Class Shane R. Austin, of Edgerton, Kansas
 Lance Corporal Stephen F. Johnson, of Marietta, Georgia
 Sergeant Julian M. Arechaga, of Ocean-side, New York
 Lance Corporal Jeremy Scott Sandvick Monroe, of Chinook, Montana
 Specialist Timothy Fulkerson, of Utica, Kentucky
 Specialist John Edward Wood, of Humboldt, Kansas
 Staff Sergeant Lawrence Parrish, of Lebanon, Missouri
 Corporal Carl W. Johnson II, of Philadelphia, Pennsylvania
 Sergeant Brandon S. Asbury, of Tazewell, Virginia
 Lance Corporal John Edward Hale, of Shreveport, Louisiana
 Corporal Bradford H. Payne, of Montgomery, Alabama
 Corporal Nicholas A. Arvanitis, of Salem, New Hampshire
 Corporal Benjamin S. Rosales, of Honston, Texas
 Lance Corporal Edward M. Garvin, of Malden, Massachusetts
 Staff Sergeant Christopher O. Moudry, of Baltimore, Maryland
 Specialist George R. Obourn Jr., of Creve Coeur, Illinois
 Specialist Timothy Burke, of Hollywood, Florida
 Private First Class Dean Bright, of Roseburg, Oregon
 Staff Sergeant Jonathan Rojas, of Hammond, Indiana
 Staff Sergeant Daniel Isshak, of Alta Loma, California
 Sergeant Joseph W. Perry, of Alpine, California
 Corporal Michael K. Oremus, of Highland, New York
 Specialist Justin R. Jarrett, of Jonesboro, Georgia
 Staff Sergeant James D. Ellis, of Valdosta, Georgia
 Specialist Raymond S. Armijo, of Phoenix, Arizona
 Specialist Kristofer C. Walker, of Creve Coeur, Illinois
 Private First Class Satieon V. Greenlee, of Pendleton, South Carolina
 Staff Sergeant Joe A. Narvaez, of San Antonio, Texas
 Sergeant Denise A. Lannaman, of Bayside, New York
 Sergeant Mario Nelson, of Brooklyn, New York
 Sergeant Chase A. Haag, of Portland, Oregon
 Captain Justin D. Peterson, of Davisburg, Michigan
 Lance Corporal Christopher B. Cosgrove III, of Cedar Knolls, New Jersey
 Corporal Aaron L. Seal, of Elkhart, Indiana
 Corporal Luis E. Tejeda, of Huntington Park, California
 Sergeant Kampha B. Sourivong, of Iowa City, Iowa
 Sergeant First Class Scott E. Nisely, of Marshalltown, Iowa
 Corporal Robert Weber, of Cincinnati, Ohio
 Petty Officer Second Class Michael A. Monsoor, of Garden Grove, California
 Private First Class Christopher T. Blaney, of Winter Park, Florida
 Sergeant Charles J. McClain, of Fort Riley, Kansas
 Private First Class Alex Oceguera, of San Bernardino, California
 Major Douglas E. Sloan, of Charlevoix, Michigan
 Specialist Isaiah Calloway, of Jacksonville, Florida

Staff Sergeant Kyu H. Chay, of Fayetteville, North Carolina

Private Michael V. Bailey, of Waldorf, Maryland

Specialist Jason A. Lucas, of Columbus, Ohio

Chief Warrant Officer Scott W. Dyer, of Cocoa Beach, Florida

Specialist Fernando D. Robinson, of Hawthorne, California

Angelo J. Vaccaro, of Deltooa Florida

Mr. LAUTENBERG. I want their families to know that they can find their names in the permanent RECORD. Around many dinner tables across the Nation this Thanksgiving, the conversation will no doubt turn to the Iraq war. By this Thanksgiving, we will have been at war in Iraq as long as we were in World War II. I served in that war for almost 3 years. By reading these names today, my hope is that the dinner table conversations will discuss our foreign policy and the reasons that we are there, the reasons that they think put us there. I would ask them to contact their Senators, Representatives in Washington with views and questions that are on their minds.

Think about it. There are proposals now from outstanding leaders in this body suggesting that we need more troops than we have there, when it is the desire of most of us to get out of there. We can argue about timetables and should we have timetables, but we know this: we want our people home. It is shocking to hear suggestions that maybe we ought to be—not maybe, that we ought to be sending more troops. Where were those suggestions when General Shinseki, a very high ranking chief of the Army, said to the Pentagon, to the President, to the American people that we ought to have at least 300,000 people on the ground there? Why, then, if this war was planned properly, didn't we respect the opinions of so many senior officers in the military who said we needed more and were denied?

When we hear pleas that say put more troops there, I, for one—I am sure colleagues of mine feel the same way—don't know where they are going to get them. We are stretched thin now. So I think it is a fairly arbitrary suggestion, unless there is a plan accompanying it that says whatever we do, this is what we intend to do. I don't want to get into that argument about timetables, and cut and run. No, stay and die. Is that the alternative that we are talking about? No.

I don't want us to leave in a fashion that negates some of the sacrifices that have been made, but we are now being left alone as other countries pull out the few people who were there as part of a coalition which never really materialized. We want a plan. We want some idea as to what the President, the administration thinks about when we can start to look ahead, think more about it from this side, from the American side, and not have some false hopes, dismal hopes that we are going to be able to stay there and correct this situation without telling the American

people, without telling the Congress that some program has to be presented that says we will not stay there forever. The price is far too costly.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

DISASTER RELIEF FOR FARMERS

Mr. CONRAD. Mr. President, I want to say to my colleagues, I hope very much we are able to find some accommodation to work out the situation. I stand ready to try to resolve this matter. I did it yesterday. I withdrew an amendment with the assurance that we would go to the Agriculture appropriations bill today. I really expected that commitment would be kept. I don't know how else this place can run but on the good faith of Members. I did my best to accommodate colleagues yesterday and did so on the assurance, both public and private, that we would go to the Agriculture appropriations bill so we could have a vote—we could have a series of votes, if necessary—on the question of whether we are going to provide disaster assistance to farmers who have been hit by drought, flooding, and other natural disasters, something we have done routinely in the past, frankly, at far greater cost.

One of my colleagues asked me yesterday: How does this compare to disaster bills of the past? We looked it up. One year we had a disaster bill of \$16 billion, natural disaster. Another bill, another year it was \$14 billion.

This is \$4 billion for 2 years. This is not some outsized disaster assistance legislation; it is barebones. We recall that the bill that passed earlier was in the \$6 billion range, when I had earlier offered \$6.7 billion. We are down to \$4.5 billion, as we have taken out things the White House said they would object to. We took out the energy provisions, for a savings of \$1.8 billion. We stripped out some of the support for small businesses, for a savings of \$215 million. We did add steps to reduce the cost in response to complaints from the administration. We now have it stripped down to the barebones, \$4.5 billion for 2 years.

Mr. President, I thank very much those who have tried to work things out. I look forward to further discussions.

With that, 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. CONRAD. 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. CONRAD. Mr. President, in line with the agreement we had reached yesterday, I now ask unanimous consent that we proceed to the Agriculture appropriations bill.

The PRESIDING OFFICER. In my capacity as a Senator, I object.

Mr. CONRAD. Mr. President, I know this is not necessarily the position of the occupant of the chair. He is being asked to do that on behalf of the other side. I regret that very much because we had what was to me a very clear understanding yesterday. It was very clear. We were going to go to the Agriculture appropriations bill today. I was to be given the right to offer my amendment. All other Senators would have their rights respected with respect to that bill. That meant they could call for a supermajority vote. They could try to invoke rule XVI. We were prepared to deal with any of those contingencies.

I must say that this action leaves us with very little choice but to now object to proceeding to other matters. If good faith means something in this Chamber, that means commitments are kept. I regret very much that we find ourselves in this circumstance. The commitment made to me yesterday was very clear, both public and private. We were going to go to the Agriculture appropriations bill today. We were going to have a chance to vote. It is not exactly a novel idea here that we vote. People have a chance to win or lose. That is what I am asking for. That is what I was assured yesterday would happen today.

So, again, I ask unanimous consent to proceed to the Agriculture appropriations bill.

The PRESIDING OFFICER. In my capacity as a Senator, I object.

Mr. CONRAD. Objection is clearly heard. Again, I regret that very much.

The PRESIDING OFFICER. The Senator from North Dakota, Mr. DORGAN, is recognized.

Mr. DORGAN. Mr. President, my colleague has sought unanimous consent to bring up the Agriculture appropriations bill. I recognize, and I know he recognizes, that we don't have the power of scheduling in the Senate. That is the basis of that request. Those who observe the process of legislating might wonder sometimes, if you are not doing anything, why are you not doing something?

Clearly we are not doing anything at the moment. We have no business pending. We are attempting to do a piece of legislation dealing with the agricultural disaster for family farmers who suffered weather-related disasters. That is on the basis of the discussion yesterday, where the leader of the Senate wanted to finish the Military Construction bill, and my colleague, Senator CONRAD, withdrew his amendment dealing with farm disaster help in order to allow that bill to be completed yesterday. So the assumption was, with the back-and-forth my colleague read from the RECORD, that we would have the opportunity today for my colleague to offer an amendment to the Agriculture appropriations bill because the assumption and intent was to bring up the Agriculture appropriations bill first thing today. That has not been the case.

We came into session at 2:15, I believe, and we essentially are doing nothing. So someone watching these proceedings might want to ask the question: If you are not doing anything, why aren't you doing something? Are you not doing anything because there is nothing to do?

That is not the case. We are not doing anything, despite the fact that there are things to be done, because people object to doing things. That is a strange situation. What should be done? The Agriculture appropriations bill should be brought to the floor. That was the intention yesterday.

That bill is one I worked on last spring. I am a member of that agriculture appropriations subcommittee. I offered an amendment that my colleague Senator CONRAD and many others worked on on a bipartisan basis. That amendment, dealing with farm disaster aid to farmers, was agreed to. It went through the entire process. But the bill has not been brought to the floor. It needs to be modified now because we have had a devastating drought in the middle of 2006. My colleague would modify, with his amendment, the original amendment and provide the disaster aid we want to provide to family farmers.

This is not some notion out of left field. It is what this country has always done. If you have a devastating drought—and tens of thousands of farmers have seen their crops dry up in the field, and they have lost everything—the Congress has always said: We want to help you.

It is interesting to me that we go all over the world helping. I am proud that our country is there to say we want to help. But what about here at home, in the middle of our country, in the northern Great Plains in North Dakota, where farmers and ranchers had to sell their entire herds because there was nothing to eat? You cannot run a farm and you cannot keep a cow if you don't have feed. What about those folks who lost everything? Do we want to help them? I think so. It is what we have always done. But we have been blocked from bringing it to the floor of the Senate. We have things to do right now, and yet we are doing nothing because we have people blocking the attempt to bring up legislation we should be working on.

So my colleague, Senator CONRAD, asked unanimous consent to go to the Agriculture appropriations bill, which we thought we were going to as of yesterday, and we believed that was the intent. If we cannot reach an agreement on that, let me ask consent of a different nature. My understanding today was they could not go to the Agriculture appropriations bill, or would not, or whatever, and they wanted to go to the India nuclear agreement.

Let me ask this: I ask unanimous consent that the Senate immediately proceed to the Agriculture appropriations bill pending the disposition of the Indian nuclear agreement.

The PRESIDING OFFICER. In my capacity as a Senator, I object.

Mr. DORGAN. Mr. President, the point is to say the following: We are not doing anything at this moment. There is much work to be done, some of it very important. We have a lot of farm families wondering: Will we be able to have money to run our farms, for spring planting, or are we going to be told by our bankers and lenders that we cannot continue?

There is an urgency to this. If it cannot be the case that we move to that this afternoon, then OK. If it is the case that there are objections to moving to the Agriculture appropriations bill today and someone says let's bring up the India nuclear deal, the question I raise is, Can we get an agreement following that, so that we have certainty? We are not asking for the Moon here. All we are asking for is certainty to be able to bring to the floor of the Senate and to have a vote on a disaster relief package that is supported by almost three-fourths of the Senate.

My hope is that the majority leader and others will agree with us that we need to find a time. Perhaps the time cannot be today. Can it be at a future date? As my colleague indicated, the Presiding Officer is constrained to object on behalf of the majority leader. I understand that. That may not even be his position. I know he has farmers and agricultural folks in his State as well. My hope is that, with the cooperation of the majority leader, we can lock in a determination of when we have business on the floor of the Senate that will allow Senator CONRAD and I and others to offer the amendment to provide disaster aid. That is what we are asking.

This is not a puzzle for which there is no solution. This is very simple. We just need to understand, will there be an attempt to continue to block this or will there be an obvious opportunity for us to offer the amendment? If there is an opportunity, at that point I think we can lock in a time. My colleague, Senator CONRAD, and I and others would be satisfied with that and we would know we will get to the point to pass this for the farmers in the Senate. That would be an enormous and beneficial thing to do on behalf of thousands of families who work very hard in this country. They get up in the morning and do chores. We don't use the term "do chores" around here. Nobody does chores in the Senate; that is, getting up in the morning, feeding cattle, dealing with the hogs, chickens, and the horses—doing chores. These are people who work very hard. I think it is important for us to recognize that this devastating drought hurt a lot of families very badly. We helped those families as a result of the loss of crops in the Gulf of Mexico as a result of Hurricane Katrina. I am pleased we did that. We should not limit help in the form of disaster aid to just those folks who lost crops due to a disaster named "Hurricane Katrina." That is the point we are making.

I regret that we have not been able to get consent. My colleague has indicated—and I join him—that he would be constrained to object to moving on other issues until we get an agreement. When we get an agreement on when we are going to be able to vote on this amendment, at that point, then we can move on.

I yield the floor.

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

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

The legislative clerk proceeded to call the roll.

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

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

NUTRITION SERVICES TO OLDER AMERICANS

Mr. DEMINT. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 6326, which was received from the House.

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

The legislative clerk read as follows:

A bill (H.R. 6326) to clarify the provision of nutrition services to older Americans.

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

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

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

The bill (H.R. 6326) was ordered to a third reading, was read the third time, and passed.

AGRICULTURE APPROPRIATIONS

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, I have agreed to have these matters resolved because they are urgent matters, and I certainly didn't want to in any way impede action on those items that are absolutely essential.

I would very much like to resolve this matter so that the commitments that were made to me yesterday, both privately and publicly, be kept and we can move on. But I was assured yesterday that if I would take down my amendment, we would then go to the Agriculture appropriations bill today so that the amendment could be offered on that bill, with all Senators' rights reserved.

That was fair. I did it in good faith. But it is not to me good faith to have commitments made and then not kept. So I find myself in the situation where I have no alternative but to object to other business being done until and unless the commitment that was made to

me is kept. That is why we are in this situation. I regret it. I wish we weren't in this situation. But I have been here 20 years, and I have complete respect for other Senators having the right to raise their objections. They can raise rule XVI. We believe our amendment has been drafted in a way that rule XVI will not apply. They can raise a budget point of order. That is completely fair. That is within any Senator's right. I certainly respect that. That would face then a supermajority vote. But we have been trying for months just to get a vote, and I think we have come to the point now where I was assured publicly and privately that it would happen today. That is why I am insisting on that commitment being kept.

I want to say once again, the issue is how we deal with natural disasters. I have proposed that we budget for natural disasters. At least we could look back historically. We know that on average we spend about \$8 billion a year on natural disasters. Perhaps that is what we should do, budget that amount. The problem is, none of us can predict very well what natural disasters are going to occur. Obviously, no one knows when a hurricane is going to hit or a flood or a drought. So historically the approach has been not to budget for natural disasters but to consider them outside of the budget on an emergency basis, and that has been done the entire time I have been in the Senate. I don't necessarily think it is the best way or the only way, but it has been the way. There was no disaster assistance last year. There is no disaster assistance this year for those outside the gulf region. We certainly appreciate that they suffered by far the worst calamity, and I supported generous help to them. But there were others hit by natural disaster as well.

In my State last year, there were 1 million acres prevented from even being planted. Another 600,000 acres were subsequently drowned out, even though they were planted, by the worst flooding we have ever seen. I flew over southeastern North Dakota and it looked like Lake Agassiz, which used to exist thousands of years ago, was reforming. I was on a plane and as far as the eye could see, there was water. I earlier referenced this letter from a young farm family telling me how devastating it was to them that they lost \$120,000 and now this year, the irony of ironies, suffering the worst drought since the 1930s. In fact, the drought monitor, which is the scientific analysis of drought, said the drought that has been suffered in the heartland of the country is the third worst in our Nation's history.

I was on farm after farm that looked like moonscapes. There was nothing growing. Nothing. It was the 4th of July. Corn is supposed to be knee high by the 4th of July. Well, the corn wasn't as high as your shoelaces. I was even on irrigated ground and I saw irrigated corn and the ears hadn't filled out because of the extreme heat. One

day in my hometown of Bismarck, ND, it was 112 degrees. I am not talking about the heat index; I am talking about the actual temperature. This isn't restricted to my home State of North Dakota. South Dakota was even harder hit. The two Senators from that State, a Republican and Democrat, are cosponsors of this legislation. The Senators from Minnesota, a Republican and a Democrat, are cosponsors of this legislation. The Senators from Montana, a Republican and a Democrat, are cosponsors of this legislation. The Senators from Nebraska, a Republican and a Democrat, are cosponsors of this legislation. The Senator from Kansas, Senator ROBERTS from Kansas, the former chairman of the House Agriculture Committee, is a cosponsor of this legislation. Senator HUTCHISON of Texas is a cosponsor of this legislation. All of them have been hit by devastating drought this year.

What does this bill do? It provides bare-bones assistance to these farmers. The cost is \$4.5 billion over 2 years—over 2 years. So it averages about \$2 billion a year. I will just put that in an historic context. In 2000 and 2001, we had disaster assistance bills that cost 1 year over \$11 billion and in another year over \$14 billion. This is a fraction of those. The White House objected to my earlier provisions that included something my southern colleagues asked for—I didn't ask for it, my southern colleagues asked for it—and it passed in the appropriations bill. It was in the previous supplemental that passed the Senate overwhelmingly. But the administration said: No, take that out, because you could be helping somebody not affected by a natural disaster. So we took it out and saved \$1.8 billion. We took out \$250 million of the assistance for small businesses that have been affected. I have spray pilots who have been completely wiped out. They had no business this year. They can't have business when there is no crop to spray. We took that out. We have made adjustment after adjustment to answer the legitimate complaints of colleagues and the administration.

But now we are in a situation where we need to have a vote and have the will of the Chamber expressed. Do they support this or do they not? These farmers deserve at least that. They at least deserve to know: Are they going to have a fair fighting chance for next year?

I would say to those who might be listening: Earlier this year I had 12 independent bankers in my office when the President's chief economic adviser came to see me on another issue. I asked him to step in the conference room to listen for a few moments to these independent bankers from all across every corner of the State of North Dakota, and they told Mr. Hubbard, unless there is assistance forthcoming, there will be a loss of 5 to 10 percent of their clients. They told him that 5 to 10 percent of the farmers and

ranchers in North Dakota will be forced off the land and out of business. They will be done.

That is why Senator DORGAN and I are here with such tenacity, because we are representing the economic lives of tens of thousands of farm families—thousands in North Dakota, but also thousands more in Minnesota, in Montana, in South Dakota, in Nebraska. Our colleagues from those States have come repeatedly to the floor with us to make this point. We have 26 cosponsors of this bill—26—lots of Republicans, lots of Democrats, whose constituents have been similarly devastated by natural disaster. Always in the past there has been a response and, frankly, generally far more generous than this assistance. But these people have not gotten the media attention. It is not like the kind of disaster where the national media focuses, such as a Katrina or Hurricane Rita, or some other devastation. But, in many ways, this is a slow-motion disaster. This is a disaster that unfolded over many days and many weeks and even months no less devastating, but it didn't get the media attention.

I implore my colleagues to give us a chance to vote. That is all we are asking for. We absolutely understand that Senators have a right to vote against it. They have a right to bring a budget point of order. They have a right to raise rule XVI. I don't think it applies here, but they certainly have the right to do it, and to give us a vote. That is what was promised us yesterday. That is why I withdrew the amendment yesterday to let business proceed. But I only did it on the basis that we would be given that opportunity today.

Mr. President, I thank the Chair for listening and I yield the floor.

Mr. DORGAN. Mr. President, first, thanks to my colleague who states well the reasons we are on the floor. I think we have said most of what needs to be said in support of those farm families who have struggled and who have been hit and devastated with something they could not have envisioned: a natural disaster, drought and flood in both cases in our State in successive years.

I mentioned earlier this is not unusual. Traditionally in our country when family farmers have been hit with a tough blow, this country has said: You are not alone. We want to help you. And we have passed some kind of disaster legislation. We have provided some kind of help to those families. They are the ones who live out on the farm alone. It is a tough life.

I was looking back yesterday at 70 years ago in our region, first in South Dakota and next in North Dakota, when Franklin Delano Roosevelt did a train trip and it was a drought tour. On that drought tour he went out to say to people: I want to see what is happening out here and I want to tell you we are going to help. That was 70 years ago. This isn't new. We are not asking for

something that has not been done before. It is something that has always been done.

The President has threatened to veto agricultural disaster aid when it has passed the Senate twice before. There were amendments I added in the Senate Appropriations Committee providing disaster help for farmers. It proceeded through the Senate. It went to conference. I was a conferee. The President threatened the veto and he got the House conferees to resist it and knock it out.

We asked the President to do a drought tour, to go out and see the middle part of the country. Go to the Northern Great Plains, the epicenter of drought, and take a look at ground that is not growing anything. It is just bare ground where crops used to exist. The President was not able to do that.

I want to quote Franklin Delano Roosevelt who 70 years ago on a train did do that drought tour. Here is what he said in Huron, SD, from the back platform of a train. The drought inspection trip was the occasion for Franklin Delano Roosevelt to be on the back platform of a train, speaking to the citizens of Huron, SD, and the family farmers in the surrounding area. He said:

No city in an agricultural country can exist unless the farms are prosperous. We have to cooperate with one another rather than trying to buck one another. I have come out here to find you with your chins up, looking toward the future with confidence and courage. I am grateful for the attitude you are taking out here. As I said, it is a question of working together.

Then he was in Devils Lake, ND, on his train trip. He said:

Today out here I don't ask you to have courage and faith. You have it. You have demonstrated that through a good many years. I am asking, however, that you keep up that courage and especially keep up that faith. If it is possible for government to improve conditions, government will do it.

That is Franklin Delano Roosevelt 70 years ago. He said:

I assure you, the interests of these communities are very close to my heart. I won't forget the day I have spent with you. We hope that nature is going to open up the heavens. When I came out on the platform this morning, I saw a rather dark cloud and I said to myself, Maybe it is going to rain, but it didn't. All I can say is I hope to goodness it is going to rain good and plenty.

He said:

I will tell you, my friends, I am not going to let up until I can give my best service to solving these problems.

Seventy years ago Franklin Delano Roosevelt, a man who knew family farmers, a man who knew America's workers, got on the train and went to take a look at what had happened, at the suffering in the Northern Great Plains as a result of that drought and said: We are going to help.

This is not new. My colleague Senator CONRAD and I are not asking for something that hasn't been done. In fact, in more modern times, the agriculture bill, known as the farm bill,

has always included, until the recent decade or so, a provision called the disaster title that could be triggered when there was a disaster. That is not the case now. So each year we have to come to the Senate to ask for a separate disaster aid package, to try to reach out and help those who otherwise are going to be thrown off the farm and told they can't continue. Is it their fault? No, it is not their fault. Bad managers? No, not bad managers. Spend too much? No. It was a drought that came and destroyed everything they had, and where, in some parts of the country, a flood came and wiped out everything that existed on their farm. It is not their fault. It is the best of this country then to reach out and say: We want to help you. We think you are important to this country.

I mentioned yesterday a fellow named Rodney Nelson from my State who writes prose. He is a cowboy poet. He lives near Almont, ND, and he wrote a piece once that I have not forgotten. He asked in that piece: What is it worth? I think it is important for us to ask the question, What is it worth? What is it worth to have a kid who knows how to weld a seam? What is it worth to have a kid who knows how to work livestock? What is it worth to have a kid who knows how to grease a combine? What is it worth to have a kid who knows how to fix a tractor? What is it worth to have a kid who knows how to build a lean-to? What is it worth to have a kid who knows how to teach a newborn calf how to suck milk out of a bucket? What is all that worth? What is it worth to have a kid who knows how to plow a straight line?

There is only one university in America, only one, where they teach all those skills, and that is the family farm. Some people say it doesn't matter. It does to us. That is why we are here. This is not about a handout. It is about a helping hand during a time of trouble, during a drought and a flood. It is the best of what this country can do, and it is what this country should do. I hope, before this day is out, we will have an agreement by which we will have an opportunity to offer this amendment, get a vote on this amendment, after which clearly it will pass the Senate, and we will be on the way to getting this to the President.

My hope is that the President will not block it. He previously said he would veto legislation such as this, but I think, since he said that, things have changed. My hope is that he will recognize that change.

There has been a lot of discussion about change in this country in recent days, particularly in the last week. Change has a lot of meaning to it. Change is a word that we hope the President will embrace with respect to this issue. Twice previously he has blocked disaster aid for farmers who suffered a disaster as a result of weather-related problems. Twice previously he has blocked it. We hope he recognizes the change necessary to decide

that now we need to help those family farmers.

Mr. President, I yield the floor. I make a point of order a quorum is not present.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. CONRAD. Mr. President, we have been talking about these disasters of 2005 and 2006. I thought maybe it would be helpful to show a picture of what we are talking about.

This is last year in North Dakota, the Southeastern part of the State. You can see the massive flooding. There is water everywhere. Only the farmhouse that is surrounded by sandbags is dry—and part of the barn. This was seen all across North Dakota last year.

Now, this year, there is an incredible change. This is what we saw this year. This is the most wicked drought I have ever seen in my life. This is a cornfield in my home county. The corn should have been 2 to 2½ feet high. You can see there is nothing here that is going to produce anything. This gentleman standing there, we asked him to be in the picture to give perspective. It is similar to a moonscape. We saw this all over western South Dakota. Nothing grew.

I told the story earlier of being on a farm south of Bismarck with irrigated corn—160 acres of irrigated corn. We took the ears off the corn and stripped them and about every third row of kernels was gone. There was nothing there.

I said to the farmer: How does this happen with irrigated corn?

He said: Kent, remember, last Sunday alone it was 112 degrees here. It was so hot, so intensely hot, that the kernels couldn't form.

This is the Drought Monitor. This is actually a publication by the U.S. Department of Agriculture that shows the severity of drought. Let me point out this is a scientifically designed survey. It focuses on broad-scale conditions. The yellow is abnormally dry; the tan is drought that is moderate; the darker tan is drought that is severe; the red is drought that is extreme; and the dark brown is drought that is exceptional. Those are the gradations. From abnormally dry in yellow, to light tan, moderate drought, the darker tan severe drought, the red is extreme drought, and the brown is exceptional drought.

Look at my State. North and South Dakota—exceptional drought, extreme drought, severe drought. The whole State in drought.

It was not just North Dakota. You can see Minnesota, a very big swatch here of extreme drought.

Over into Montana. As I said, South Dakota, Nebraska—right down the center of the country, Kansas, over into

Colorado, over into Wyoming, down into Texas and Oklahoma. These are States, all of which have had drought conditions and quite severe drought conditions.

The disaster assistance that we are seeking has been endorsed by all of these farm groups—34 different farm groups saying that we need drought assistance and we need it now, everything from the National Farmers Union to the Barley Growers, the Cotton Council, the Wheat Growers, the Peanut Producers, the Farm Credit Council, the Soybean Growers, the Sheep Industry, the American Farm Bureau—all of them saying:

We urge you to schedule a vote before the October recess on emergency agriculture disaster assistance legislation.

They were asking for it to be done before the October recess. And it is not just the farm groups, but it is also the agriculture commissioners from around the country. Here is what they said in a letter to the Senate back in September:

The State Commissioners, the Secretaries of Agriculture and the Directors of Agriculture of the National Association of State Departments of Agriculture urge you to support emergency disaster assistance legislation for farmers and ranchers suffering losses and damages in 2005 and 2006.

NASDA believes that emergency agriculture disaster assistance is a high priority requiring action by Congress this year.

This year is swiftly running out. They went on to say:

While there are risk management programs such as crop insurance, disaster loans, and emergency grazing, the relief needed greatly exceeds the levels these programs can provide.

Some of my colleagues have said: Doesn't crop insurance cover this? No, crop insurance doesn't cover it. Why not? Because crop insurance is not designed for repeated loss. It is designed for periodic loss. That is what most insurance is designed for. Fire insurance on your home is not designed to deal with a situation in which your house burns down every year. What we have is a situation in which we have had repeated different disasters—flood last year, drought this year—a bizarre set of circumstances. But crop insurance is not designed for that kind of situation. With crop insurance, what happens when you have repeated disasters, the way the formula works is your coverage level diminishes automatically so that if you have had repeated losses, crop insurance does not provide much assistance. That is the hard reality. That is the way it works.

Some have said: Gee, we ought to fix that. Well, that is a good idea, but that is the way it works right now. So if you do not have a disaster program to offset some of these losses, you wash people right out of business. And that is what is going to happen, not just in my State but right down the center of the country. That is why you see these farm organizations coming forward—those that are Republican oriented, those that are Democratically ori-

ented, unanimously saying this is needed. That is why you hear the agriculture commissioners and the secretaries of agriculture of the States together, in unison: This is needed.

I respect those who say: I am against that. My State is not affected. I will oppose it. They have a right to oppose it. They have a right to come and vote against it. But it seems to me it is only fair that people at least be given a vote. Let's let the body here work its will. If somebody wants to say there is a budget point of order against this, that is fair. You can have a budget point of order and require more than 60 votes to pass. I respect anybody offering that.

I respect somebody saying rule XVI ought to apply. We have been to the Parliamentarian. Rule XVI doesn't apply because this is on an agriculture bill, it is agriculture disaster, so we are told rule XVI does not apply. There are other ways of writing this to further assure rule XVI does not apply.

I say to my colleagues, a commitment was made, publicly and privately, that we are going to go to the agriculture disaster bill today. Today is here. Today is fast fleeting. In fact, as I look out the door there toward the direction of the Supreme Court of the United States, I can see the dusk is falling.

I know the Senate often does its work at night. I have never quite understood that, I say to the occupant of the chair, but for some reason this place often doesn't get around to voting. I think it is because Senators have appointments all afternoon. The reality of the work is they are in committees all morning and they have appointments every 15 minutes or every 30 minutes all afternoon, so by the time they get to come and offer their amendments and offer legislation, it is often in the evening. But the evening is fast approaching, and I hope, I say to my colleagues, I hope we have a chance to vote. Let's give these farm families at least an indication of where they stand. Is there going to be assistance forthcoming or not?

Some have said it is fiscally irresponsible. I understand there is an editorial in the Wall Street Journal, criticizing me, saying I am known as somebody who wants to see a return to fiscal responsibility and yet I am offering this amendment.

That is true. I think one of the greatest threats to this country is the massive debt we are accumulating. I am extremely worried about it. But I also know the Government has an obligation to help those who are affected by natural disasters. This is a very modest package, \$4 billion over 2 years. In 2000 and 2001 we had disaster assistance programs that were approaching more than \$10 billion: \$14.8 billion 1 year and \$11 billion in the next.

This is a very tightly written, constrained disaster relief program in which we have responded to the criticisms leveled by the administration by

taking out those things to which they objected.

I will conclude with this thought.

Agriculture is far under the projections that were made for its costs when the farm bill was written in 2002. Agriculture is below by about \$15 billion what was projected at the time the farm bill was written. Some have said the farm bill was a huge increase over the previous farm bill. No. What they are missing is if you combine the disaster assistance and the farm legislation with previous bills and compare it to what we are doing now, spending is not up; it is down and down significantly.

As I have indicated, we are \$15 billion below what the projections were when the farm bill was written.

That is the circumstance we face.

I have very much riveted in my mind the drought tour we took earlier this year with the leaders of our State going from community to community listening to farm families describe the magnitude of the disaster facing them. I remember being in one farm yard and having one of the most respected farmers in our State take me aside, and say: KENT, this is my last year. I can't continue.

This is a man who has won virtually every farm award in the State of North Dakota. He said to me: You know my family has been on the land for over 100 years in North Dakota. We have a "legacy farm." But we have not had a normal crop in 5 years.

This is in the Red River Valley of North Dakota.

When I grew up, my grandfather would drive through and say: There has never been a crop failure in the Red River Valley. It is the richest farmland in the world outside of the Nile Valley. In the Red River Valley of North Dakota, until the last 6 or 7 years, there has never been a crop failure. We have had the most bizarre set of weather events of my lifetime. We had 18 inches of rain in 24 hours in a town in the Red River Valley, in an area that only gets 18 inches of rain a year. Two years later, they had 14 inches of rain in 24 hours.

We have a lake called Devils Lake that has gone up 26 feet in the last 9 years. This lake is now three times the size of the District of Columbia.

There is something very odd going on. I don't pretend to know what it is. Some say global climate change. Some scientists who have studied it say my part of the country would be most severely affected by a global climate change, that these extremes would be made more extreme. I do not know about that. I do know that in my lifetime I have never seen anything like this.

Can you imagine a lake, a giant lake, going up 26 feet vertically in 9 years? It is an awesome thing to see 18 inches of rainfall in a town in 24 hours where the average rainfall is about that a year.

This is what has been happening. Now this incredible drought which the

Drought Monitor says is the third most extreme drought in the history of the United States. I do not know how they measure drought. I do not know how they make that determination. These are scientific experts. I trust that they know what they are doing.

I say to my colleagues that I have seen firsthand land that looks like a moonscape which would normally be lush.

These people are hanging by a thread. The question is, Do they have the chance to survive until next year or are they done? Many of them are going to be out of business. But many more will be, if there is a failure to act, if there is a failure by Congress to do what it has almost always done in the case of natural disaster, which is to provide disaster relief on an emergency basis.

We don't budget for natural disasters. There is no line item in the budget for natural disaster. Perhaps there should be, but there is none.

I, frankly, think it would be a wise thing to do. At least we could take the average for some period of time and reduce it by 25 percent and put that in so we would have some way of having additional discipline in the budget. But we don't have that. That is where we are.

Again, I hope we are able to reach some agreement today.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. CONRAD. Mr. President, I ask unanimous consent that Senator DEWINE be recognized for such time as he will consume and that I then be recognized following him.

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

The Senator from Ohio.

MAKING FURTHER CONTINUING APPROPRIATIONS FOR THE FISCAL YEAR 2007

Mr. DEWINE. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.J. Res. 100, which was received from the House.

The PRESIDING OFFICER. Without objection, the clerk will report the joint resolution by title.

The assistant legislative clerk read as follows:

A joint resolution (H.J. Res. 100) making further continuing appropriations for the fiscal year 2007, and for other purposes.

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

Mr. DEWINE. Mr. President, I ask unanimous consent that the joint reso-

lution be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the joint resolution be printed in the RECORD.

The PRESIDING OFFICER. Is there objection?

If not, without objection, it is so ordered.

The joint resolution (H.J. Res. 100) was ordered to a third reading, was read the third time, and passed.

HONORING OUR ARMED FORCES

LANCE CORPORAL CHRISTOPHER P. LYONS

Mr. DEWINE. Mr. President, this afternoon I come to the Senate floor to pay tribute to Marine LCpl Christopher Lyons from Mansfield, OH. On July 28, 2005, Lance Corporal Lyons was killed when his unit encountered hostile fire in Iraq. He was only 24 years old.

Lance Corporal Lyons is survived by his wife Bethany and their daughter Ella; his mother Phyllis Lyons; his father and step-mother, Paul and Debbie Lyons; his grandmothers Irmil Humphreys and Joyce Lyons; and numerous aunts, uncles, and cousins.

Christopher's family and friends remember him as an exceptional young man, someone who was always full of fun. With a quick wit and an infectious smile, his own love of life always brought happiness to those around him. Caring, selfless, loving, and extremely intelligent, Christopher had the gift of bringing out the best in everyone. He was simply the type of person who stood out in a crowd.

Christopher graduated in 1999 from Shelby High School, where he was enrolled in the Tech Prep Program at Pioneer Career and Technology Center. His vice-principal, Tim Tarvin, describes him as a "big-hearted kid, who always wanted to do the right thing for people."

Kevin Adkins, Christopher's youth pastor, remembers the impact that Christopher had on everyone who knew him. He said this:

As a teenager, [Christopher] was the type of man that I have always strived to be. I'm not so sure how much I actually taught him, but just by his life, alone, he has taught me volumes. As a pastor, I was both humbled and uplifted by Chris's excellence and tenacity toward life. His example will live on in the many lives (like ours) that he has touched. I hope to raise my own two sons to be of such caliber.

After completing school, Christopher became a sales representative in the advertising department at the News Journal in Mansfield, Ohio. Advertising Director Scott Miller describes him as a polite young man who always took his obligations seriously. And Tom Brennan, publisher of the News Journal, said this about him:

Christopher was an outstanding young man. He was the ultimate professional. Simply put, he was polite and positive. Any employer would have found a spot for him. The staff here will surely miss him.

Christopher's widow Bethany recalls her husband's ability to make everyone

laugh and the way that he would tickle her to get her to smile. They were married in September 2003. Christopher's youth pastor remembers meeting Bethany for the first time. He remarked, "I will always remember that I thought you two were the cutest couple I have ever seen. It would take a very special person to catch Chris's eye."

Christopher was inspired to join the military by the terrorist attacks of September 11, 2001. His unit was called to active duty in 2005, and Christopher was sent to California for training. In March of that same year, he was deployed to Iraq.

Months before his deployment, Christopher and Bethany became expectant parents. For Christopher, who was so devoted to his family, it was a momentous occasion, and he was so proud of a t-shirt he wore with the word "Daddy" on the front of it.

Christopher's daughter Ella was born while her father was serving in Iraq. Although he was overseas, Christopher was able to see his new daughter on a web camera and in the many photos that his wife and his mother sent to him. And as she grows up, Ella will have numerous emails and photos from Christopher to treasure.

Christopher regularly wrote to family and friends from Iraq. Two of these letters were sent to the News Journal in Mansfield and were published in their editorial pages. The letters told about Christopher's experience in Iraq, and what it was like to lose a sergeant in his unit during combat. "When all is said and done," he wrote, "the greatest act is when one of our own gives his or her life in service [to] our country and each other."

This, of course, is the sacrifice that Christopher, himself, made for our Nation and for the ideals of freedom and democracy that we all hold dear. Christopher believed in his mission in Iraq. And, while paying tribute to eight of his Marine brothers who had fallen in combat, he wrote the following in one of his letters:

The Corps values of honesty, courage and commitment have served as our cornerstone as we press on to put down the insurgency and win the war on terror.

The people [in the] villages were grateful for our presence, often showing gratitude and appreciation by offering tea, blankets, or simply a smile and wave.

Seeing this reaffirms that we have a purpose working toward a greater good in this country. Honoring our fallen brothers, we will continue the fight upholding the highest standards and working to break this dark oppressive force that lingers over the Iraqi citizens.

These are very impressive words, Mr. President, from a young man who was just 24-years-old.

Christopher's widow remembers that Christopher realized he could be killed while in serving in Iraq. But, she also remembers that Christopher, after being deployed, "saw how much good the United States was doing for Iraq."

Christopher's first person accounts of Lima Company's heroism spread to the

families and friends of readers eager to hear from one of their own. In Greenwich, OH, Christopher's 9 year-old cousin Devin Back wrote of Christopher's heroism in a poem entitled, "My Hero:"

My hero is my cousin, Christopher.

He is nice.

He is playful.

He is in Iraq.

My cousin is very smart.

Christopher, my cousin, is not afraid of anything.

He is cool. He is happy a lot.

He writes to us from Iraq.

He takes a lot of risks.

Christopher's aunt Gwen Gwinner remembers that he never said anything bad about anyone. And his cousin Amy Blevins remembers that he was the definition of honorable, even before he joined the Marines. Throughout his entire life, Christopher was simply the kind of person who was respectful of and considerate to everyone.

Christopher's mother describes her son as her best friend, as someone who was always "kind, gentle, caring, compassionate, and giving."

"People have said to me how proud I must be of him," she said. "I was proud of him before he entered the military because of his integrity and his ability to let things roll off his back."

At an early age, Phyllis taught her son the importance of honesty, hard work, and respect. Christopher used an acronym to encompass his beliefs and values. The acronym was "WHO:" W- for willingness—to always be willing to do what you must and what is asked of you; H- for honesty and integrity—to be honest about what and why you do what you do; and O for obedience—always obey those who have rule over you, including God first and your mother.

From boot camp and Iraq, Christopher would write his mother Phyllis to say that he would keep the faith and be alright—and that he knew "WHO" he was. Phyllis says it is Christopher she now turns to for comfort. "He is now my strength and guidance," she said.

I am honored that I had the opportunity to meet Christopher's family and friends during a memorial in his honor, all of whom remember him as a special and unique person. He will never be forgotten by those who knew him. Christopher was an avid Scrabble player, and there was a message for him spelled out in Scrabble letters at his funeral. It read simply: "B-E-L-O-V-E-D" beloved.

The spirit of LCpl Christopher Lyons will never be forgotten. He had an insight into life and a sense of humor that was truly unique. He understood the importance of service, and was a man who was dedicated to family, community, and country.

My wife Fran and I continue to keep the family of LCpl Christopher Lyons in our thoughts and prayers.

MAJOR RAMON J. MENDOZA, JR.

Mr. President, I also rise today to pay tribute to Marine MAJ Ramon J.

Mendoza Jr., from Columbus, OH. On November 15, 2005, Major Mendoza died from wounds that were sustained when an improvised explosive device detonated near his vehicle. He was 37 years old. He is survived by his wife Karen, his daughter Kiana, and his son Aleksandr. He is also survived by his two brothers Niola and Jermaine.

The death of Major Ray Mendoza has been felt by many. He was a man considered indestructible—someone whom his friends and family describe as "larger than life." His smile will always be remembered. It was huge and put everyone he met immediately at ease.

Ray was also devoted to serving his Nation and his Marines. He was dedicated, compassionate, and hard-working. His death is a loss not only for those who knew and loved him, but for our entire country.

Ray was born in Pleasantville, NJ, in 1968. He moved to Queens, NY, as a boy and graduated from John Adams High School in 1986. He then attended the prestigious Blair Academy in New Jersey for a year of study, where he was captain of the football team and a member of the wrestling team.

Many admired Ray at Blair Academy for his hard work and dedication. Bob Latessa, his former wrestling coach, remembers that "There was no task too tall. He never got down. He never ever felt sorry for himself or felt like he couldn't do something. This is a kid that just blew everybody away. I feel lucky and privileged to have known him."

Ray carried his tremendous work ethic and positive attitude with him to the Ohio State University, where he was a heavyweight wrestler. Coach Russ Hellickson described him as an aggressive athlete who pursued his goals with passion. "He wasn't a guy who stood around," he said. Coach Hellickson will never forget the young man who was one of his star wrestlers. Ray "forced the action and went after things," he recalled. "He was a pleasure to watch. I always felt he was a very mature kid. He was committed to accomplishing what he set out to do."

Ray lettered for the Buckeyes in 1992 and 1993 and was the Big Ten runner-up in the heavyweight division in 1993. His contributions to the Buckeyes will never be forgotten. They placed fourth in the Nation while he was there, and Ray's overtime victory against a reigning champ in the 1993 Big Ten tournament remains one of the program's most thrilling moments. Adam DiSabato, one of Ray's former teammates, remembers that Ray was the "key ingredient" to their team. "He solidified our team," he said. "He was the type of guy who wouldn't argue if you told him to do something that would benefit the team."

Today, wrestlers at Ohio State remember Ray by wearing a patch bearing his name on their singlets. And during one game, the OSU football team wore a decal on their helmets in Ray's memory.

While he was attending OSU, Ray met Karen Miller, the love of his life. Karen recalls that Ray began thinking of joining the Marines soon after graduating. According to Karen, he simply felt that it was his calling. She said, "We were married and getting set to launch a family. He said, 'I just have to do this.' It was almost like a calling to the pulpit."

Ray completed Officer Candidate School at Quantico, VA, and entered the Marine Corps in February 1995. He was commissioned Second Lieutenant in August 1995 and assigned as an infantry officer at the basic school.

While in the military, Ray continued his competitive wrestling career. He competed for the All-Marine Wrestling Team and was the Central Region Olympic Trial Greco-Roman Champion at 100 kilograms. One year, he placed second in the nation in the Armed Services National Wrestling Tournament. And in 1996, Ray was able to live the dream of millions when he became an alternate for the U.S. wrestling team at the Olympic Games in Atlanta.

But Ray was much more than an incredible wrestling talent. He brought the same dedication and determination that he had displayed on the mat to his service as a Marine. In October 1997, Ray was selected for augmentation and promoted to the rank of captain. He now had a regular commission in the United States Marine Corps.

Ray was deployed to Iraq with his unit in June 2003. Upon being redeployed after combat, he assumed command of Echo Company. And on October 1, 2005, Ray was promoted to the rank of major in the operational theatre.

Ray was a true leader in the Marines who always inspired others. Courage and dedication were attributes that he repeatedly displayed. In Husayba, Iraq, Ray positioned himself at the point of attack to maneuver his platoons and attachments, without regard to his own safety. While leading from the front, Ray enabled his company to defeat several enemy strong points and allowed the battalion to maintain its initiative as it advanced through the city.

MG Richard F. Natonski said this about the service of Ray and his comrades in Iraq:

For a period of 9 days—starting November 5, 2005—Echo Company made history. Company Echo, under Mendoza's leadership, cleared over 600 buildings, found 16 weapon caches, and detained more than 300 insurgents.

Major Mendoza was truly loved by the marines under his command. SSG Boyde Allen described him as "the best platoon commander I've ever served under." And, SGT David Sanchez remembers Major Mendoza's effort to get to know his marines, and how one day he took the time to ask him about his sister's wedding ceremony. "He was really surprising," said Sergeant Sanchez. "He really knew his marines."

Ray's service to this Nation has earned him many awards, including a posthumous Bronze Star. But the awards are not what matter most. According to Ray's wife:

Awards are great, but the most fulfilling reward I can receive and our family can receive is knowing that the Marines completed their mission. His boys finished the job.

Karen has started the Ray Mendoza Blair Wrestling Scholarship fund in her husband's memory, which will provide a financial contribution to a student-athlete attending Blair Academy. And Karen's own bravery and dedication to the Corps have been remarkable to everyone around her. "She's a phenomenal example for all of us," said Judy L. Svendsen, Karen's longtime friend. "She's always thinking of the military families, putting them first."

Mr. President, those who knew Ray all agree that he died doing what he loved to do—and that was leading marines. "He was always right in the friction," remembers 1SG Dennis J. Downing. "He always thought his best point of view was right up there with the Marines."

Perhaps the words of SGM Sylvester D. Daniels say it best:

We all love Major Mendoza, make no mistake about that.

Without a doubt, Ray will continue to lead and inspire even after his passing. Karen says that she will never forget what happened shortly after receiving word that her husband had died. Her 8-year-old son, Alec, wrote a note and hung it from his bedroom door. The note read,

Be a leader, not a follower.

I would like to conclude with words from a tribute that Ray's former wrestling coach wrote and posted on the Ohio State web site:

Much like in the Marines, success on the wrestling mat is a consequence of the diligence and discipline that goes in to the training. Ray knew the only way to truly perform was to immerse yourself in the preparation. Do it hard, do it right, and do it relentlessly with passionate resolve.

Ray put his heart and soul into every lift, every run and every match he ever wrestled for the Buckeyes. To a man, his teammates are grieving today. To know Ray, was to love him and respect him. No excuses ever! He was never absent, never late, and always ready to do his part with a smile and 100% commitment.

Ray was a powerful man with a kind and caring heart. He was the ultimate team player in that he cared as much or more about you as he did about himself. Ray loved his family, he loved his fellow Marines, and he loved his wrestling Buckeyes.

Ray showed us all that leadership is not a position, it is an action. Ray is my hero, too. Good bye, my friend.

My wife Fran and I will continue to keep the family and friends of Ray Mendoza in our thoughts and prayers. He was a truly outstanding marine. He was a truly outstanding human being. He will never be forgotten.

CORPORAL JEFFREY A. BOSKOVITCH

Mr. President, I rise today to pay tribute on the Senate floor to Marine

Cpl Jeffrey Allen Boskovitch of Seven Hills, OH. Corporal Boskovitch was assigned to the 3rd Battalion, 25th Marine Regiment, 4th Marine Division, based in Brook Park, OH. He was one of six members of a sniper unit to be killed on August 1, 2005, by small-arms fire in Iraq. He was 25 years of age.

Jeff—as he was called by family and friends—lived a life that epitomized the virtues of bravery and dedication. His zest for life was both admirable and rare. He loved shooting pool with friends, bungee jumping, hot-air ballooning, and playing paint-ball. In the eyes of his young nephews, he was the "best" because he was so "cool" and because he loved the videogame HALO as much as they did. He is greatly missed by everyone who knew him.

Jeff graduated from Normandy High School in 1999, where he played quarterback and wide receiver for the Invaders. Soon after graduating, he enlisted in the Marine Corps Reserves and began studying criminal justice at Cuyahoga Community College. He graduated from the program as president of his class in 2001. At the time he was sent overseas, he was working full time as a corporate security supervisor for National City Bank and part time as a deputy with the Geauga County Sheriff.

One of Jeff's classmates, Tim Ellis, recognized his friend's natural gifts as a leader. Tim remembers how Jeff—who was in outstanding shape—would fall back in order to encourage the slower guys during their training runs. "Hang in there," he would say, "only one lap left." Tim wrote the following in remembrance of his friend on an Internet tribute page:

Jeff was elected class president without asking for it or even mentioning it. He was a born leader. Jeff had a higher calling, and I will forever look up to him.

In January of 2005, Jeff followed that higher calling when his unit was deployed to Iraq. And Jeff found more than comrades in his sniper unit—he found brothers. They became a tightly knit group, so close that Jeff later declined a promotion just to be able to stay with them.

I would like to quote the words of SGT Brian Casagrande, who served with the snipers of 3-25. In a eulogy for his fallen comrade, he had this to say:

Jeff Boskovitch was the platoon clown. He had a great sense of humor. He would often imitate other people and we loved to pick on him too. . . . He proved himself to be a valuable asset to the platoon, and was a comforting, sometimes comical voice on the other side of the handset.

Jeff loved his unit, and he loved his marines. According to his father Jim, "He was always one to do the honorable thing." And in the words of his uncle Dan, Jeff "had the biggest heart in the world. He was just a great kid."

Jeff truly was a person who cared deeply. One example of his compassion is the story about a puppy that Jeff found in a paper bag carried by an Iraqi boy. He asked the child to sell the

puppy to him for a quarter and three jellybeans. The boy agreed, and Jeff named the dog Beans. Beans became the mascot of the entire 3-25 and would help them on missions. One time, she even alerted the unit to an attempted ambush. In an e-mail to his mother, Kathy, Jeff expressed the love for his new friend with the following simple words: "Beans is so cool." He sent his mother pictures of Beans, and Kathy began to raise money to bring the dog back to Ohio.

After Jeff died, Kathy embarked on a quest, a quest to bring his dog Beans home, petitioning the aid of both politicians and military officials. The story of "Operation Beans" was printed in newspapers in both the United States and Iraq. Three months later, after crossing the Atlantic on a military transport plane, Beans disembarked in Ohio and found Jeff's mother Kathy waiting for her. On the way home, Beans and Kathy made a stop at Jeff's final resting place.

Jeff was a young man who had a bright future before him. He was an aspiring police officer, someone willing to step forward as a role model for the entire community and for those who loved him.

Jeff was also planning a family. Days before he was killed, he spoke with his beloved fiancée, Shelly Tevis, and selected a date for their wedding. The date was to be October 14, 2006. In Shelly's words, "Jeff just embodied wholesomeness and strength, everyone looked up to him, and we will miss him very, very much."

Mr. President, I would like to conclude with the words of Jeff's father. This is what he said about his son:

We're proud of him. And we look at him as a true hero—just like the other men and women who are serving in Iraq.

Indeed, the world is a better place because Jeff Boskovitch was in it. He will forever be remembered for his sincere compassion to help and serve others, for his sense of humor, and for his dedication to his friends, family, and country. He will be remembered as a devoted son, a kind brother, a beloved fiancée, and the best friend of a dog named Beans.

My wife Fran and I will continue to keep Jeff's family and friends in our thoughts and in our prayers.

LANCE CORPORAL AARON H. REED

Mr. President, I come to the Senate floor today to talk about Marine LCpl Aaron Reed from Chillicothe, OH, and pay tribute to him. On August 3, 2005, Lance Corporal Reed was killed when his military vehicle was hit by an improvised explosive device during combat operations in Iraq. He was only 21 years old—just 20 days shy of his 22nd birthday.

Aaron was one of the marines with Lima Company—Marine Force Reserve's 3rd Battalion, 25th Marine Regiment, 4th Marine Division, based in Columbus, OH. Everyone knows their story, which is one that has touched hearts across this Nation. On the day

Aaron died, 13 other men in his unit—eight of them from Ohio—died alongside him. It was a tragedy that was felt by the Nation and felt by the State of Ohio.

Aaron's family and friends remember him as a quiet young man with an upbeat demeanor. His smile was truly something special. With it, he could light up an entire room. He was easy-going and social with his friends, always ready to laugh. At the same time, though, when it came time to get things done, no one worked harder than he did.

Aaron's capacity for leadership was unique, and he was active in both his church and community. His words always had a great impact on those who heard them. A 2001 graduate of Southeastern High School—where he had run both cross-country and track and field—he had been elected by his classmates to serve as senior class president. Leonard Steyer, Aaron's principal, said, "When you're senior class president, that should tell you quite a bit about what kind of young man he was."

Aaron was also known for his compassion. His mother Sara was active with Habitat for Humanity, and they were planning to help build a house together when Aaron returned from Iraq. In the words of Cody Elam, one of Aaron's friends from high school, Aaron "was the kind of guy to give you the shirt off his back if you needed it."

Aaron joined the Marines shortly after graduating. He wasn't the first member of his family to serve in the military—his older brother Matt was stationed in Kosovo at the time. According to his father, Steve, Aaron simply wanted the challenge of being a marine.

It is impossible to remember LCpl Aaron Reed without also remembering the other marines of Lima Company. The bond among these men was something we do not see every day. They were truly brothers. Because Aaron had dark hair and glasses, they nicknamed him after the fictional wizard "Harry Potter."

Before his death, Aaron had been promoted to team leader. According to his friend Joey Barker, Aaron was spending almost all of his spare time analyzing past missions to better prepare for the next one. But, this is simply the kind of man Aaron was—always hard-working and always willing to do his best for others.

Aaron kept in touch with his family and friends regularly while in Iraq, calling and e-mailing frequently. Aaron and his friend Joey had been playing an intense game of tic-tac-toe through the mail. Joey remembers that Aaron had been "in one of the best moods he'd ever heard him, laughing and joking around." At the time, he had been in Iraq since March 2005, and was scheduled to come home in late September.

Aaron's dad's last communication from Aaron was through e-mail, a

short note letting him know his son was safe. His dad still chuckles when he reads the greeting—"Hey Daddy-O," using the nickname he had given his father, "nothing much going on here. Just the daily grind . . . Just thought I'd drop you a short note to let you know I was doing fine." And in an e-mail to his mother, Sara, Aaron wrote, "Mom, I'm just out here doing the best I know how to do."

It was typical of Aaron to describe his service in Iraq as "nothing much." He was always willing to serve others and do so with a cheerful smile on his face.

Aaron remained positive throughout his time in Iraq. Angela Flowers had been his friend since the time they met in seventh grade, and the two wrote each other frequently during Aaron's deployment. Aaron called when he was able, and Angela remembers the last time they talked. "He was extremely optimistic and positive," she said. "He was still the same old Reed."

Hundreds of mourners gathered at Aaron's funeral to pay their respects. Family and friends talked about Aaron the jokester, Aaron the faithful friend, and Aaron the steadfast teammate. They also laughed and told funny tales about joy riding and the typical teenage pranks that Aaron had played.

They also spoke of Aaron's faith in God. Aaron was wearing a cross around his neck when he died. It was recovered and returned to his mother Sara. She wears that cross every day.

At his funeral, Aaron's friend Joey played guitar and sang one of Aaron's favorite songs: "The Dance," by Garth Brooks. "We all loved Aaron, and Aaron loved all of us," Joey said. "He left this world much better than he found it."

Aaron had big plans for his life. He was planning to attend college when he returned from Iraq. He loved to write, and his father believes Aaron would have become an excellent writer. "He had the heart of a poet," his father said. "And he wrote some very good things."

Aaron will never be forgotten. A memorial scholarship has been established in his honor. Family, friends, community members, and complete strangers gave willingly and generously. Almost \$25,000 has been raised, and the first scholarship of \$1,000 was granted last spring to a graduating Southeastern senior.

Aaron's mother Sara also worked to build a Habitat house in his honor and in the honor of Army SPC Gavin Colburn, another Ohioan from Aaron's hometown who also lost his life serving in Iraq. Aaron had told his mother that when he got home, they would volunteer together to help build a Habitat house. After his death, several of Aaron's friends worked with his mother Sara to help his dream become a reality. Fittingly, they decided to name the building Hometown Hero House.

I had the privilege of meeting several of Aaron's family members and friends

at a service held in his honor. Each remembers the beaming, megawatt smile that would always light up Aaron's face. And they will always remember that Aaron died while serving our Nation.

"Aaron believed in what he was doing, which made him my hero," his father Steve said. "Now he's everyone's hero."

Mr. President, 21 years, 11 months, and 11 days was the short time that Aaron lived on this Earth, but we are all better off because of the time he did live. He was a young man who genuinely loved life and had compassion for others. His dedication to his friends, family, community, and country was unmatched. Aaron is a model of what we all hope our children will become.

My wife Fran and I continue to keep the family of Aaron Reed in our thoughts and prayers.

I thank the Chair and yield the floor. The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, I say to my colleague, Senator DEWINE, those have been very moving tributes to fallen soldiers from his State of Ohio. He has set a good example for all of us on recognizing the service and sacrifice of those from his home State. I find as I listen to those tributes that they are extremely well done. I thank the Senator for that.

I also wish to acknowledge that the Senator from Ohio will be leaving at the end of this term and that I have very much appreciated working with him. He has been one of the very serious Members of this body, and we are going to miss him. I wanted to say to him that I certainly appreciate his service in the Senate. He has always been a constructive colleague, somebody who was working diligently to try to solve problems facing the country. We very much appreciate his dedication to the country.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. DEWINE. Mr. President, I thank my colleague and tell him that I have enjoyed working with him very much. We have worked on things together. You can work across the aisle in this body and get things done. I thank him for his very kind and generous words.

DISASTER RELIEF FOR FARMERS

Mr. CONRAD. Mr. President, as this interregnum continues, as we wait for some kind of resolution—we were told an hour and a half ago that would be forthcoming in 45 minutes—I wanted to read a letter I received from a young farm family that had been hit by one of the disasters I had referenced earlier. This family is from Souris, ND. It was a letter that was written to me last year about the extraordinary rains. This is what the father of the family wrote:

The rains began in earnest the last days of May 2005. Our crops were in the ground so the majority of the input costs for the crops

were already realized. We received 25 inches in 33 days and the attached pictures show the result. In our local town residents were going up and down the streets in boats.

We did our very best to cope with expenses but with the increased energy prices and the loss of crop income we and all the other producers in our area lost the battle. Our farm had financial reversals in the amount of \$110,000. We carry crop insurance but this program does not begin to cover our risks.

In speaking with loan officers at 2 of our local banks I was told that First National expects to restructure 60% of their Ag. Loans and State Bank estimated 75%-80%. This is serious business in agriculture.

We have felt the seriousness of the disasters in the South from last year's hurricanes and we have urged our delegation to support help for them. However our area was understandably off everyone's radar screen yet we had the devastation here as well.

Concerns abound as we look to the future. As I look out my window to the west I see a field that we have seeded since my grandfather homesteaded here in 1892. For the first time we will not be able to seed it. It is 120 acres with about 60 acres still under water from last summer. The Federal Government has placed a heavy burden on us by declaring our area as a Prairie Pot Hole Region. This means I cannot drain this excess water into a nearby drainage system. I am stuck with it. How do I begin to recover the financial losses mentioned above when the Government Regulations limit those opportunities? The water is to the top of the road on both sides and now after being this way for close to a year the road is saturated and just about ruined. I just spoke with a township supervisor and they feel they will be closing the road because of liability concerns.

We are asking that you come along side us and help us through this impossible situation that has been presented to us by a combination of nature and government regulations. Please support the Disaster Relief Appropriation currently working its way through Congress. If you do, you will literally be the difference between many being able to continue to produce food and fiber for this great nation and not being able to continue this production.

Thank you so much for listening to part of our story.

This gentleman included pictures. I don't think these are pictures that can be seen on camera, but I will hold them up and describe them. These are six different pictures. In some of them, there is water from horizon to horizon. Here we see a view that would go for miles and miles. There is water everywhere. This is what happened last year over much of my State—as I indicated earlier, a million acres that could not even be planted, another 600,000 acres where the crops were drowned out. Now this year, as I have said before, irony of ironies, the worst drought since the 1930s. Land I have been on many times in my life south of my hometown is like a moonscape—nothing growing, just dirt; land that had been planted and nothing even emerged.

To understand what happened, this is the weather for the month of July in my State. Bismarck, ND, is the State capital. It started out with a day at 90 degrees; the next day, 92. Then right after July 4 it went over 90 degrees the next 2 days. Then it jumped up to 102, and then it was 97. The next week, 96, and then it was 101, 105, 94, 101, 105, 106.

This is not heat index. These were the actual temperatures. Then we had kind of a cooling, and it got into the 80s. Then on the 22nd it jumped back up to 96, 97, 96, 90s all these days, 99, 97, and then the real corker, on the 30th of July, 112 degrees. That is really hot. I had friends who went out and drove south of my hometown that day who told me it was so hot it took your breath away, 112 degrees. I am not talking heat index or any of that; I am talking the actual temperature.

The crops just burned up. During this period, there was no precipitation—no precipitation, no precipitation, no precipitation that whole week, no precipitation this entire week, no precipitation until the 19th. In fact, not a drop until the 19th of July, and then there was 7/100th, then there was 32/100th, then no precipitation, none for the next period going through the end of the month. So from the 21st to the 31st, not another drop of precipitation. Meanwhile, 101, 105, 106, 112 degrees. This is why the disaster is so serious, a combination of virtually no precipitation—for this whole month, there was 39/100th of an inch of precipitation—and day after day, 90 and 100 degrees. The crops just burned up.

We can say: Tough luck, you are out of here, but that is not what we have done in the past. In the past, going back to 1989, we had the disaster assistance bill, \$3.4 billion. In 1990, we had disaster assistance. Every year with the exception of 1991, right through 2005.

Disaster assistance in 2000 was \$14.8 billion. The next year it was \$11.3 billion. This disaster package is \$4.5 billion for 2 years, so it is dramatically less. Obviously, that is a result of more widespread disasters, perhaps, in those years, so the cost is less, but also this is a less generous disaster bill, as we have moved to reduce things, cut things from the \$6.7 billion to \$4.5 billion or just under \$4.5 billion.

I think most people would acknowledge I have not been somebody who has ever sought to hold up the business of the Senate. I have been here 20 years. That is not how I have conducted myself. But I am left with no alternative and no choice when a commitment was made to me yesterday, both publicly and privately, that we would go to the Agriculture appropriations bill today and that I would have a chance to offer the amendment. I have reviewed the RECORD. It is very clear, the commitment that was made. As of this hour—we are approaching the 6 o'clock hour—that commitment has not been kept.

I understand there are others who may have lodged objection to going to the bill. But there are ways to go to a bill. It happens every day here. It happens every day that we go to a bill to which somebody has an objection. We have completely reserved the rights of our colleagues. They can require a supermajority vote. They can raise a budget point of order. They can raise

rule XVI. As I have indicated, it is clear to me rule XVI doesn't apply because we have written this in a way that it does not apply. They can insist on a vote. Fair enough. That is all I am asking for. I am asking for a vote. These people deserve that chance.

The fact is, literally thousands of farm families in my State are hanging in the balance. Right now, they are done with production for the year. Many of these places didn't have any production. This time of year, you go to your banker, and the bankers are saying to me that if there is no disaster assistance, 5 to 10 percent of farm families in my State are finished. What does that mean? We have 35,000 farm families in North Dakota. Five percent, if my math is right, would be 1,750. Ten percent would be 3,500 farm families who are out there right now wondering: What is the Federal Government going to do? Are they going to do what they have always done every year for almost the last 20 years and provide some kind of disaster assistance, or are they going to say: Tough, you are on your own, you are out of luck? I very much hope there will be a response and it will be a favorable response. These are as good as any people I know anywhere, hard-working, decent, honest, good people. They have been hit by the most extraordinary set of conditions. This drought has been rated the third worst drought in our Nation's entire history.

The flooding last year was unprecedented in my State. Outside of the 1997 floods, which was a 500-year flood—the worst flood in 500 years—we have not seen anything like it. I don't pretend to know what is going on with the weather out there, but something extraordinary is happening—extreme weather and extreme weather conditions, unlike anything I have seen in my adult lifetime. The result is deep financial damage to thousands and thousands of people.

Mr. President, I hope somewhere somebody is listening. I thank the Chair 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. CONRAD. 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. CONRAD. Mr. President, leadership indicates to me they wish to adjourn for the evening momentarily. I don't know if they have other matters to wrap up. I am certainly not going to hold the body here. We will come back tomorrow with the status quo being in place. That is my understanding of what the agreement would be. I understand they are going to try to work through the evening to resolve this matter so we can go to the bill at some point, with some assurance.

I want to bring this to my colleagues' attention. I pointed out the horrendous

weather in July in North Dakota. This is an article that appeared in the Grand Forks Herald. It said this:

Fields of wheat, durum and barley in the Dakotas this dry summer will never end up as pasta, bread or beer. What is left of the stifled crops has been salvaged to feed livestock struggling on pastures where hot winds blow clouds of dirt from dried-out ponds.

Some ranchers have been forced to sell their entire herds, and others are either moving their cattle to greener pastures or buying more already-costly feed. Hundreds of acres of grasslands have been blackened by fires sparked by lightning or farm equipment.

"These 100-degree days for weeks steady have been burning everything up," said Walter Johnson, Steele's mayor. "I'd go for 2 feet of snow than this."

Farm ponds and other small bodies of water have dried out from the heat, leaving the residual alkali dust to be whipped up by the wind. The blowing, dirt-and-salt mixture is a phenomenon that hasn't been seen in south central North Dakota since the Dust Bowl of the 1930s, Johnson said.

More than 60 percent of the United States now has abnormally dry or drought conditions, stretching from Georgia to Arizona and across the north through the Dakotas, Minnesota, Montana and Wisconsin, said Mark Svoboda, a climatologist for the National Drought Mitigation Center at the University of Nebraska at Lincoln.

An area stretching from south central North Dakota to central South Dakota is the most drought-stricken region in the nation, Svoboda said.

"It's the epicenter," he said. "It's just like a wasteland in north central South Dakota."

Conditions aren't much better a little farther north. Paul Smokov and his wife, Betty, raise several hundred cattle on their 1,750-acre ranch north of Steele, a town of about 760 people.

North Dakota's all-time high temperature was set here in July 1936, at 121. Smokov, now 81, remembers that time and believes conditions this summer probably are worse.

"I could see this coming in May," Smokov said of the parched pastures and wilted crops. "That's the time the good Lord gives us our general rains. But we never got them this year."

Brad Rippey, a federal Agriculture Department meteorologist in Washington, said this year's drought is continuing one that started in the late 1990s. "The 1999 to 2006 drought ranks only behind the 1930s and the 1950s. It's the third-worst drought on record—period," Rippey said.

Svoboda was reluctant to say how bad the current drought might eventually be.

"We'll have to wait to see how it plays out—but it's definitely bad," he said. "And the drought seems to not be going anywhere soon."

Herman Schumacher, who owns Herreid Livestock Auction in north central South Dakota, said his company is handling more sales than ever because of the drought.

In May, June and July last year, his company sold 3,800 cattle. During the same months this year, more than 27,000 cattle have been sold, he said.

"I've been in the barn here for 25 years and I can't even compare this year to any other year," Schumacher said.

He said about 50 ranchers have run cows through his auction this year.

"Some of them just trimmed off their herds, but about a third of them were complete dispersions—they'll never be back," he said.

"This county is looking rough—these 100-degree days are just killing us," said Gwen

Payne, a North Dakota State University extension agent in Kidder County, where Steele is located.

The Agriculture Department says North Dakota last year led the nation in production of 15 different commodity classes, including spring wheat, durum wheat, barley, oats, canola, pinto beans, dry edible peas, lentils, flaxseed, sunflower and honey.

North Dakota State University professor and researcher Larry Leistritz said it's too early to tell what effect this year's drought will have on commodity prices. Flour prices already have gone up and may rise more because of the effect of drought on wheat.

"There will be somewhat higher grain prices, no doubt about it," Leistritz said. "With livestock, the short-term effect may mean depressed meat prices, with a larger number of animals being sent to slaughter. But in the longer run it may prolong the period of relatively high meat prices."

Eventually, more than farmers could suffer.

"Agriculture is not only the biggest industry in the state, it's just about the only industry," Leistritz said. "Communities live or die with the fortunes of agriculture."

Mr. President, this is an article that was repeated in newspaper after newspaper across my State. This is a disaster that is virtually unprecedented. South Dakota is even worse. That is why we simply have to achieve a result. I again ask my colleagues, please, just give us a vote. These people deserve at least 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. CONRAD. 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. CONRAD. Mr. President, I have just been told now by leadership staff they are going to do everything they can to try to get this Agriculture appropriations bill up tomorrow and that I would have an opportunity to offer an amendment and get a vote. I have been assured they are going to bend their best efforts to accomplish that tomorrow. I appreciate that effort. I hope it occurs. Of course, that was supposed to happen today.

I am also informed they want to adjourn the body for the day, and I certainly will not stand in the way of adjourning. There are many here who have families they wish to go home to, and I certainly don't want to stand in the way of that, especially with these assurances that now, once again, have been given to me that they will bend their best efforts to try to get to the Agriculture appropriations bill tomorrow and give me an opportunity for a vote.

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

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

BUDGET SCOREKEEPING REPORT

Mr. GREGG. Mr. President, I hereby submit to the Senate the budget scorekeeping report prepared by the Congressional Budget Office under Section 308(b) and in aid of Section 311 of the Congressional Budget Act of 1974, as amended. This report meets the requirements for Senate scorekeeping of section 5 of S. Con. Res. 32, the first concurrent resolution on the budget for 1986.

This report shows the effects of congressional action on the 2006 budget through September 30, 2006. The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of the 2006 concurrent resolution on the budget, H. Con. Res. 95. Pursuant to section 402 of that resolution, provisions designated as emergency requirements are exempt from enforcement of the budget resolution. As a result, the attached report excludes these amounts.

The estimates show that current level spending is under the budget resolution by \$11.869 billion in budget authority and by \$4.030 billion in outlays in 2006. Current level for revenues is \$6.590 billion above the budget resolution in 2006.

Since my last report dated September 5, 2006, Congress has cleared and the President has signed the Department of Defense Appropriations Act, 2007, P.L. 109-289. In addition to providing regular defense appropriations for 2007, this act appropriated \$200 million for firefighting activities in fiscal year 2006. Those appropriations were designated as emergency requirements in 2006 and did not affect the current level totals.

This is my final report for 2006.

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

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, October 5, 2006.
Hon. JUDD GREGG,
Chairman, Committee on the Budget, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The enclosed tables show the effects of Congressional action on the 2006 budget and are current through September 30, 2006. This report is submitted under section 308(b) and in aid of section 311 of the Congressional Budget Act, as amended.

The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions for fiscal year 2006 that underlie H. Con. Res. 95, the Concurrent Resolution on the Budget for Fiscal Year 2006. Pursuant to section 402 of that resolution, provisions designated as emergency requirements are exempt from enforcement of the budget resolution. As a

result, the enclosed current level report excludes these amounts (see footnote 2 on Table 2).

Since my last letter dated September 5, 2006, the Congress has cleared and the President has signed the Department of Defense Appropriations Act, 2007 (Public Law 109-289). In addition to providing regular defense appropriations for 2007, this act appropriated \$200 million for firefighting activities in fiscal year 2006. Those appropriations were designated as emergency requirements in 2006 and did not affect the current-level totals.

Sincerely,

DONALD B. MARRON,
Acting Director.

TABLE 1.—SENATE CURRENT-LEVEL REPORT FOR SPENDING AND REVENUES FOR FISCAL YEAR 2006, AS OF SEPTEMBER 30, 2006

(In billions of dollars)

| | Budget resolution ¹ | Current level ² | Current level over/under (–) resolution |
|---|--------------------------------|----------------------------|---|
| ON-BUDGET | | | |
| Budget Authority | 2,094.4 | 2,082.5 | –11.9 |
| Outlays | 2,099.0 | 2,095.0 | –4.0 |
| Revenues | 1,589.9 | 1,596.5 | 6.6 |
| OFF-BUDGET | | | |
| Social Security Outlays ³ | 416.0 | 416.0 | 0 |
| Social Security Revenues | 604.8 | 604.8 | * |

¹ H. Con. Res. 95, the Concurrent Resolution on the Budget for Fiscal Year 2006, assumed \$50.0 billion in budget authority and \$62.4 billion in outlays in fiscal year 2006 from emergency supplemental appropriations. Such emergency amounts are exempt from the enforcement of the budget resolution. Since current-level totals exclude the emergency requirements enacted in the previous session and the emergency requirements in Public Law 109-176, Public Law 109-208, Public Law 109-234, and Public Law 109-289 (see footnote 2 on Table 2), the budget authority and outlay totals specified in the budget resolution have also been reduced (by the amounts assumed for emergency supplemental appropriations) for purposes of comparison.

² Current level is the estimated effect on revenue and spending of all legislation that the Congress has enacted or sent to the President for his approval. In addition, full-year funding estimates under current law are included for entitlement and mandatory programs requiring annual appropriations, even if the appropriations have not been made.

³ Excludes administrative expenses of the Social Security Administration, which are also off-budget, but are appropriated annually.

Source: Congressional Budget Office.

Note: * = Less than \$50 million.

TABLE 2.—SUPPORTING DETAIL FOR THE SENATE CURRENT-LEVEL REPORT FOR ON-BUDGET SPENDING AND REVENUES FOR FISCAL YEAR 2006, AS OF SEPTEMBER 30, 2006

(In millions of dollars)

| | Budget Authority | Outlays | Revenues |
|---|------------------|-----------|-----------|
| Enacted in Previous Sessions: | | | |
| Revenues | n.a. | n.a. | 1,607,180 |
| Permanents and other spending legislation ¹ | 1,296,134 | 1,248,957 | n.a. |
| Appropriation legislation | 1,333,823 | 1,323,802 | n.a. |
| Offsetting receipts | –479,868 | –479,868 | n.a. |
| Total, enacted in previous sessions: | 2,150,089 | 2,092,891 | 1,607,180 |
| Enacted This Session: | | | |
| Katrina Emergency Assistance Act of 2005 (P.L. 109-176) | 250 | 250 | 0 |
| An act to make available funds included in the Deficit Reduction Act for the Low-income Energy Assistance Program for 2006 (P.L. 109-204) | 1,000 | 750 | 0 |
| Native American Corrections Act of 2006 (P.L. 109-221) | 23 | 23 | 3 |
| Tax Increase Prevention and Reconciliation Act of 2005 (P.L. 109-222) | 0 | 0 | –10,757 |
| Heroes Earned Retirement Opportunities Act (P.L. 109-227) | 0 | 0 | –1 |
| Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 (P.L. 109-234) | –111 | 143 | 55 |
| Broadcast Decency Enforcement Act of 2005 (P.L. 109-235) | 0 | 0 | 1 |
| Mine Improvement and New Emergency Response Act of 2006 (P.L. 109-236) | 0 | 0 | 1 |
| Returned Americans Protection Act of 2006 (P.L. 109-250) | 4 | 3 | 0 |
| An act to provide funding authority to facilitate the evacuation of persons from Lebanon (P.L. 109-268) | 0 | 27 | 0 |
| Total, enacted this session: | 1,166 | 1,196 | –10,698 |
| Entitlements and mandatories: | | | |
| Difference between enacted levels and budget resolution estimates for appropriated entitlements and other mandatory programs | –68,740 | 879 | n.a. |
| Total Current Level ^{1, 2, 3, 4} | 2,082,515 | 2,094,966 | 1,596,482 |
| Total Budget Resolution | 2,144,384 | 2,161,420 | 1,589,892 |
| Adjustment to budget resolution for emergency requirements ⁴ | –50,000 | –62,424 | n.a. |
| Adjusted Budget Resolution | 2,094,384 | 2,098,996 | n.a. |
| Current Level Over Adjusted Budget Resolution | n.a. | n.a. | 6,590 |
| Current Level Under Adjusted Budget Resolution | 11,869 | 4,030 | n.a. |

¹ P.L. 109-171 was enacted early in this session of Congress, but is shown under “enacted in previous sessions” as requested by the Committee on the Budget. Included in current-level totals for P.L. 109-171 are \$980 million in budget authority and –\$4,847 million in outlays.

² Pursuant to section 402 of H. Con. Res. 95, the Concurrent Resolution on the Budget for Fiscal Year 2006, provisions designated as emergency requirements are exempt from enforcement of the budget resolution. As a result, the current-level totals exclude the following amounts:

| | Budget Authority | Outlays | Revenues |
|--|------------------|---------|----------|
| Emergency requirements enacted in previous session | 74,981 | 112,423 | 7,111 |
| Katrina Emergency Assistance Act of 2006 (P.L. 109-176) | –250 | 0 | 0 |
| National Flood Insurance Enhanced Borrowing Authority Act of 2006 (P.L. 109-208) | 2,275 | 2,275 | 0 |
| Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 (P.L. 109-234) | 94,541 | 24,184 | 0 |
| Department of Defense Appropriations Act, 2007 (P.L. 109-289) | 200 | 0 | 0 |
| Total, enacted emergency requirements | 171,747 | 138,882 | –7,111 |

³ Excludes administrative expenses of the Social Security Administration, which are off-budget.

⁴ H. Con. Res. 95, the Concurrent Resolution on the Budget for Fiscal Year 2006, assumed \$50,000 million in budget authority and \$62,424 million in outlays in fiscal year 2006 from emergency supplemental appropriations. Such emergency amounts are exempt from the enforcement of the budget resolution. Since current-level totals exclude the emergency requirements enacted in the previous session and the emergency requirements in P.L. 109-176, P.L. 109-208, P.L. 109-234, and P.L. 109-289 (see footnote 2 above), budget authority and outlay totals specified in the budget resolution have also been reduced (by the amounts assumed for emergency supplemental appropriations) for purposes of comparison.

Notes.—n.a. = not applicable; P.L. = Public Law.

Source: Congressional Budget Office.

FIGHTING DOMESTIC VIOLENCE

Mr. BIDEN. Mr. President, I rise today to pay special tribute to the General Federation of Women's Clubs and their recent work to fight domestic violence. The organization is a gem among our midst. Founded in April 1890, it is one of the world's oldest and largest women's volunteer organizations. More than 150,000 women members in 5,000 local and 20 international clubs volunteer over 13 million hours and contribute approximately \$35 million through more than 160,000 club projects. I can't underestimate how

powerful and influential this corps of volunteers is to the health of our Nation.

I am particularly proud that this year the international president, Jacqueline Pierce, has adopted “Domestic Violence Awareness and Prevention” as her President's Special Project for 2006-2008. Nannette White, a member from Louisiana, serves as the national chairperson of the President's Special Project, and with the support of a national committee of women, promotes participation in this project. All across the Nation, local women's clubs are

adopting battered women's shelters and donating needed goods such as food, linens, health care items, and more. In Nevada, members sponsored a public service campaign on radio stations to promote important messages about violence prevention. In Mississippi, members distributed 2,000 fliers with information on the National Domestic Violence Hotline and helped raise funds for the Mississippi State Coalition Against Domestic Violence. This is just a small sampling of the good works being done.

As part of this special project, the General Federation of Women's Clubs forged a historic collaboration with the Family Violence Prevention Fund, the National Domestic Violence Hotline, the National Network to End Domestic Violence and domestic violence organizations in communities throughout the United States. Innovative partnerships between the public and private sector, new relationships between organizations—these are the pathways to solutions to our Nation's most pressing problems.

I have spent almost 34 years of my life in Congress and witnessed the transformative impact of powerful Federal legislation. For instance, the Violence Against Women Act improved Federal and State criminal laws and enacted programs that encourage prosecution of abusers, create battered women's shelters and sponsor educational campaigns. Over the past decade, the act's programs have distributed over \$4 billion to States, local governments, and nonprofit organizations. Yet despite this extraordinary success, I am convinced that Federal Government action alone cannot end domestic violence. We desperately need the individual attention and dedication of volunteers. Change happens one woman at a time and one volunteer at a time. The volunteer work done by club members fills an invaluable role. As my mother would say, these are the people who do God's work.

I commend Madam President Pierce for her leadership and commitment to airing our Nation's "dirty little secret," domestic violence. She has brought a whole new legion of women warriors to help battered women and their children. On behalf of the entire Senate, I thank them for their tireless volunteerism to end domestic violence and giving women what they haven't had before—hope.

HOLD EXPLANATION

Mr. WYDEN. Mr. President, I have placed a hold on the nomination of Roger A. Martella, Jr., to be general counsel of the U.S. Environmental Protection Agency. Consistent with my policy of publicly announcing whenever I place a hold on a nomination, I want to notify my colleagues of my objection to allowing Mr. Martella's nomination to be considered under a unanimous consent agreement and to take a few minutes to explain to my colleagues why I am doing so.

After many years of delay, the EPA has finally proposed regulations under the Clean Air Act to protect Americans from toxic air pollutants from cars and trucks and other mobile sources. But instead of proposing a rule that would protect all Americans from these toxic emissions, EPA's proposal would essentially turn the Pacific Northwest into an environmental sacrifice zone.

EPA's analysis shows that the biggest risk from these pollutants comes from benzene which is naturally found

in petroleum products and ends up in the gas tanks of our cars and in the gas cans in our garages. Some of the highest levels of benzene in gasoline are found in the Northwest. In fact, our region of the country has the highest average levels of benzene in gasoline in the United States, more than three times higher than gasoline here on the east coast.

Benzene is a known carcinogen. Exposure to benzene has been shown to cause leukemia and poses other health risks, such as genetic changes. Although the EPA has never set a health standard for benzene in the environment, the Department of Environmental Quality for the State of Oregon has, and we have levels of benzene in Downtown Portland that are 20 times higher than the State's standard. The majority of this benzene comes from gasoline. So it should be good news that EPA is finally acting to regulate the amount of benzene in gasoline.

Unfortunately, EPA has proposed a regulatory scheme that will simply not ensure that these levels are reduced as much as they need to be, and let me explain why.

First, EPA rejected the idea that there should be a maximum level of benzene in gasoline. The current Federal requirements for reformulated gasoline contain a maximum threshold for benzene. The State of California's fuel standards include a provision limiting the percentage of benzene in gasoline sold in California. Canada has a benzene limit. Korea has a benzene limit. Japan has a benzene limit. The European Union has a benzene limit. And according to a recent article in the industry trade press, Vietnam is going to establish a benzene limit. But not EPA.

Instead, what EPA has proposed is the establishment of a national average for benzene in gasoline. Every refinery or gasoline importer is theoretically supposed to sell gasoline that meets this average standard, but there is no maximum level and EPA has coupled this requirement to a credit-trading system. Under EPA's scheme, refineries that make gasoline below the standard will get credits that they can give away, trade, or sell to refineries which make gasoline above the standard. Many refineries that make gasoline with high benzene levels would never have to meet the EPA standard. And again, because under the EPA proposal there would be no maximum level of benzene in gasoline, many refineries are expected to make little, if any, reduction in the amount of benzene in their gasoline and rely instead on credits to meet the standard. According to EPA, five refineries producing gasoline over the EPA standard would take no action whatsoever to reduce their benzene levels.

The reason this is all so important is that Americans don't get their gasoline from a gasoline terminal filled with "average" gasoline. They get their gas from regional refineries and distribu-

tors. In Oregon, we get almost all of our gasoline from refineries on Puget Sound in the State of Washington—refineries which, for the most part, produce gasoline with high benzene levels. Even if everything worked as EPA intended, benzene levels in gasoline in the Northwest would be 40 percent above the national standard. However, the plain fact is that there is no assurance that gasoline in our region will be cleaner because EPA leaves the decision of whether the refineries in Puget Sound reduce their benzene levels up to the companies that own those refineries. If oil companies decide that it is in their economic interest to simply buy their way to compliance by using credits instead of investing in equipment that will actually reduce the amount of benzene in our gas, EPA says they can. The only thing that EPA will care about is that those companies have begged, borrowed, or bought enough credits to meet the national average. And we will continue to have the same high levels of benzene we have now. In fact, without any sort of overall cap on the amount of benzene that can be in gasoline, benzene levels in our gasoline in the Northwest could even go up.

I have focused my remarks on the impact that this proposal has on the Northwest, but it is not just a problem for the Northwest. Other parts of the country will also have gasoline with benzene levels over the national standard, and without any maximum level of benzene no American can be sure of how much benzene might be in their gasoline and in the air they breathe.

I also want to emphasize again that under the EPA approach, it will be the oil companies that decide whether they reduce their benzene levels at any given refinery, not EPA. If EPA's analysis is correct, a single major oil company, which EPA identifies only as "Company No. 2," would be responsible for producing more than a third of all of the gasoline exceeding the proposed national benzene standard. Rather than make the investment in benzene control and removal technology, EPA, from the beginning, simply expects this company to use credits to meet the standard for all of this high benzene gasoline. Who is Company No. 2 and why is EPA proposing to give them this license to pollute?

This would all be bad enough if EPA hadn't actually thought about these problems. They acknowledged in their rulemaking process that there would be regional inequities. They examined alternatives for setting maximum levels of benzene that should be in gasoline. In one case, they looked at the additional cost to Americans of imposing an average maximum level of benzene of 1.3 percent as part of the standard in order to address these problems. EPA's own analysis concluded that this would cost consumers in my region of the country less than one-half of 1 cent a gallon and Americans, nationwide, an additional 5/1000ths of a cent per gallon

of gasoline. That is not five cents. That is .005 cents. The bottom line is that EPA is proposing to allow my constituents to breathe more toxic emissions and face greater risk of cancer so that oil companies can save a fraction of a cent per gallon of gas.

I am not going to sit back and let EPA just go ahead with this rule-making without complaint. The Office of General Counsel is the chief legal advisor to EPA. Mr. Martella was the principal deputy general counsel when this rule was proposed. He is now the acting general counsel. I am placing a hold on his nomination to send as strong a signal to EPA as I can at this time that they need to take another look at their own figures. They need to take another look at their own regulatory analysis. The regional problems that they identified would occur in setting up a national cap-and-trade program are real problems and must not be ignored. They need to come up with a real solution. Until they do, I will object to any unanimous consent agreement to allow Mr. Martella's nomination to come to a vote in the Senate.

ADDITIONAL STATEMENTS

IN HONOR OF SHERIFF CHARLES PLUMMER

• Mrs. BOXER. Mr. President, I take this opportunity to recognize Alameda County Sheriff Charles Plummer, who is retiring after more than 54 years of dedicated service in law enforcement.

Sheriff Plummer began his career in law enforcement in 1952 with the city of Berkeley Police Department. His dedication to the Berkeley Police Department was evident over the 23 years he spent with that agency, where he ultimately rose to the rank of acting chief of police.

Following his service with the Berkeley Police Department, Sheriff Plummer was appointed chief of police for the city of Hayward in June of 1976. During his 10 years with the Hayward Police Department, Sheriff Plummer employed many innovative and successful programs. In 1979, Sheriff Plummer volunteered the Hayward Police Department to be one of five trial sites to test the law enforcement service standards established by the Commission on Accreditation for Law Enforcement Agencies, CALEA, becoming the ninth law enforcement agency in the Nation, and the first west of the Mississippi, to be accredited by CALEA. Sheriff Plummer was later elected to CALEA, served as its president, and has since been a strong advocate for the accreditation of law enforcement agencies.

Most memorably, in his role as Hayward chief of police, Sheriff Plummer initiated what became known as "The Cardinal Sins," a set of simple, straightforward rules demanding honesty from all employees and prohibiting bigotry, the acceptance of bribes,

and the use of controlled substances. Many officers felt that adherence to these rules helped build a bond of trust between law enforcement and the communities they served. Today, "The Cardinal Sins" have become standard in many law enforcement agencies throughout the Nation. Under his leadership, the Hayward Police Department became one of the most highly respected law enforcement agencies in the country.

In 1986, Sheriff Plummer was elected sheriff of Alameda County. In his capacity as sheriff, he opened the new Santa Rita jail, the sixth largest facility of its kind in the United States; he established a marine patrol unit to protect the shoreline of Alameda County; he opened a state-of-the-art Office of Emergency Services Center; he has achieved CALEA accreditation for the sheriff's office; and has also received accreditation for many branches of the sheriff's office, including Prison Health Services, the County Crime Laboratory, and the Explosive Ordinance Unit. Under his leadership, the Alameda County Sheriff's Office is the only agency in California to earn the National Sheriff's Association prestigious "Triple Crown Award."

In addition to his regular duties as Alameda county sheriff, Sheriff Plummer has served as head of Region II in the California Law Enforcement Mutual Aid System, a statewide program under the Office of Emergency Services that restores order during emergencies, including civil unrest, and provides assistance to local agencies during other unusual events. Throughout his career, Sheriff Plummer has also been active in numerous professional organizations including the Peace Officer's Research Association of California, the Peace Officer Standards and Training, the Police Executive Research Forum, and the International Association of Chiefs of Police.

In his spare time, Sheriff Plummer has been very involved in his community, serving as past president and a member of the Hayward Rotary Club. He is a lifetime volunteer for the Boy Scouts of America, serving on the executive council in San Francisco, and a lifetime member of the Southern Alameda County Chapter of the NAACP. Sheriff Plummer has generously given his time to such organizations as the YMCA and the Salvation Army.

For over half a century, Sheriff Plummer has dedicated his life to promoting excellence in law enforcement and the communities he has served. He has served with honesty, integrity, and a commitment to excellence. I am confident that, even in retirement, Sheriff Plummer will continue to touch lives with his good will and compassion. I wish him the very best and hope he enjoys his much deserved retirement.●

DELANO ELEMENTARY SCHOOL, DELANO, MINNESOTA

• Mr. DAYTON. Mr. President, today I honor Delano Elementary School, in

Delano, MN, which recently earned an Award for Excellence in Education for its exceptional and innovative achievements in educating children.

Delano Elementary School is truly a model of educational success. The school takes great pride in involving parents in their children's school experiences. Last spring, the rate of parents' participation at parent-teacher conferences was an impressive 99 percent. Parents contributed over 6,000 hours of volunteer services during the 2005-2006 school year.

The Partners in Education organization at Delano Elementary raises over \$30,000 per year for student activities and supplies for teachers and classrooms. Recently, the organization contributed \$8,000 toward the purchase of SMARTBOARD technology, an interactive, electronic blackboard system. The money was also used to install sound-field systems in a number of the primary grade classrooms.

Delano Elementary also offers several programs to challenge children of high potential. The school's Tiger's Tale publishing center allows children to turn their own creative stories into books that have a professionally published look. The math lab extends and enriches skills taught through classroom instruction.

An organized gifted and talented program, with a teacher of gifted and talented children, offers several opportunities for pupils beyond their classrooms, including Destination Imagination, Continental Math League, and other unique units of instruction, designed specifically for high-potential pupils.

Delano Elementary consistently receives five-star ratings from the Department of Education in both reading and math. Last year, 87 percent of Delano third-graders scored in the top three levels on the Minnesota Comprehensive Assessment Reading Test, and 93 percent of the third-graders scored in the top three levels in math.

Much of the credit for Delano Elementary School's success belongs to its principal, Darren Schuler, and the dedicated teachers. The pupils and staff at Delano Elementary School understand that, in order to be successful, a school must go beyond achieving academic success; it must also provide a nurturing environment where children can develop the knowledge, skills, and attitudes for success throughout life. All of the faculty, staff, and pupils at Delano Elementary School should be very proud of their accomplishments.

I congratulate Delano Elementary School in Delano for winning the Award for Excellence in Education and for its exceptional contributions to education in Minnesota.●

ORONO INTERMEDIATE SCHOOL, ORONO, MINNESOTA

• Mr. DAYTON. Mr. President, today I honor Orono Intermediate School, in Orono, MN, which recently earned an

Award for Excellence in Education for its exceptional and innovative achievements in educating children.

Orono Intermediate School is truly a model of educational success, where students are advancing to a new phase in their educational experience. Exercising higher levels of responsibility and independence in their learning, students achieve within a challenging and caring environment. The dedicated staff at Orono work closely with students to foster personal and academic success. The staff are committed to providing students with rigorous academic curricula that challenge them to achieve higher standards. To this end, staff strive to develop an educational program that addresses each child's individual needs and allows all students to achieve to their full potential.

Orono Intermediate School is accredited by the North Central Association of Colleges and Schools, NCA. Accreditation is granted to schools that demonstrate a commitment to continued improvement and curriculum review.

Orono Intermediate School enhances educational opportunities through a variety of programs and policies, including: a concentration on small class sizes, field trips, computer/media labs, an aquatics program, a United Nations peace site, competitive academic teams, an artist-in-residence program, service learning projects, and world languages, taught before and after school.

The success of Orono Intermediate School is reflected in its test scores. In 2005, Orono Intermediate received five stars in both math and reading from the Minnesota Department of Education. In 2004, the school received four stars in math and five stars in reading.

Much of the credit for Orono Intermediate School's success belongs to its principal, Paula Martin, and the dedicated teachers. The students and staff at Orono Intermediate School understand that, in order to be successful, a school must go beyond achieving academic success; it must also provide a nurturing environment where students can develop the knowledge, skills, and attitudes for success throughout life. All of the faculty, staff, and students at Orono Intermediate School should be very proud of their accomplishments.

I congratulate Orono Intermediate School in Orono for winning the Award for Excellence in Education and for its exceptional contributions to education in Minnesota.●

IN MEMORY OF SIGMUND STROCHILTZ

● Mr. LIEBERMAN. Mr. President, today I speak in memory of Sigmund Strochiltz, a truly remarkable man from New London, Connecticut who passed away on Monday October 16, at the age of 89. I was saddened to hear about Mr. Strochiltz's death, and I will keep his friends and family in my thoughts and prayers.

Mr. Strochiltz was best known as the owner of Whaling City Ford, a successful car dealership that became a local institution in New London. Almost anyone who has lived in southeastern Connecticut can recall the television commercials for his dealership, in which Mr. Strochiltz would pleasantly invite the viewer to "Come in. I would like to meet you," a simple slogan that reflected his pleasant demeanor and truly optimistic outlook on life. Those who knew him best say that he had a deep appreciation for the simple joys in life, like dining with friends or spending time with his grandchildren.

Mr. Strochiltz's optimism is incredible considering the horrors he had to endure early in life. Mr. Strochiltz grew up in Poland, where he lived through both world wars. During the Second World War, he was held in a concentration camp in Auschwitz, Poland, for over 15 months. During this truly horrible experience, Mr. Strochiltz was forced to watch as his parents, two sisters, his first wife, and countless others marched off to their deaths.

Yet Mr. Strochiltz's spirit could not be broken, and he refused to give up hope that the people of all nations could live together in peace. After being released, he was determined to ensure that no one else ever had to suffer as he had.

Mr. Strochiltz believed that if mankind was never allowed to forget the atrocities committed by the Nazi regime, such atrocities might never be repeated. He worked tirelessly toward this end. He served on the U.S. Memorial Holocaust Council, which worked to establish the National Holocaust Memorial and Museum. He served as chairman of the council's remembrance committee, where he lobbied the governments of every State and the District of Columbia to hold annual ceremonies to remember victims and survivors of the Holocaust.

In addition to his great work with the council, Mr. Strochiltz helped elevate the writer Elie Wiesel, a close friend of his, to international fame. The two were partners in their mission to make sure the world never forgot the evils of the Holocaust. Together they traveled the globe, meeting with world leaders, such as German Chancellor Helmut Schmitt and Pope John Paul II. Mr. Strochiltz also lobbied Capitol Hill to have Mr. Wiesel nominated for the Nobel Peace Prize; he was successful, and Mr. Wiesel was deservedly awarded the prize.

The passing of Sigmund Strochiltz is truly a loss for the people of Connecticut and throughout the world. May his kind nature and devotion to promoting peace and tolerance in the world live on in all those he has touched.●

RECOGNIZING EARL MCVICKER

● Mr. ROBERTS. Mr. President, today I congratulate a Kansan, and a friend,

Earl McVicker, whose hard work, perseverance, and dedication has earned him recognition by those in his profession. Last month, Earl, who started his banking career at a bank in a town of 400, was elected chairman of the American Bankers Association. I join his friends, family, and colleagues in extending my congratulations and best wishes to him during the upcoming year.

Earl's career in the banking industry began shortly after his graduation from Kansas State University, home of the always optimistic and fighting Wildcats. Although Earl earned an engineering degree from K-State, he had taken a few business classes and a course on rural banking, which captured his interest. His first job was at the Bazine State Bank. Earl worked hard, learning the banking business from the ground up. His strong work ethic paid off, and he rose steadily in the banking industry, moving on to banks in Colorado and Kansas before becoming CEO of Central Bank and Trust, in Hutchinson, KS. By this time, Earl was looking for more than just another job at another bank. He was looking for the opportunity to make policy decisions, and he knew the only way to achieve that was to buy a bank.

Well, Earl succeeded in this goal, in part, by doing something we should all take a lesson from. When he became CEO at CB&T, he made the decision that he would continue to live off the amount of his previous salary and save and invest the difference in order to buy CB&T stock. This self-discipline, along with some help from his parents and a loan from another bank, allowed Earl to continue buying stock in CB&T, eventually gaining majority ownership. Further, the loan that he took out, that he hoped to pay off in 10 years? He paid it off in 5. Earl acknowledges that he risked everything on this one venture, but it is certainly a risk that has paid off.

Perhaps the quote that Earl has framed and hanging in his office best sums up what guides him. The quote, by President Calvin Coolidge, reads: "Nothing in this world can take the place of persistence. Talent will not; nothing is more common than unsuccessful men with talent. Genius will not; unrewarded genius is almost a proverb. Education will not; the world is full of educated derelicts. Persistence and determination alone are omnipotent. The slogan 'press on' has solved and always will solve the problems of the human race."

Earl's own hard work, persistence, and willingness to take risks gives him an understanding and an empathy for people who are looking to start and own their own business. His commitment to promoting entrepreneurship, his willingness to help individuals start a business, and his ability to recognize the potential of these individuals, even those who may not have business experience, makes him unique and reminds us all of the important role hometown

banks play in a community. They understand the needs of the customers, their community, and know that their role in helping individuals and businesses succeed is vital to economic health.

Now, I don't want to leave you with the impression that Earl is just another skilled businessman, although over the past 14 years, his private investment company, Central Financial Corp., has grown to include banks in a dozen States and has outperformed Warren Buffet's Berkshire Hathaway, as well as the Dow and the S&P 500. In fact, Earl wears several hats, including a Stetson when he is out horseback riding with his wife Molly or helping out on his parent's farm near Ness City. And he's particularly fond of the motorcycle helmet that he wears when he takes his Harley for a ride up to Sturgis, SD. Maybe not what you expected from the incoming ABA chairman.

Earl has reached a milestone in his career, but in this success, he has also helped others succeed in starting and growing their businesses and has taken an active role in helping communities like Hutchinson thrive. I am proud to call Earl a friend. I know he will approach his year as chairman of the ABA by expanding his "commitment to community" philosophy throughout the country. It is this commitment, working as a partner with his community, that has made him a leader in the banking profession.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 2:22 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bills and joint resolutions, in which it requests the concurrence of the Senate:

H.R. 864. An act to provide for programs and activities with respect to the prevention of underage drinking.

H.R. 1245. An act to provide for programs to increase the awareness and knowledge of women and health care providers with respect to gynecologic cancers.

H.R. 6314. An act to amend title 38, United States Code, to extend certain expiring provisions of law and to expand eligibility for

the Survivors' and Dependents' Educational Assistance program.

H.J. Res. 96. Joint resolution recognizing the contributions of the Christmas tree industry to the United States economy.

H.J. Res. 100. Joint resolution making further continuing appropriations for the fiscal year 2007, and for other purposes.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 496. Concurrent resolution providing for a conditional adjournment of the House of Representatives and a conditional recess or adjournment of the Senate.

ENROLLED BILLS SIGNED

The message further announced that the Speaker has signed the following enrolled bills:

S. 435. An act to amend the Wild and Scenic Rivers Act to designate a segment of the Farmington River and Salmon Brook in the State of Connecticut for study for potential addition to the National Wild and Scenic Rivers System, and for other purposes.

S. 819. An act to authorize the Secretary of the Interior to reallocate costs of the Pactola Dam and Reservoir, South Dakota, to reflect increased demands for municipal, industrial, and fish and wildlife purposes.

S. 1131. An act to authorize the exchange of certain Federal land within the State of Idaho, and for other purposes.

S. 1140. An act to designate the State Route 1 Bridge in the State of Delaware as the "Senator William V. Roth, Jr. Bridge".

S. 3880. An act to provide the Department of Justice the necessary authority to apprehend, prosecute, and convict individuals committing animal enterprise terror.

H.R. 409. An act to provide for the exchange of land within the Sierra National Forest, California, and for other purposes.

H.R. 860. An act to provide for the conveyance of the reversionary interest of the United States in certain lands to the Clint Independent School District, El Paso County, Texas.

H.R. 1129. An act to authorize the exchange of certain land in the State of Colorado.

H.R. 3085. An act to amend the National Trails System Act to update the feasibility and suitability study originally prepared for the Trail of Tears National Historic Trail and provide for the inclusion of new trail segments, land components, and campgrounds associated with that trail, and for other purposes.

H.R. 5842. An act to compromise and settle all claims in the case of Pueblo of Isleta v. United States, to restore, improve, and develop the valuable on-reservation land and natural resources of the Pueblo, and for other purposes.

The enrolled bills were subsequently signed by the President pro tempore (Mr. STEVENS).

At 3:34 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following enrolled bill, in which it requests the concurrence of the Senate:

H.R. 6326. An act to clarify the provision of nutrition services to older Americans.

At 4:44 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed

the following bills, without amendment:

S. 101. An act to convey to the town of Frannie, Wyoming, certain land withdrawn by the Commissioner of Reclamation.

S. 4001. An act to designate certain land in New England as wilderness for inclusion in the National Wilderness Preservation system and certain land as a National Recreation Area, and for other purposes.

The message also announced that the House agrees to the amendments of the Senate to the bill (H.R. 5585) to improve the netting process for financial contracts, and for other purposes.

MEASURES REFERRED

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

H.R. 3699. An act to provide for the sale, acquisition, conveyance, and exchange of certain real property in the District of Columbia to facilitate the utilization, development, and redevelopment of such property, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

H.R. 6314. An act to amend title 38, United States Code, to extend certain expiring provisions of law and to expand eligibility for the Survivors' and Dependents' Educational Assistance program; to the Committee on Veterans' Affairs.

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

S. 4051. A bill to provide sufficient resources to permit electronic surveillance of United States persons for foreign intelligence purposes to be conducted pursuant to individualized court-based orders for calls originating in the United States, to provide additional resources to enhance oversight and streamline the procedures of the Foreign Intelligence Surveillance Act of 1978, to ensure review of the Terrorist Surveillance Program by the United States Supreme Court, and for other purposes.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. WARNER for the Committee on Armed Service.

Army nomination of Brig. Gen. James B. Mallory III to be Major General.

Navy nomination of Vice Adm. Patrick M. Walsh to be Admiral.

Navy nomination of Rear Adm. Thomas J. Kilcline, Jr. to be Vice Admiral.

Mr. WARNER. Mr. President, for the Committee on Armed Services I report favorably the following nomination lists which were printed in the RECORDS on the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that these nominations lie at the Secretary's desk for the information of Senators.

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

Air Force nomination of Thomas C. Hankins to be Colonel.

Air Force nominations beginning with Jeffery C. Carstens and ending with Marcia Wheeler, which nominations were received by the Senate and appeared in the Congressional Record on September 29, 2006.

Army nominations beginning with Robert E. Suter and ending with Dawn Harold, which nominations were received by the Senate and appeared in the Congressional Record on September 29, 2006.

Army nomination of John M. Cotten to be Lieutenant Colonel.

Army nominations beginning with Laureen A. Otto and ending with Dee A. Paoli, which nominations were received by the Senate and appeared in the Congressional Record on September 29, 2006.

Army nominations beginning with Steven F. Williams and ending with Jessica N. Stanton, which nominations were received by the Senate and appeared in the Congressional Record on September 29, 2006.

Army nomination of Lee A. Knox to be Major.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

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

By Mr. FRIST:

S. 4052. A bill to authorize refugee relief and reconstruction assistance for North Korea; to the Committee on Foreign Relations.

By Mr. DODD (for himself, Mr. COCHRAN, Mr. KENNEDY, Mr. BAUCUS, Mr. SALAZAR, Mr. ROCKEFELLER, Mrs. BOXER, and Mr. KERRY):

S. 4053. A bill to amend the National and Community Service Act of 1990 to establish a Summer of Service State grant program, a Summer of Service national direct grant program, and related national activities, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. CRAIG (for himself and Mr. AKAKA):

S. 4054. A bill to amend title 38, United States Code, to expand the number of individuals qualifying for retroactive benefits from traumatic injury protection coverage under Servicemembers' Group Life Insurance; to the Committee on Veterans' Affairs.

By Mrs. FEINSTEIN (for herself and Mr. SESSIONS):

S. 4055. A bill to address the effect of the death of a defendant in Federal criminal proceedings; to the Committee on the Judiciary.

By Mr. ISAKSON (for himself and Mr. CHAMBLISS):

S. 4056. A bill to amend the Public Health Service Act to provide revised standards for quality assurance in screening and evaluation of gynecologic cytology preparations, and for other purposes; 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 Mrs. BOXER (for herself and Mrs. FEINSTEIN):

S. Res. 614. A resolution honoring the firefighters and other public servants who responded to the devastating Esperanza Incident fire in southern California in October 2006; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 408

At the request of Mr. DEWINE, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 408, a bill to provide for programs and activities with respect to the prevention of underage drinking.

S. 440

At the request of Mr. BUNNING, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 440, a bill to amend title XIX of the Social Security Act to include podiatrists as physicians for purposes of covering physicians services under the medicaid program.

S. 910

At the request of Ms. SNOWE, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 910, a bill to require that health plans provide coverage for a minimum hospital stay for mastectomies, lumpectomies, and lymph node dissection for the treatment of breast cancer and coverage for secondary consultations.

S. 1687

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

S. 3677

At the request of Mr. BINGAMAN, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. 3677, a bill to amend title XVIII of the Social Security Act to eliminate the in the home restriction for Medicare coverage of mobility devices for individuals with expected long-term needs.

S. 3744

At the request of Mr. DURBIN, the names of the Senator from Florida (Mr. MARTINEZ) and the Senator from Texas (Mrs. HUTCHISON) were added as cosponsors of S. 3744, a bill to establish the Abraham Lincoln Study Abroad Program.

S. 3808

At the request of Mr. HARKIN, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 3808, a bill to reduce the incidence of suicide among veterans.

S. 3913

At the request of Mr. ROCKEFELLER, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 3913, a bill to amend title XXI of the Social Security Act to eliminate funding shortfalls for the State Children's Health Insurance Program (SCHIP) for fiscal year 2007.

S. 3980

At the request of Mr. DODD, the name of the Senator from Maryland (Mr. SARBANES) was withdrawn as a cosponsor of S. 3980, a bill to direct the Secretary of Health and Human Services,

in consultation with the Secretary of Education, to develop a policy for managing the risk of food allergy and anaphylaxis in schools, to establish school-based food allergy management grants, and for other purposes.

At the request of Mr. DODD, the names of the Senator from Michigan (Ms. STABENOW) and the Senator from Washington (Ms. CANTWELL) were added as cosponsors of S. 3980, supra.

S. 3984

At the request of Mr. HARKIN, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 3984, a bill to improve programs for the identification and treatment of post-deployment mental health conditions, including post-traumatic stress disorder, in veterans and members of the Armed Forces, and for other purposes.

S. 4046

At the request of Mr. PRYOR, his name was added as a cosponsor of S. 4046, a bill to extend oversight and accountability related to United States reconstruction funds and efforts in Iraq by extending the termination date of the Office of the Special Inspector General for Iraq Reconstruction.

S. 4049

At the request of Mr. FEINGOLD, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 4049, a bill to provide for the redeployment of United States forces from Iraq by July 1, 2007.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. FRIST:

S. 4052. A bill to authorize refugee relief and reconstruction assistance for North Korea; to the Committee on Foreign Relations.

Mr. FRIST. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 4052

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 "North Korea Refugee Relief and Reconstruction Act of 2006".

SEC. 2. PURPOSE.

The purpose of this Act is to help the people of North Korea gain freedom from political oppression.

SEC. 3. NORTH KOREA REFUGEE RELIEF AND RECONSTRUCTION FUND.

(a) ESTABLISHMENT.—There is established in the Treasury of the United States a fund to be known as the "North Korea Refugee Relief and Reconstruction Fund" (in this Act referred to as the "Fund"), consisting of such amounts as may be appropriated to the Fund pursuant to subsection (b) and such articles and services as may be made available to the Fund pursuant to subsection (c). The resources of the Fund shall be available to carry out the programs and activities identified in section 4.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for

contributions to the Fund such sums as may be necessary, not to exceed \$10,000,000,000. Amounts appropriated for the Fund shall remain available until expended.

(c) **DRAWDOWN AUTHORITY.**—

(1) **IN GENERAL.**—The President may, pursuant to section 506(a)(2) of the Foreign Assistance Act of 1961 (22 U.S.C. 2318(a)(2)), draw down articles and services from the inventory and resources of any agency of the United States Government for the Fund to carry out the programs and activities identified in section 4.

(2) **AUTHORITY TO ACQUIRE BY CONTRACT OR OTHERWISE.**—The assistance authorized under paragraph (1) may include the supply of articles and services that are acquired by contract or otherwise.

(3) **AMOUNT OF ASSISTANCE.**—

(A) **LIMIT.**—The aggregate value of assistance provided under this subsection, as defined under section 644(m) of the Foreign Assistance Act of 1961 (22 U.S.C. 2403(m)), may not exceed \$1,000,000,000.

(B) **ASSISTANCE NOT COUNTED TOWARD SPECIAL AUTHORITY LIMIT.**—Assistance provided under this subsection shall not count toward any limitation under section 506 of the Foreign Assistance Act of 1961 (22 U.S.C. 2318).

(4) **REIMBURSEMENT.**—

(A) **IN GENERAL.**—Articles and services provided under this subsection shall be made available to the Fund without reimbursement to the applicable appropriation, fund, or account except to the extent that funds are appropriated pursuant to subparagraph (B).

(B) **AUTHORIZATION OF APPROPRIATIONS.**—

(i) **IN GENERAL.**—There are authorized to be appropriated to the President such sums as may be necessary to reimburse the applicable appropriation, fund, or account for the value of articles and services provided under this subsection, as defined under section 644(m) of the Foreign Assistance Act of 1961 (22 U.S.C. 2403(m)).

(ii) **OFFSET.**—The maximum amount authorized to be appropriated for the Fund under subsection (b) shall be reduced by an amount equal to the aggregate value of the articles and services made available under paragraph (1).

SEC. 4. PROGRAMS AND ACTIVITIES OF THE FUND.

(a) **REFUGEE RELIEF, RELOCATION AND RESETTLEMENT ASSISTANCE.**—The President may use amounts in the Fund to provide relief to refugees that have escaped from North Korea, to relocate such refugees to South Korea or other countries prepared to accept them, and to assist in the resettlement of such refugees in any country willing to accept their resettlement. These activities may be carried out pursuant to the authorities provided in the Migration and Refugee Assistance Act of 1962 (22 U.S.C. 2601 et seq.).

(b) **REUNIFICATION AND RECONSTRUCTION ASSISTANCE.**—The President may use amounts in the Fund to provide for the benefit of persons living in the territory of North Korea the types of assistance authorized for the Independent States of the former Soviet Union under section 498 of the Foreign Assistance Act of 1961 (22 U.S.C. 2295) and for the countries of the South Caucasus and Central Asia under sections 499A, 499B, 499C, and 499D of such Act (22 U.S.C. 2296a, 2296b, 2296c, and 2296d) in the event of—

(1) the reunification of North Korea with South Korea; or

(2) the emergence in North Korea of a new national government committed to respect for human rights, nonproliferation, and peaceful relations with the United States and the other countries in the region.

SEC. 5. SENSE OF CONGRESS ON INTERNATIONAL EFFORTS.

It is the sense of Congress that the Governments of South Korea, Japan, China, and Russia and other concerned governments should make commitments commensurate to those that the United States is offering under this Act—

(1) to assist refugees fleeing political oppression in North Korea; and

(2) to meet humanitarian and reconstruction needs arising in connection with—

(A) the reunification of North Korea with South Korea; or

(B) the emergence in North Korea of a new national government committed to respect for human rights, nonproliferation, and peaceful relations with the United States and the other countries in the region.

By Mr. DODD (for himself, Mr. COCHRAN, Mr. KENNEDY, Mr. BAUCUS, Mr. SALAZAR, Mr. ROCKEFELLER, Mrs. BOXER, and Mr. KERRY):

S. 4053. A bill to amend the National and Community Service Act of 1990 to establish a Summer of Service State grant program, a Summer of Service national direct grant program, and related national activities, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. DODD. Mr. President, I rise to introduce, along with Senators COCHRAN, KENNEDY, BAUCUS, ROCKEFELLER, SALAZAR, BOXER and KERRY, the Summer of Service Act of 2006. This bill offers middle school students the chance to spend a summer in service to their communities as they transition into high school.

Summer of Service creates a competitive grant program that enables States and localities to offer middle school students an opportunity to participate in a structured community service program over the summer months. It employs service-learning to teach civic participation skills, help young people see themselves as resources to their communities, expand educational opportunities and discourage “summer academic slide.” Providing tangible benefits to their communities, Summer of Service projects direct grantees to work on unmet human, educational, environmental and public safety needs and encourage all youth, regardless of age, income, or disability, to engage in community service. The program also grants participants with an educational award of up to \$500 which can later be used to pay for college.

Volunteerism not only brings support and services to communities in need, it also provides significant benefits to the students who participate. When young people participate in service activities they feel better able to control their lives in a positive way, avoiding risk behaviors, strengthening their community connections and become more engaged in their studies. When service is tied to what students are learning in school, they make gains on achievement tests, complete their homework more often, and increase their grade point average. Students who engage in

service learning also improve their communication skills, gain increased awareness of career possibilities, and develop more positive workplace attitudes, setting the foundation for their place as America's future leaders. Studies also show that students who participate in community service are more likely to graduate high school and demonstrate interest in going to college.

We often hear today of the tremendous pressures our young people face at home, in school and in the afterschool hours. Summer of Service provides young people with the chance to be a positive change in their communities. For this reason, I urge my colleagues to join me in supporting the Summer of Service Act of 2006. I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 4053

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 “Summer of Service Act of 2006”.

SEC. 2. FINDINGS AND PURPOSES.

(a) **FINDINGS.**—Congress finds the following:

(1) Throughout the United States, there are pressing unmet human, educational, environmental and public safety needs.

(2) Americans desire to affirm common responsibilities and shared values, and join together in positive experiences, that transcend race, religion, gender, age, disability, region, income, and education.

(3) Americans of all ages can improve their communities and become better citizens through service to their communities.

(4) When youth participate in service activities and see that they are able to improve the lives of others, the youth feel better able to control their own lives in a positive way, avoiding risky behaviors, strengthening their community connections, and becoming more engaged in their own education.

(5) When youth service is tied to learning objectives, that service is shown to decrease alienation and behavior problems, and increase knowledge of community needs, commitment to an ethic of service, and understanding of politics and morality.

(6) When service is tied to what students are learning in school, the students make gains on achievement tests, complete their homework more often, and increase their grade point averages.

(7) Students who engage in service-learning improve their communication skills, increase their awareness of career possibilities, have a deeper understanding of social and economic issues that face the United States, and develop more positive workplace attitudes, preparing them to take their places as future leaders of the United States.

(8) In a national poll, more than 80 percent of parents said that their child would benefit from an after school program that offered community service and 95 percent of teens agreed that is important to volunteer time to community efforts.

(b) **PURPOSE.**—The purposes of this Act are to—

(1) offer youth the chance to spend a summer in service to their communities as a rite of passage before high school;

(2) teach civic participation skills to youth and help youth see themselves as resources and leaders for their communities;

(3) expand educational opportunities and discourage “summer slide” by engaging youth in summer service-learning opportunities;

(4) encourage youth, regardless of age, income, or disability, to engage in community service;

(5) provide tangible benefits to the communities in which Summer of Service programs are performed; and

(6) enhance the social-emotional development of youth of all backgrounds.

SEC. 3. SUMMER OF SERVICE PROGRAMS.

Title I of the National and Community Service Act of 1990 (42 U.S.C. 12511 et seq.) is amended—

(1) by redesignating subtitles F, G, H, and I as subtitles G, H, I, and J, respectively;

(2) by redesignating sections 160 through 166 as sections 159A through 159G, respectively; and

(3) by inserting after subtitle E the following:

“Subtitle F—Summer of Service Programs

“SEC. 161. DEFINITIONS.

“In this subtitle:

“(1) **EDUCATIONAL AWARD.**—The term ‘educational award’ means an award disbursed under section 162B(d) or 163B(d).

“(2) **ELIGIBLE ENTITY.**—The term ‘eligible entity’ means a public or private nonprofit organization, an institution of higher education, a local educational agency, a public elementary school or public secondary school, or a consortium of 2 or more of the entities described in this paragraph.

“(3) **ELIGIBLE YOUTH.**—The term ‘eligible youth’ means a youth who will be enrolled in the sixth, seventh, eighth, or ninth grade at the end of the summer for which the youth would participate in community service under this subtitle.

“PART I—SUMMER OF SERVICE STATE GRANT PROGRAM

“SEC. 162. GRANTS TO STATES.

“(a) **GRANTS.**—

“(1) **IN GENERAL.**—The Chief Executive Officer shall award grants on a competitive basis to States, to enable the State Commissions—

“(A) to carry out State-level activities under subsection (d); and

“(B) to award subgrants on a competitive basis under section 162A to eligible entities to pay for the Federal share of the cost of carrying out community service projects.

“(2) **FUNDS FOR EDUCATIONAL AWARDS.**—The Chief Executive Officer shall decide whether funds appropriated to carry out this part and available for educational awards (referred to in this part as ‘educational award funds’) shall be—

“(A) included in the funds for such grants to States and subgrants to eligible entities; or

“(B) reserved by the Chief Executive Officer, deposited in the National Service Trust for educational awards, and disbursed according to paragraphs (1) and (3) of section 162B(d).

“(3) **PERIODS OF GRANTS.**—The Chief Executive Officer shall award the grants for periods of 3 years.

“(4) **AMOUNTS OF GRANTS.**—The Chief Executive Officer shall award such a grant to a State for a program in a sum equal to—

“(A) the amount obtained by multiplying \$500 and the number of youth who will participate in the program (to be used for program expenses);

“(B) unless the Chief Executive Officer decides to deposit funds for educational awards in the National Service Trust, as described in paragraph (2)(B), an additional amount

equal to the amount described in subparagraph (A) (to be used for educational awards); and

“(C) an amount sufficient to provide for the reservation for State-level activities described in subsection (d).

“(b) **STATE APPLICATION.**—To be eligible to receive a grant under this section, a State shall submit an application to the Chief Executive Officer at such time, in such manner, and containing such information as the Chief Executive Officer may require, including information that—

“(1) designates the State Commission as the agency responsible for the administration and supervision of the community service program carried out under this part in the State;

“(2) describes how the State Commission will use funds received under this part, including funds reserved for State-level activities under subsection (d);

“(3) describes the procedures and criteria the State Commission will use for reviewing applications and awarding subgrants on a competitive basis under section 162A to eligible entities for projects, including how the State Commission will give priority to an entity that—

“(A) offers a quality plan for or has an established track record of carrying out the activities described in the entity’s application;

“(B) has a leadership position in the community from which the youth participating in the project described in the application will be drawn;

“(C) proposes a project that focuses on service by the participants during the transition year before high school;

“(D) plans to ensure that at least 50 percent of the participants are low-income eligible youth;

“(E) proposes a project that encourages or enables youth to continue participating in community service throughout the school year;

“(F) plans to involve the participants in the design and operation of the project, including involving the participants in conducting a needs-based assessment of community needs;

“(G) proposes a project that involves youth of different ages, races, sexes, ethnic groups, religions, disability categories, or economic backgrounds serving together; and

“(H) proposes a project that provides high quality service-learning experiences;

“(4) describes the steps the State Commission will take, including the provision of ongoing technical assistance described in subsection (d)(2) and training, to ensure that projects funded under section 162A will implement effective strategies; and

“(5) describes how the State Commission will evaluate the projects, which shall include, at a minimum—

“(A) a description of the objectives and benchmarks that will be used to evaluate the projects; and

“(B) a description of how the State Commission will disseminate the results of the evaluations, as described in subsection (d)(4)(C).

“(c) **APPLICANT REVIEW.**—

“(1) **SELECTION CRITERIA.**—The Chief Executive Officer shall evaluate applications for grants under this section based on the quality, innovation, replicability, and sustainability of the State programs proposed by the applicants.

“(2) **REVIEW PANELS.**—The Chief Executive Officer shall employ the review panels established under section 165A in reviewing the applications.

“(3) **NOTIFICATION OF APPLICANTS.**—If the Chief Executive Officer rejects an application submitted under this section, the Chief

Executive Officer shall promptly notify the applicant of the reasons for the rejection of the application.

“(4) **RESUBMISSION AND RECONSIDERATION.**—The Chief Executive Officer shall provide an applicant notified of rejection with a reasonable opportunity to revise and resubmit the application. At the request of the applicant, the Chief Executive Officer shall provide technical assistance to the applicant as part of the resubmission process. The Chief Executive Officer shall promptly reconsider an application resubmitted under this paragraph.

“(d) **STATE-LEVEL ACTIVITIES.**—A State that receives a grant under this section may reserve up to 5 percent of the grant funds for State-level activities, which may include—

“(1) hiring staff to administer the program carried out under this part in the State;

“(2) providing technical assistance, including technical assistance concerning the professional development and training of personnel, to eligible entities that receive subgrants under section 162A;

“(3) conducting outreach and dissemination of program-related information to ensure the broadest possible involvement of eligible entities and local eligible youth in the program carried out under this part; and

“(4)(A) conducting an evaluation of the projects carried out by eligible entities under this part;

“(B) using the results of the evaluation to collect and compile information on best practices and models for such projects; and

“(C) disseminating widely the results of the evaluation.

“SEC. 162A. SUBGRANTS TO ELIGIBLE ENTITIES.

“(a) **SUBGRANTS.**—

“(1) **IN GENERAL.**—A State that receives a grant under section 162 shall use the grant funds to award subgrants on a competitive basis to eligible entities to pay for the Federal share of the cost of carrying out community service projects.

“(2) **PERIODS OF SUBGRANTS.**—The State shall award the subgrants for periods of 3 years.

“(3) **AMOUNTS OF SUBGRANTS.**—The State shall award such a subgrant to an eligible entity for a project in a sum equal to—

“(A) the amount obtained by multiplying \$500 and the number of youth who will participate in the project (to be used for project expenses); and

“(B) unless the Chief Executive Officer decides to deposit funds for educational awards in the National Service Trust, as described in section 162(a)(2)(B), an additional amount equal to the amount described in subparagraph (A) (to be used for educational awards).

“(b) **APPLICATIONS.**—To be eligible to receive a subgrant under this section for a project, an entity shall submit an application to the State Commission at such time, in such manner, and containing such information as the State Commission may require, including information that—

“(1) designates the community in which the entity will carry out the project, which community may be the service area of an elementary school or secondary school, a school district, a city, town, village, or other locality, a county, the area in which a public housing project is located, a neighborhood, or another geographically or politically designated area;

“(2) describes the manner in which the entity will—

“(A) engage a substantial portion of the youth in the designated community;

“(B) engage a variety of entities and individuals, such as youth organizations, elementary schools or secondary schools, elected officials, organizations offering summer

camps, civic groups, nonprofit organizations, and other entities within the designated community to offer a variety of summer service opportunities as part of the project;

“(C) ensure that the youth participating in the project engage in service-learning;

“(D) engage as volunteers in the project business, civic, or community organizations or individuals, which may include older individuals, volunteers in the National Senior Volunteer Corps established under title II of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 5000 et seq.), participants in the school-based and community-based service-learning programs carried out under parts I and II of subtitle B, participants in the AmeriCorps program carried out under subtitle C, or students enrolled in secondary schools or institutions of higher education;

“(E) ensure that youth participating in the project provide at least 100 hours of community service for the project;

“(F) recruit eligible youth to participate in the project;

“(G) recruit service sponsors for community service activities carried out through the project, if the eligible entity intends to enter into an arrangement with such sponsors to provide project placements for the youth;

“(H) promote leadership development and build an ethic of civic responsibility among the youth;

“(I) provide team-oriented, adult-supervised experiences through the project;

“(J) conduct opening and closing ceremonies honoring participants in the project;

“(K) involve youth who are participating in the project in the design and planning of the project; and

“(L) provide training, which may include life skills, financial education, and employment training, in addition to training concerning the specific community service to be provided through the project, for the youth; and

“(3)(A) specifies project outcome objectives relating to youth development or education achievement, community strengthening, and community improvement;

“(B) describes how the eligible entity will establish annual benchmarks for the objectives, and annually conduct an evaluation to measure progress toward the benchmarks; and

“(C) provides an assurance that the eligible entity will annually make the results of such evaluation available to the State.

“(c) CONTINUED ELIGIBILITY.—To be eligible to receive funds under this section for a second or subsequent year of a subgrant period, an entity shall demonstrate that the entity has met the annual benchmarks for the objectives described in subsection (b)(3).

“(d) SELECTION OF SUBGRANT RECIPIENTS.—In awarding subgrants under this section, the State shall ensure that projects are funded in a variety of geographic areas, including urban and rural areas.

“SEC. 162B. SUMMER OF SERVICE PROJECTS.

“(a) USE OF FUNDS.—

“(1) IN GENERAL.—An eligible entity that receives a subgrant under section 162A shall use the subgrant funds to carry out a community service project.

“(2) SPECIFIC USES.—The eligible entity may use the subgrant funds to pay for—

“(A) hiring staff to administer the project;

“(B) developing or acquiring service-learning curricula for the project, to be integrated into academic programs, including making modifications for students who are individuals with disabilities and students with limited English proficiency;

“(C) forming local partnerships to develop and offer a variety of service-learning programs for local youth participating in the project;

“(D) establishing benchmarks, conducting evaluations, and making evaluation results available, as described in subparagraphs (B) and (C) of section 162A(b)(3);

“(E) conducting outreach and dissemination of program-related information to ensure the broadest possible involvement of local eligible youth and community partners in the project;

“(F) conducting ceremonies as described in section 162A(b)(2)(J);

“(G) carrying out basic implementation of the community service project; and

“(H) carrying out planning activities, during an initial 6 to 9 months of the subgrant period.

“(3) NON-FEDERAL SHARE.—An eligible entity that receives a subgrant under section 162A shall provide the non-Federal share of the costs described in section 162A(a)(1) from private or public sources other than the subgrant funds. The sources may include fees charged to the parents of the youth participating in the community service project involved and determined on a sliding scale based on income.

“(b) SERVICE PROJECTS.—

“(1) ELIGIBLE SERVICE CATEGORIES.—The eligible entity may use the subgrant funds to carry out a community service project to meet unmet human, educational, environmental, or public safety needs.

“(2) INELIGIBLE SERVICE CATEGORIES.—The eligible entity may not use the subgrant funds to carry out a service project in which participants perform service described in section 132(a).

“(c) PERIOD OF SERVICE PROJECTS.—The eligible entity—

“(1) shall carry out the community service project funded under section 162A during a period, the majority of which occurs in the months of June, July, and August; and

“(2) may carry out the project in conjunction with a related after school or in-school service-learning project operated during the remaining months of the year.

“(d) EDUCATIONAL AWARD.—

“(1) ELIGIBILITY.—Each eligible youth who provides at least 100 hours of community service for a project carried out under this part shall be eligible to receive an educational award of not more than \$500. An eligible youth may participate in more than 1 such project but shall not receive in excess of \$1,000 in total for such participation.

“(2) DISBURSEMENTS BY ELIGIBLE ENTITY.—If the Chief Executive Officer decides under section 162(a)(2)(A) to include educational award funds in subgrants under this part, the eligible entity carrying out the project shall—

“(A) disburse an educational award described in paragraph (1) in accordance with regulations issued by the Chief Executive Officer, which—

“(i) may permit disbursement of the award to the parents of the youth that have established a qualified tuition program account under section 529 of the Internal Revenue Code of 1986, for deposit into the account; but

“(ii) shall not otherwise permit disbursement of the award to the parents; or

“(B) enter into a contract with a private sector organization to hold the educational award funds and disburse the educational award as described in subparagraph (A).

“(3) DISBURSEMENTS BY CHIEF EXECUTIVE OFFICER.—If the Chief Executive Officer decides under section 162(a)(2)(B) to reserve educational award funds, the Chief Executive Officer shall disburse the educational award as described in paragraph (2)(A).

“SEC. 162C. SUPPLEMENTAL GRANTS.

“(a) IN GENERAL.—The Chief Executive Officer may award a supplemental grant to an

eligible entity that demonstrates the matters described in subsection (b), to assist the entity in carrying out a community service project in accordance with the requirements of this part, as determined appropriate by the Chief Executive Officer.

“(b) APPLICATION.—To be eligible to receive a supplemental grant under subsection (a), an entity shall submit an application to the Chief Executive Officer, at such time, in such manner, and containing such information as the Chief Executive Officer may require, including information demonstrating—

“(1) that the entity received a subgrant under section 162A for a community service project; and

“(2) that the entity would be unable to carry out the project without substantial hardship unless the entity received a supplemental grant under subsection (a).

“(c) AMOUNT OF GRANT.—The Chief Executive Officer shall award such a grant to an eligible entity for the project in the amount obtained by multiplying \$250 and the number of youth who will participate in the project (to be used for project expenses).

“SEC. 162D. INDIAN TRIBES AND TERRITORIES.

“From the funds made available to carry out this part under section 165(b)(2)(A) for any fiscal year, the Chief Executive Officer shall reserve an amount of not more than 3 percent for payments to Indian tribes, the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands, to be used in accordance with the requirements of this part, as determined appropriate by the Chief Executive Officer.

“PART II—SUMMER OF SERVICE NATIONAL DIRECT GRANT PROGRAM

“SEC. 163. NATIONAL DIRECT GRANTS.

“(a) GRANTS.—

“(1) IN GENERAL.—The Chief Executive Officer shall award grants on a competitive basis to public or private organizations (referred to individually in this part as an ‘organization’)—

“(A) to carry out quality assurance activities under subsection (d); and

“(B) to pay for the Federal share of the cost of carrying out a community service program—

“(i) in a State where the State Commission does not apply for funding under part I; or

“(ii) in multiple States.

“(2) FUNDS FOR EDUCATIONAL AWARDS.—The Chief Executive Officer shall decide whether funds appropriated to carry out this part and available for educational awards (referred to in this part as ‘educational award funds’) shall be—

“(A) included in the funds for such grants to organizations and any subgrants to local providers; or

“(B) reserved by the Chief Executive Officer, deposited in the National Service Trust for educational awards, and disbursed according to paragraphs (1) and (3) of section 163B(d).

“(3) PERIODS OF GRANTS.—The Chief Executive Officer shall award the grants for periods of 3 years.

“(4) AMOUNTS OF GRANTS.—The Chief Executive Officer shall award such a grant to an organization for a program in a sum equal to—

“(A) the amount obtained by multiplying \$500 and the number of youth who will participate in the program (to be used for program expenses);

“(B) unless the Chief Executive Officer decides to deposit funds for educational awards in the National Service Trust, as described in paragraph (2)(B), an additional amount equal to the amount described in subparagraph (A) (to be used for educational awards); and

“(C) an amount sufficient to provide for the reservation for quality assurance activities described in subsection (d).

“(b) NATIONAL DIRECT APPLICATIONS.—To be eligible to receive a grant under this section for a community service program, an organization shall submit an application to the Chief Executive Officer at such time, in such manner, and containing such information as the Chief Executive Officer may require, including information that—

“(1) describes how the organization will use funds received under this part, including funds reserved for quality assurance activities under subsection (d);

“(2)(A) describes the procedures and criteria the organization will use for reviewing applications and awarding subgrants on a competitive basis under section 163A to local providers for projects, including how the organization will give priority to a provider that, with respect to each project described in the application—

“(i) offers a quality plan for or has an established track record of carrying out the activities described in the provider’s application;

“(ii) has a leadership position in the community from which the youth participating in the project will be drawn;

“(iii) proposes a project that focuses on service by the participants during the transition year before high school;

“(iv) plans to ensure that at least 50 percent of the participants are low-income eligible youth;

“(v) proposes a project that encourages or enables youth to continue participating in community service throughout the school year;

“(vi) plans to involve the participants in the design and operation of the project, including involving the participants in conducting a needs-based assessment of community needs;

“(vii) proposes a project that involves youth of different ages, races, sexes, ethnic groups, religions, disability categories, or economic backgrounds serving together; and

“(viii) proposes a project that provides high quality service-learning experiences; or

“(B) if the organization will carry out the community service program directly, demonstrates that the organization meets the requirements of clauses (i) through (viii) of subparagraph (A) with respect to each project described in the application;

“(3) describes the steps the organization will take, including the provision of ongoing technical assistance described in subsection (d)(2) and training, to ensure that projects funded under this part will implement effective strategies; and

“(4) describes how the organization will evaluate the projects funded under this part, which shall include, at a minimum—

“(A) a description of the objectives and benchmarks that will be used to evaluate the projects; and

“(B) a description of how the organization will disseminate widely the results of the evaluations, as described in subsection (d)(3)(C).

“(c) APPLICANT REVIEW.—

“(1) SELECTION CRITERIA.—The Chief Executive Officer shall evaluate applications for grants under this section based on the quality, innovation, replicability, and sustainability of the programs proposed by the applicants.

“(2) REVIEW PANELS.—The Chief Executive Officer shall employ the review panels established under section 165A in reviewing the applications.

“(3) NOTIFICATION OF APPLICANTS.—If the Chief Executive Officer rejects an application submitted under this section, the Chief Executive Officer shall promptly notify the

applicant of the reasons for the rejection of the application.

“(4) RESUBMISSION AND RECONSIDERATION.—The Chief Executive Officer shall provide an applicant notified of rejection with a reasonable opportunity to revise and resubmit the application. At the request of the applicant, the Chief Executive Officer shall provide technical assistance to the applicant as part of the resubmission process. The Chief Executive Officer shall promptly reconsider an application resubmitted under this paragraph.

“(d) QUALITY ASSURANCE ACTIVITIES.—An organization that receives a grant under this section may reserve up to 5 percent of the grant funds for quality assurance activities, which may include—

“(1) hiring staff to administer the program carried out under this part by the organization;

“(2) providing technical assistance, including technical assistance concerning the professional development and training of personnel, to local providers that receive subgrants under section 163A; and

“(3)(A) conducting an evaluation of the projects carried out by local providers of the organization under this part;

“(B) using the results of the evaluation to collect and compile information on best practices and models for such projects; and

“(C) disseminating widely the results of the evaluation.

“SEC. 163A. SUBGRANTS TO LOCAL PROVIDERS.

“(a) SUBGRANTS.—

“(1) IN GENERAL.—An organization that receives a grant under section 163 may use the grant funds to award subgrants on a competitive basis to local providers to pay for the Federal share of the cost of carrying out community service projects.

“(2) PERIODS OF SUBGRANTS.—The organization shall award the subgrants for periods of 3 years.

“(3) AMOUNTS OF SUBGRANTS.—The organization shall award such a subgrant to a local provider for a project in a sum equal to—

“(A) the amount obtained by multiplying \$500 and the number of youth who will participate in the project (to be used for project expenses); and

“(B) unless the Chief Executive Officer decides to deposit funds for educational awards in the National Service Trust, as described in section 163(a)(2)(B), an additional amount equal to the amount described in subparagraph (A) (to be used for educational awards).

“(b) LOCAL PROVIDER APPLICATION.—To be eligible to receive a subgrant under this section, a local provider shall submit an application to the organization at such time, in such manner, and containing such information as the organization may require, including information that—

“(1) designates the communities in which the local provider will carry out projects under the subgrant, each of which communities may be the service area of an elementary school or secondary school, a school district, a city, town, village, or other locality, a county, the area in which a public housing project is located, a neighborhood, or another geographically or politically designated area;

“(2) for each project described in such application, describes the manner in which the local provider will—

“(A) engage a substantial portion of the youth in the designated community involved;

“(B) engage a variety of entities and individuals, such as youth organizations, elementary schools or secondary schools, elected officials, organizations offering summer camps, civic groups, nonprofit organizations,

and other entities within the designated community to offer a variety of summer service opportunities as part of the project;

“(C) ensure that the youth participating in the project engage in service-learning;

“(D) engage as volunteers in the project business, civic, or community organizations or individuals, which may include older individuals, volunteers in the National Senior Volunteer Corps established under title II of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 5000 et seq.), participants in the school-based and community-based service-learning programs carried out under parts I and II of subtitle B, participants in the AmeriCorps program carried out under subtitle C, or students enrolled in secondary schools or institutions of higher education;

“(E) ensure that youth participating in the project provide at least 100 hours of community service for the project;

“(F) recruit eligible youth to participate in the project;

“(G) recruit service sponsors for community service activities carried out through the project, if the local provider intends to enter into an arrangement with such sponsors to provide project placements for the youth;

“(H) promote leadership development and build an ethic of civic responsibility among the youth;

“(I) provide team-oriented, adult-supervised experiences through the project;

“(J) conduct opening and closing ceremonies honoring participants in the project;

“(K) involve youth who are participating in the project in the design and planning of the project; and

“(L) provide training, which may include life skills, financial education, and employment training, in addition to training concerning the specific community service to be provided through the project, for the youth; and

“(3)(A) specifies project outcome objectives relating to youth development or education achievement, community strengthening, and community improvement;

“(B) describes how the local provider will establish annual benchmarks for the objectives, and annually conduct an evaluation to measure progress toward the benchmarks; and

“(C) provides an assurance that the local provider will annually make the results of such evaluation available to the organization.

“(c) CONTINUED ELIGIBILITY.—To be eligible to receive funds under this section for a second or subsequent year of a subgrant period, a local provider shall demonstrate that all the projects for which the subgrant was awarded met the annual benchmarks for the objectives described in subsection (b)(3).

“(d) SELECTION OF SUBGRANT RECIPIENTS.—In awarding subgrants under this section, the organization shall ensure that projects are funded in a variety of geographic areas, including urban and rural areas.

“SEC. 163B. SUMMER OF SERVICE PROJECTS.

“(a) USE OF FUNDS.—

“(1) IN GENERAL.—A local provider that receives a subgrant under section 163A shall use the subgrant funds to carry out a community service project.

“(2) SPECIFIC USES.—The local provider may use the subgrant funds, to pay for—

“(A) hiring staff to administer the project;

“(B) developing or acquiring service-learning curricula for the project, to be integrated into academic programs, including making modifications for students who are individuals with disabilities and students with limited English proficiency;

“(C) forming local partnerships to develop and offer a variety of service-learning programs for local youth participating in the project;

“(D) establishing benchmarks, conducting evaluations, and making evaluation results available, as described in subparagraphs (B) and (C) of section 163A(b)(3);

“(E) conducting outreach and dissemination of program-related information to ensure the broadest possible involvement of local eligible youth and community partners in the project;

“(F) conducting ceremonies as described in section 163A(b)(2)(J);

“(G) carrying out basic implementation of the community service project; and

“(H) carrying out planning activities, during an initial 6 to 9 months of the grant period.

“(3) NON-FEDERAL SHARE.—A local provider that receives a subgrant under section 163A shall provide the non-Federal share of the cost described in section 163A(a)(1) from private or public sources other than the subgrant funds. The sources may include fees charged to the parents of the youth participating in the community service project involved and determined on a sliding scale based on income.

“(b) SERVICE PROJECTS.—

“(1) ELIGIBLE SERVICE CATEGORIES.—The local provider may use the subgrant funds to carry out a community service project to meet unmet human, educational, environmental, or public safety needs.

“(2) INELIGIBLE SERVICE CATEGORIES.—The local provider may not use the subgrant funds to carry out a service project in which participants perform service described in section 132(a).

“(c) PERIOD OF SERVICE PROJECTS.—The local provider—

“(1) shall carry out the community service project funded under section 163A during a period, the majority of which occurs in the months of June, July, and August; and

“(2) may carry out the project in conjunction with a related after school or in-school service-learning project operated during the remaining months of the year.

“(d) EDUCATIONAL AWARD.—

“(1) ELIGIBILITY.—Each eligible youth who provides at least 100 hours of community service for a project carried out under this part shall be eligible to receive an educational award of not more than \$500. An eligible youth may participate in more than 1 such project but shall not receive in excess of \$1,000 in total for such participation.

“(2) DISBURSEMENTS BY LOCAL PROVIDER.—If the Chief Executive Officer decides under section 163(a)(2)(A) to include educational award funds in subgrants under this part, the local provider carrying out the project shall—

“(A) disburse an educational award described in paragraph (1) in accordance with regulations issued by the Chief Executive Officer, which—

“(i) may permit disbursement of the award to the parents of the youth that have established a qualified tuition program account under section 529 of the Internal Revenue Code of 1986, for deposit into the account; but

“(ii) shall not otherwise permit disbursement of the award to the parents; or

“(B) enter into a contract with a private sector organization to hold the educational award funds and disburse the educational award as described in subparagraph (A).

“(3) DISBURSEMENTS BY CHIEF EXECUTIVE OFFICER.—If the Chief Executive Officer decides under section 163(a)(2)(B) to reserve educational award funds, the Chief Executive Officer shall disburse the educational award as described in paragraph (2)(A).

“(e) APPLICATION OF SECTION.—References in this section to local providers, with respect to the use of subgrant funds received under section 163A, apply equally to organizations that carry out community service projects directly, with respect to the use of grant funds received under section 163.

“SEC. 163C. SUPPLEMENTAL GRANTS.

“(a) IN GENERAL.—The Chief Executive Officer may award a supplemental grant to a local provider that demonstrates the matters described in subsection (b), to assist the provider in carrying out a community service project in accordance with the requirements of this part, as determined appropriate by the Chief Executive Officer.

“(b) APPLICATION.—To be eligible to receive a supplemental grant under subsection (a), a provider shall submit an application to the Chief Executive Officer, at such time, in such manner, and containing such information as the Chief Executive Officer may require, including information demonstrating—

“(1) that the provider received a subgrant under section 163A for a community service project; and

“(2) that the provider would be unable to carry out the project without substantial hardship unless the provider received a supplemental grant under subsection (a).

“(c) AMOUNT OF GRANT.—The Chief Executive Officer shall award such a grant to a local provider for the project in the amount obtained by multiplying \$250 and the number of youth who will participate in the project (to be used for project expenses).

“PART III—SUMMER OF SERVICE NATIONAL ACTIVITIES

“SEC. 164. NATIONAL ACTIVITIES.

“(a) NATIONAL QUALITY AND OUTREACH ACTIVITIES.—The Chief Executive Officer may use funds reserved under section 165(b)(1), either directly or through grants and contracts, to—

“(1) provide technical assistance and training to recipients of grants and subgrants under parts I and II;

“(2) conduct outreach and dissemination of program-related information to ensure the broadest possible involvement of States, eligible entities, organizations, local providers, and eligible youth in programs carried out under parts I and II; and

“(3) to carry out other activities designed to improve the quality of programs carried out under parts I and II.

“(b) NATIONAL EVALUATION.—

“(1) RESERVATION.—For each fiscal year, the Chief Executive Officer shall reserve not more than the greater of \$500,000, or 1 percent, of the funds described in subsection (a) for the purposes described in paragraph (2).

“(2) EVALUATION.—The Chief Executive Officer shall use the reserved funds—

“(A) to arrange for an independent evaluation of the programs carried out under parts I and II, to be conducted in the second and third years in which the programs are implemented; and

“(B) using the results of the evaluation, to collect and compile information on models and best practices for such programs; and

“(C) to disseminate widely the results of the evaluation.

“(3) REPORT.—The Chief Executive Officer shall annually submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and the Workforce of the House of Representatives, a report concerning the results of the evaluations conducted under paragraph (2). Such reports shall also contain information on models of best practices and any other findings or recommendations developed by the Chief Executive Officer based on such evaluations. Such reports shall be made available to the general public.

“PART IV—GENERAL PROVISIONS

“SEC. 165. AUTHORIZATION OF APPROPRIATIONS AND AVAILABILITY.

“(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subtitle \$100,000,000 for fiscal year 2007 and such sums as may be necessary for each subsequent fiscal year.

“(b) AVAILABILITY.—Of the funds appropriated under subsection (a) for a fiscal year, the Chief Executive Officer—

“(1) shall reserve not more than 4 percent to carry out activities under part III (relating to national activities); and

“(2) from the remainder of such funds, shall make available—

“(A) a portion equal to 66⅔ percent of such funds for programs carried out under part I (relating to the State grant program), including programs carried out under section 162D; and

“(B) a portion equal to 33⅓ percent of such funds for programs carried out under part II (relating to the national direct grant program).

“(c) REALLOCATION.—If the Chief Executive Officer determines that funds from the portion described in subsection (b)(2)(A) will not be needed to carry out programs under part I for a fiscal year, the Chief Executive Officer shall make the funds available for programs under part II for that fiscal year.

“SEC. 165A. REVIEW PANELS.

“The Chief Executive Officer shall establish panels of experts for the purpose of reviewing applications submitted under sections 162, 162C, 162D, and 163.

“SEC. 165B. CONSTRUCTION.

“An individual participating in service in a program described in this subtitle shall not be considered to be an employee engaged in employment for purposes of the Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.).”

SEC. 4. CONFORMING AMENDMENTS.

(a) REDESIGNATION OF SUBTITLES.—

(1) Section 118(a) of the National and Community Service Act of 1990 (42 U.S.C. 12551(a)) is amended by striking “subtitle H” and inserting “subtitle I”.

(2) Section 122(a)(2) of such Act (42 U.S.C. 12572(a)(2)) is amended by striking “subtitle I” and inserting “subtitle J”.

(3) Section 193A(f)(1) of such Act (42 U.S.C. 12651d(f)(1)) is amended by striking “subtitles C and I” and inserting “subtitles C and J”.

(4) Section 501(a)(2) of such Act (42 U.S.C. 12681(a)(2)) is amended—

(A) in the paragraph heading, by striking “SUBTITLES C, D, AND H” and inserting “SUBTITLES C, D, AND I”; and

(B) in subparagraph (A), by striking “subtitles C and H” and inserting “subtitles C and I”; and

(C) in subparagraph (B), by striking “subtitle H” and inserting “subtitle I”.

(b) REDESIGNATION OF SECTIONS.—

(1) Section 155(d)(3) of such Act (42 U.S.C. 12615(d)(3)) is amended by striking “section 162(a)(3)” and inserting “section 159C(a)(3)”.

(2) Section 156(d) of such Act (42 U.S.C. 12616(d)) is amended by striking “section 162(a)(3)” and inserting “section 159C(a)(3)”.

(3) Section 159(c) of such Act (42 U.S.C. 12619(c)) is amended—

(A) in paragraph (2)(C)(i), by striking “section 162(a)(2)” and inserting “section 159C(a)(2)”; and

(B) in paragraph (3), by striking “section 162(a)(2)(A)” and inserting “section 159C(a)(2)(A)”.

(4) Section 159B(b)(1)(B) of such Act (as redesignated by section 3(2)) is amended by striking “section 162(a)(3)” and inserting “section 159C(a)(3)”.

(c) RELATIONSHIP TO NATIONAL SERVICE EDUCATIONAL AWARD PROVISIONS.—

(1) NATIONAL SERVICE TRUST.—Section 145 of the National and Community Service Act of 1990 (42 U.S.C. 12601) is amended—

(A) in subsection (a)—

(i) in paragraph (2), by striking “and” at the end;

(ii) in paragraph (3), by striking the period and inserting “, other than interest or proceeds described in paragraph (4)(B); and”; and

(iii) by adding at the end the following:

“(4)(A) any amounts deposited in the Trust under subtitle F; and

“(B) the interest on, and proceeds from the sale or redemption of, any obligations held by the Trust for a program carried out under subtitle F.”; and

(B) in subsection (c), by inserting “(other than any amounts deposited in the Trust under subtitle F)” after “Amounts in the Trust”.

(2) AVAILABILITY OF AMOUNTS IN NATIONAL SERVICE TRUST.—Section 148(a) of the National and Community Service Act of 1990 (42 U.S.C. 12604(a)) is amended by inserting “(other than any amounts deposited in the Trust under subtitle F)” after “Amounts in the Trust”.

Mr. CRAIG (for himself and Mr. AKAKA):

S. 4054. A bill to amend title 38, United States Code, to expand the number of individuals qualifying for retroactive benefits from traumatic injury protection coverage under Servicemembers' Group Life Insurance; to the Committee on Veterans' Affairs.

Mr. CRAIG. Mr. President, I have sought recognition to comment on legislation that the distinguished Senator from Hawaii, Senator AKAKA, and I are introducing today. This bill would expand the number of eligible recipients of retroactive payments under the Traumatic Injury Protection under Servicemembers' Group Life Insurance, or “TSGLI”, benefit. Most of my colleagues have perhaps heard the story of how this important benefit became law and what its intended purpose is, but I believe it is worth repeating.

In April of 2005 I was visited by three servicemembers who were seriously injured during Operation Iraqi Freedom (OIF). They were members of an organization called the Wounded Warrior Project, and they told me of their lengthy recovery times at Walter Reed Army Medical Center and the financial toll that that period of convalescence had on them and their families. They talked about wives, parents, and other relatives who had taken long absences from work, and some who had even quit their work, in order to spend time with those recovering at Walter Reed. And they told me that the Department of Veterans Affairs compensation system was no help because, by law, those benefits do not kick in until after separation from service.

Based on their experiences, these wounded warriors recommended that I pursue legislation to create a new insurance benefit for those with traumatic injuries such as theirs. The insurance would pay between \$25,000 and \$100,000 as soon as possible after an injury occurred, thereby bridging the gap in assistance needed during the time of

a wounded servicemember's recovery and the time of his or her separation from service. They asked that I make the legislation prospective only, meaning that they, and hundreds of others, would go without any TSGLI payment. I honored that request and, together with Senator AKAKA and other Members of the Committee on Veterans' Affairs, introduced an amendment to the 2005 Emergency Supplemental Appropriations bill then pending before the Senate.

A second degree amendment was later unanimously agreed to which authorized retroactive benefit payments to all of those injured in the Operation Iraqi Freedom and Operation Enduring Freedom (OEF) theaters of operation—providing for TSGLI payments to hundreds of servicemembers who had been seriously injured since the start of the wars in Afghanistan and Iraq. At the time, the retroactive TSGLI provision was consistent with other retroactive benefits approved within the Emergency Supplemental bill, such as \$238,000 in combined Servicemembers' Group Life Insurance (SGLI) and death gratuity benefits that were provided retroactively to survivors of those killed in combat operations since the start of the War on Terror. Needless to say, the TSGLI amendments were approved by the Congress and enacted into law.

Fast forward to the present. TSGLI has been up and running since December 1, 2005, and provides financial assistance of \$25,000 to \$100,000 to traumatically injured servicemembers within, on average, 60 days of the date of the injury causing event. As of September 2006, almost 2,300 wounded OIF/OEF servicemembers have benefited under the retroactive portion of the program. For those with injuries post December 1, 2005, it does not matter if an injury occurs as a result of combat operations or training exercises—payment under TSGLI is available in either situation.

The Senate Committee on Veterans' Affairs held a hearing on the TSGLI benefit this past September. The Committee received testimony from the Wounded Warrior Project, the organization largely responsible for TSGLI's conception. While very pleased with the program overall, a serious concern was raised regarding the equity of only extending retroactive TSGLI payments to those injured during Operations Iraqi and Enduring Freedom. Mr. Jeremy Chwat, testifying for the Wounded Warrior Project that day, used the example of one servicemember as representative of others who are not now eligible for benefits:

Brave men and women like Seaman Robert Roeder who was injured on January 29, 2005 when an arresting wire on the aircraft carrier, the USS Kitty Hawk, severed his left leg below the knee.... Although the ship was on its way to the Gulf and the training exercises being conducted were in preparation for action in either Operation Enduring or Iraqi Freedom, Robert's injury does not qualify for payment.

Furthermore, since enactment of the 2005 Emergency Supplemental, retroactive SGLI and death gratuity benefits combining \$238,000 have been expanded to provide payments to survivors of all servicemembers who died on active duty, whether in combat or not. The reason behind the expansion of retroactive benefits was a recognition that military service is universal in character; that each military man or woman, no matter where they are serving, contributes in a unique way to make the United States Armed Forces second to none.

The legislation I am introducing today, along with Senate AKAKA, will make the TSGLI retroactive payment eligibility criteria consistent with the other benefit program retroactive payment criteria I just mentioned. Thus, if this legislation is enacted, all traumatically injured servicemembers who served between October 7, 2001, and December 1, 2005, will be eligible for TSGLI payments, irrespective of where their injuries occurred. Unofficial estimates from the Department of Veterans Affairs suggest that approximately 700 individuals would be covered under this bill.

Both the Wounded Warrior Project and the National Military Families Association have expressed their support for this bill. And I now ask my colleagues for their support. This is the right thing to do for our military men and women.

I ask unanimous consent that the text of the bill be printed in the RECORD.

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

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXPANSION OF INDIVIDUALS QUALIFYING FOR RETROACTIVE BENEFITS FROM TRAUMATIC INJURY PROTECTION COVERAGE UNDER SERVICEMEMBERS' GROUP LIFE INSURANCE.

(a) IN GENERAL.—Paragraph (1) of section 501(b) of the Veterans' Housing Opportunity and Benefits Improvement Act of 2006 (120 Stat. 414; 38 U.S.C. 1980A note) is amended by striking “, if, as determined by the Secretary concerned, that loss was a direct result of a traumatic injury incurred in the theater of operations for Operation Enduring Freedom or Operation Iraqi Freedom”.

(b) CONFORMING AMENDMENT.—The heading of such section is amended by striking “IN OPERATION ENDURING FREEDOM AND OPERATION IRAQI FREEDOM”.

By Mrs. FEINSTEIN (for herself and Mr. SESSIONS):

S. 4055. A bill to address the effect of the death of a defendant in Federal criminal proceedings; to the Committee on the Judiciary.

Mrs. FEINSTEIN. Mr. President, today I am pleased to introduce the “Preserving Crime Victims' Restitution Act of 2006.” The Act would clarify the rule of law and procedures that should be applied when a criminal defendant, such as former Enron CEO Kenneth Lay, dies after he has been

duly convicted, but before his appeals are final.

I am pleased that Senator SESSIONS is joining me as a cosponsor in introducing this bill. We have worked closely with the Department of Justice in crafting this legislation, and have used much of DOJ's transmitted language. DOJ fully supports the principles contained in this bill, and has indicated its support for this bill's efforts to fix this problem now to ensure that, despite a defendant's death, hard-won convictions are preserved and restitution remains available for the victims of crime.

This bill that I introduce today would do the following: Establish that, if a defendant dies after being convicted of a Federal offense, his conviction will not be vacated. Instead, the court will be directed to issue a statement stating that the defendant was convicted (either by a guilty plea or a verdict finding him guilty) but then died before his case or appeal was final.

It would codify the current rule that no further punishments can be imposed on a person who is convicted if they die before a sentence is imposed or they have an opportunity to appeal their conviction.

It would clarify that, unlike punishment, all other relief, such as restitution to the victims, that could have been sought against a convicted defendant can continue to be pursued and collected after the defendant's death.

It would establish a process to ensure that after a person dies, a representative of his estate can stand in the shoes of the defendant and challenge or appeal his conviction if they want, and can also secure a lawyer—either on their own or by having one appointed, and

If the Government had filed a criminal forfeiture action—in which it had sought to reach the defendant's assets that were linked to his crimes—the Government would get an extra 2 years after the defendant's death to file a parallel civil forfeiture lawsuit so that it could try to recover those same assets in a different, and traditionally-accepted manner.

The need for this legislation was vividly demonstrated last month. On October 17, 2006, U.S. District Judge Sim Lake, of the Southern District of Texas, wiped clean the criminal record of Enron founder Kenneth Lay, even after a jury and judge had unanimously found him guilty of 10 criminal charges, including securities fraud, wire fraud involving false and misleading statements, bank fraud and conspiracy.

That decision was not based on an error in the trial or any suggestion of unfairness in the proceedings. Instead, it was simply based on the fact that Mr. Lay died before his conviction had been affirmed on appeal, under a common law rule known as "abatement."

In other words, this order essentially means that Mr. Lay is "convicted but not guilty"—"innocent by reason of his death."

Judge Lake granted this dismissal even in the face of DOJ Enron Task Force filings, which noted how Mr. Lay's conviction "provided the basis for the likely disgorgement of fraud proceeds totaling tens of millions of dollars." In other words, the dismissal means that millions dollars, that the jury found were obtained by Mr. Lay illegally, will now remain untouched in the Lay estate. And everyone agrees that former Enron employees and shareholders will now find it much harder to lay claim to these ill-gotten gains held by Mr. Lay's estate, because they will be unable to point to his criminal conviction as proof of his wrongdoing.

I do not fault Judge Lake for issuing this order. He made it clear that he was simply following the binding precedent issued in 2004 by the full U.S. Court of Appeals for the 5th Circuit, in a case called *United States v. Estate of Parsons*.

But as I noted in a letter I wrote to Attorney General Gonzales on October 20, 2006, the Fifth Circuit's Parsons decision goes far beyond the traditional rule of law in this area. While the common-law doctrine of abatement has historically wiped out "punishments" following a criminal defendant's death, the Supreme Court has never held that it must also wipe out a victim's right to other forms of relief such as restitution, which simply compensate third parties who were injured by criminal misconduct.

As the six dissenters in Parsons noted, the majority's "'finality rationale' is a completely novel judicial creation which has not been embraced or even suggested by . . . other courts." The Third and Fourth Circuits, for example, have expressly refused to take this position, and upheld a restitution order after a criminal defendant's death.

The Parsons decision was remarkable in several other respects, including the fact that (as the dissenters noted), its new rule of law was apparently inspired by a single law review article. That academic piece boldly claimed that a criminal defendant's right of appeal is "evolving into a constitutional right," and suggested that a conviction untested by appellate review is unreliable and illegitimate. This notion runs contrary to the traditional rule applied in virtually every other context—where a jury's findings are typically respected under the law.

Of course a defendant is presumed innocent at the outset of his case. After a jury has deliberated and unanimously issued a formal finding of guilt, however, that presumption of innocence no longer stands.

The Parsons "finality" rationale raises the absurd possibility that even a defendant who fully admitted his wrongdoing and pleaded guilty, but who then died while an appeal of his sentence was pending, could have his entire criminal conviction erased. In fact, this has already occurred, in the

1994 case of *United States v. Pogue*, where the D.C. Circuit ordered the dismissal of a conviction of a defendant whose appeal was pending—even though the docketing statement had said that the defendant intended to challenge only his sentence, and not his underlying conviction.

I have urged the Attorney General to continue to fight for Enron victims by appealing Judge Lake's dismissal to the Supreme Court. There, he should ask for a resolution of this split in the law between these Circuits, so that he can try to get the Parsons rule overturned. Unfortunately, the Justice Department has been noncommittal—it refuses to say if it will appeal the Ken Lay dismissal or not, even with the filing deadline fast approaching.

In the meantime, rather than remaining silent on this issue, and hoping that the Attorney General will appeal the Lay case as he should, I believe the time has come for Congress to take action.

While I have no desire for our Government to punish a criminal defendant who dies, the calculation should be different when we are determining how to make up for harm suffered by other individuals.

There is surely a legal and moral basis for not punishing the dead. But there is also, more importantly, a legal and moral basis for defending the living. The legislation that I introduce today codifies that distinction.

This legislation offers a fair solution and orderly process in the event that a criminal defendant dies prior to his final appeal.

Enron's collapse in 2001 wiped out thousands of jobs, more than \$60 billion in market value, and more than \$2 billion in pension plans. When America's seventh largest company crumbled into bankruptcy after its accounting tricks could no longer hide its billions in debt, countless former Enron employees and shareholders lost their entire life savings after investing in Enron's 401(k) plan.

Many of these Enron victims have been following closely the years of preparation by the Enron Task Force, and the four-month jury trial and separate one-week bench trial, hoping to finally recover some restitution in this criminal case. And despite Mr. Lay's vigorous efforts to avoid being held accountable for his actions, a conviction was finally secured.

Yet now these people have essentially been victimized again. They will be forced to start all over in their efforts to get back some portion of the pension funds on which they expected to subsist, and the other hard-earned assets that will remain beyond their reach, despite the unanimous, hard-fought verdicts finding Mr. Lay guilty of all ten counts with which he had been charged.

The time has come for Congress to end this injustice—hopefully, by acting quickly enough to assist these Enron victims, but in any event in a way that

will prevent this type of injustice from ever happening again in the future.

I urge my colleagues to support this legislation.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 614—HONORING THE FIREFIGHTERS AND OTHER PUBLIC SERVANTS WHO RESPONDED TO THE DEVASTATING ESPERANZA INCIDENT FIRE IN SOUTHERN CALIFORNIA IN OCTOBER 2006

Mrs. BOXER (for herself and Mrs. FEINSTEIN) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 614

Whereas, in late October 2006, the mountain communities west of Palm Springs, California were struck by a vast wildfire, which came to be known as the Esperanza Incident and which authorities believe was started by an arsonist;

Whereas the Esperanza Incident fire tragically claimed lives, homes and other buildings, and more than 40,000 acres of terrain;

Whereas nearly 3,000 firefighters from dozens of fire crews courageously battled the fast-spreading blaze, which was fanned by Santa Ana wind gusts up to 60 miles per hour;

Whereas 4 firefighters—Mark Loutzenhiser, Jess McLean, Jason McKay, and Daniel Hoover-Najera—made the ultimate sacrifice by giving their lives when flames overtook them as they tried to protect a home;

Whereas an additional firefighter, Pablo Cerda, joined them in that sacrifice when he too lost his life, after fighting to survive for 6 days in a hospital before succumbing to burns he had received fighting alongside his fallen colleagues;

Whereas firefighters honored the spirit of their fallen colleagues by completing the job they started and controlling the blaze, even while recognizing considerable danger to their own well-being;

Whereas skilled and courageous aircraft personnel and additional emergency personnel, including law enforcement and medical personnel, also responded to the threat posed by the fire; and

Whereas law enforcement personnel are aggressively pursuing the conviction of the arsonist, and generous Californians have offered additional funds, on top of those offered by the Riverside County Board of Supervisors, to help bring the arsonist to justice: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes and honors—

(A) all of the firefighters who responded to the devastating Esperanza Incident fire in southern California in October 2006; and

(B) all others, including emergency, law enforcement, and medical personnel and aircraft crews, who contributed to controlling the fire, keeping Californians safe, and finding and arresting the suspected arsonist; and

(2) commends the firefighters and other personnel who responded to the fire for dedicated service to the people of California.

AMENDMENTS SUBMITTED AND PROPOSED

SA 5149. Mrs. DOLE (for herself and Mr. BURR) submitted an amendment intended to be proposed by her to the bill H.R. 5384, making appropriations for Agriculture, Rural De-

velopment, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table.

SA 5150. Mr. DAYTON submitted an amendment intended to be proposed by him to the bill H.R. 5384, supra; which was ordered to lie on the table.

SA 5151. Mr. VITTER (for himself, Mr. NELSON, of Florida, Ms. STABENOW, and Ms. COLLINS) submitted an amendment intended to be proposed by him to the bill H.R. 5384, supra; which was ordered to lie on the table.

SA 5152. Mr. VITTER (for himself, Mr. NELSON, of Florida, Ms. STABENOW, and Ms. COLLINS) submitted an amendment intended to be proposed by him to the bill H.R. 5384, supra; which was ordered to lie on the table.

SA 5153. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 5384, supra; which was ordered to lie on the table.

SA 5154. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 5384, supra; which was ordered to lie on the table.

SA 5155. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 5384, supra; which was ordered to lie on the table.

SA 5156. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 5384, supra; which was ordered to lie on the table.

SA 5157. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 5384, supra; which was ordered to lie on the table.

SA 5158. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 5384, supra; which was ordered to lie on the table.

SA 5159. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 5384, supra; which was ordered to lie on the table.

SA 5160. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 5384, supra; which was ordered to lie on the table.

SA 5161. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 5384, supra; which was ordered to lie on the table.

SA 5162. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 5384, supra; which was ordered to lie on the table.

SA 5163. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 5384, supra; which was ordered to lie on the table.

SA 5164. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 5384, supra; which was ordered to lie on the table.

SA 5165. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 5384, supra; which was ordered to lie on the table.

SA 5166. Mr. COBURN (for himself and Mr. OBAMA) submitted an amendment intended to be proposed by him to the bill H.R. 5384, supra; which was ordered to lie on the table.

SA 5167. Ms. COLLINS (for herself and Ms. SNOWE) submitted an amendment intended to be proposed by her to the bill H.R. 5384, supra; which was ordered to lie on the table.

and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 168, strike lines 7 and 8 and insert the following: “the purchase of land and moving of utilities;

(6) the Town of Boone, North Carolina, a rural area for purposes of eligibility for Rural Utilities Service water and waste water loans and grants; and

(7) the Cities of Alamo, Mercedes, Weslaco, and

SA 5150. Mr. DAYTON submitted an amendment intended to be proposed by him to the bill H.R. 5384, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 175, between lines 9 and 10, insert the following:

SEC. 758. None of the funds made available by this Act may be used to take an action that would violate Executive Order 13149 (65 Fed. Reg. 24607; relating to greening the government through Federal fleet and transportation efficiency).

SA 5151. Mr. VITTER (for himself, Mr. NELSON of Florida, Ms. STABENOW, and Ms. COLLINS) submitted an amendment intended to be proposed by him to the bill H.R. 5384, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 175, between lines 9 and 10, insert the following:

SEC. 758. None of the funds made available in this Act for the Food and Drug Administration may be used to prevent an individual not in the business of importing a prescription drug (within the meaning of section 801(g) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 381(g))) from importing a prescription drug from Canada that complies with sections 501, 502, and 505 of such Act (21 U.S.C. 351, 352, and 355).

SA 5152. Mr. VITTER (for himself, Mr. NELSON of Florida, Ms. STABENOW, and Ms. COLLINS) submitted an amendment intended to be proposed by him to the bill H.R. 5384, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 175, between lines 9 and 10, insert the following:

SEC. 758. None of the funds made available in this Act for the Food and Drug Administration may be used to prevent an individual not in the business of importing a prescription drug (within the meaning of section 801(g) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 381(g))) from importing a prescription drug from Canada that complies with sections 501, 502, and 505 of such Act (21 U.S.C. 351, 352, and 355): *Provided*, That this section shall apply only to a personal-use quantity of the prescription drug,

TEXT OF AMENDMENTS

SA 5149. Mrs. DOLE (for herself and Mr. BURR) submitted an amendment intended to be proposed by her to the bill H.R. 5384, making appropriations for Agriculture, Rural Development, Food

not to exceed a 90-day supply: *Provided further*, That the prescription drug may not be—

(1) a controlled substance, as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802); or

(2) a biological product, as defined in section 351 of the Public Health Service Act (42 U.S.C. 262).

SA 5153. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 5384, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, add the following:

Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available in this Act may be available for the World Food Prize, and the total amount made available in this Act is reduced by \$350,000.

SA 5154. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 5384, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, add the following:

Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available in this Act may be available for the Population Management Center, and the total amount made available in this act is reduced by \$200,000.

SA 5155. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 5384, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, add the following:

Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available in this Act may be available for Alternative salmon products, and the total amount made available in this Act is reduced by \$1,088,000.

SA 5156. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 5384, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, add the following:

Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available in this Act may be available for goose control in the State of New York, and the total amount made available in this Act is reduced by \$194,000.

SA 5157. Mr. COBURN submitted an amendment intended to be proposed by

him to the bill H.R. 5384, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, add the following:

Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available in this Act may be available for the National Wild Turkey Federation, and the total amount made available in this Act is reduced by \$232,000.

SA 5158. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 5384, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, add the following:

Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available in this Act may be available for a Lettuce Geneticist/Breeder, and the total amount made available in this Act is reduced by \$36,276.

SA 5159. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 5384, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, add the following:

Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available in this Act may be available for Seafood Waste, and the total amount made available in this Act is reduced by \$160,000.

SA 5160. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 5384, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, add the following:

Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available in this Act may be available for the planning and design of the Biotechnology Laboratory in West Virginia, and the total amount made available in this Act is reduced by \$2,500,000.

SA 5161. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 5384, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, add the following:

Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available in this Act may be available for the Montana Sheep Institute, and the total amount made available in this Act is reduced by \$591,000.

SA 5162. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 5384, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, add the following:

Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available in this Act may be available for Termite Species in Hawaii, and the total amount made available in this Act is reduced by \$150,000.

SA 5163. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 5384, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 175, between lines 9 and 10, insert the following:

SEC. 758. (a) In this section, the term "earmark" means a provision of law, or a directive contained in a joint explanatory statement or report accompanying a conference report or bill (as applicable), that specifies—

(1) the identity of an entity, program, project, or service to receive assistance not authorized in the provision or directive; and
(2) the amount of the assistance to be received.

(b) The Secretary of Agriculture shall submit to Congress, and make available to the public on the Internet website of the Department of Agriculture, the following information:

(1) A description of each earmark made available to the Department of Agriculture by this Act, including—

(A) the location (by city, State, country, and congressional district, as the Secretary determines to be relevant) at which the earmarked funds will be used;

(B) the purpose of the earmark (if known); and

(C) the recipient of the earmark.

(2) The total cost of administering each earmark made available to the Department of Agriculture by this Act, including—

(A) the amount of the earmark;

(B) the cost of compensating applicable personnel;

(C) administrative expenses; and

(D) any other applicable costs.

(3) The total cost of administering all earmarks made available to the Department of Agriculture by this Act.

(4) An assessment of the utility of each such earmark in meeting the goals of the Department of Agriculture, in accordance with a rating system as follows:

(A) An assessment of "A" for an earmark that directly advances the primary goals of the Department (including any agency, element, or component of the Department).

(B) An assessment of "B" for an earmark that advances many of the primary goals of the Department (including any agency, element, or component of the Department).

(C) An assessment of "C" for an earmark that may advance some of the primary goals

of the Department (including any agency, element, or component of the Department).

(D) An assessment of "D" for an earmark that is not demonstrated to be cost-effective in advancing the primary goals of the Department (including any agency, element, or component of the Department).

(E) An assessment of "F" for an earmark that distracts from or otherwise impedes the capacity of the Department to meet the primary goals of the Department.

SA 5164. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 5384, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 175, between lines 9 and 10, insert the following:

SEC. 758. Any limitation, directive, or earmark contained in the House of Representatives or Senate report accompanying this Act shall be included in the conference report or joint statement accompanying this Act in order to be considered as having been approved by both Houses of Congress.

SA 5165. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 5384, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 121, line 4, before the period insert "*Provided further*, That, notwithstanding any other provision of this Act, no loan guaranteed under this heading shall be used to construct, improve, renovate, expand, or otherwise develop a golf course".

SA 5166. Mr. COBURN (for himself and Mr. OBAMA) submitted an amendment intended to be proposed by him to the bill H.R. 5384, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 175, between lines 9 and 10, insert the following:

SEC. 758. (a) Each report described in subsection (b) shall be posted on the Internet website of the Department of Agriculture for the public not later than 48 hours after the submission of the report to Congress.

(b) The reports described in this subsection are the following:

(1) Each report required by a provision of this Act to be submitted by the Secretary of Agriculture to the Committees on Appropriations of the Senate and the House of Representatives.

(2) Any report required to be submitted by the Secretary of Agriculture to Congress in support of the budget of the President for fiscal year 2008 (as submitted to Congress pursuant to section 1105(a) of title 31, United States Code) for the Department of Agriculture, including any budget justification documents in support of such budget for the Department of Agriculture.

(c) In posting a report on the Internet website of the Department of Agriculture under subsection (a), the Secretary of Agri-

culture may redact any information the release of which to the public would, as determined by the Secretary, compromise the national security of the United States.

SA 5167. Ms. COLLINS (for herself and Ms. SNOWE) submitted an amendment intended to be proposed by her to the bill H.R. 5384, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 97, line 10, before the semicolon insert ", of which not less than \$351,939 shall be for early disease identification, comprehensive composting for cull disposal, and potato late blight research activities in the State of Maine".

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. DEMINT. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on November 15, 2006, at 11:30 a.m. and 2:30 p.m., to receive testimony on the current situation and U.S. military operations in Iraq and Afghanistan.

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. McDEMINT. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Wednesday, November 15 at 2:30 p.m. The purpose of this hearing is to receive testimony on the December 2005 report from the President's Task Force on Puerto Rico's Status.

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

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. DEMINT. Mr. President, I ask unanimous consent that on Wednesday, November 15, 2006, following the first vote of the day, the Committee on Environment and Public Works be authorized to hold a business meeting to consider the following agenda: Alex Beehler to be Inspector General of the Environmental Protection Agency.

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

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. DEMINT. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to hold a hearing during the session of the Senate on Wednesday, November 15, 2006 at 3 p.m. in SD-430.

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

PRIVILEGES OF THE FLOOR

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that Joel

Rubin, a congressional fellow in my office, be granted the privileges of the floor for the duration of my comments.

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

Mr. DORGAN. Mr. President, I ask unanimous consent, on behalf of Senator BINGAMAN, that Jonathan Epstein, a fellow from his office, be granted the privilege of the floor during the pendency of S. 3709, H.R. 5682, and any roll-call votes thereon.

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

UNANIMOUS-CONSENT AGREEMENT—H.R. 5385

Mr. McCONNELL. Mr. President, notwithstanding passage of H.R. 5385, I ask unanimous consent that the Akaka amendment No. 5128 and Reed amendment No. 5125 be further modified with the changes at the desk.

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

The amendments, as modified, are as follows:

AMENDMENT NO. 5125, AS MODIFIED

(Purpose: To provide that, of the amount appropriated or otherwise made available for Military Construction, Navy and Marine Corps, \$3,410,000 shall be available for the replacement of a vehicle bridge at Naval Station, Newport, Rhode Island, and to provide an offset)

On page 82, between lines 19 and 20, insert the following:

SEC. 126. (a) The amount appropriated or otherwise made available by this title under the heading "MILITARY CONSTRUCTION, NAVY AND MARINE CORPS" and available for "Replacement Vehicle Bridge, Increment 2, Naval Station, Newport, Rhode Island" is hereby increased by \$3,410,000.

(b) The amount appropriated or otherwise made available by this title under the heading "MILITARY CONSTRUCTION, NAVY AND MARINE CORPS" and available for "Hazardous Material Storage Facility, Naval Station Newport, Rhode Island" is hereby reduced by \$3,410,000.

AMENDMENT NO. 5128, AS FURTHER MODIFIED

(Purpose: To propose a substitute)

At the end of title II, add the following:

SEC. _____. Of the amount appropriated by this title under the heading "VETERANS HEALTH ADMINISTRATION", up to \$1,000,000 shall be available for the Office of Inspector General.

APPOINTMENT

The PRESIDING OFFICER. The Chair, on behalf of the majority leaders of the Senate and House of Representatives, pursuant to Public Law 109-236, appoints Thomas P. Mucho, of Pennsylvania, to serve as a member of the MINER Act Technical Study Panel.

MEASURE PLACED ON THE CALENDAR—S. 4051

Mr. McCONNELL. Mr. President, I understand there is a bill at the desk that is due a second reading.

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

The legislative clerk read as follows:

A bill (S. 4051) to provide sufficient resources to permit electronic surveillance of United States persons for foreign intelligence purposes to be conducted pursuant to individualized court-issued orders for calls originating in the United States, to provide additional resources to enhance oversight and streamline the procedures of the Foreign Intelligence Surveillance Act of 1978, to ensure review of the Terrorist Surveillance Program by the United States Supreme Court, and for other purposes.

Mr. MCCONNELL. Mr. President, in order to place the bill on the calendar under the provisions of rule XIV, I object to further proceedings.

The PRESIDING OFFICER. Objection is heard.

Without objection, the bill will be placed on the calendar.

SIGNING AUTHORIZATION

Mr. MCCONNELL. I ask unanimous consent that during the adjournment of the Senate, the majority leader and the occupant of the chair, Senator COBURN, be authorized to sign duly enrolled bills or joint resolutions.

The PRESIDING OFFICER. Without objection it is so ordered.

ORDERS FOR THURSDAY, NOVEMBER 16, 2006

Mr. MCCONNELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:30 a.m. on tomorrow, Thursday, November 16. I further ask that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved, and there be a period of morning business with Senators permitted to speak therein for up to 10 minutes each.

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

PROGRAM

Mr. MCCONNELL. Mr. President, tomorrow we will conduct a short period of morning business before turning to the United States-India nuclear bill. We were able to reach an agreement to limit amendments to the bill earlier today, and it is my hope that we will be able to expedite consideration and vote final passage tomorrow. We are also attempting to begin work on the Agriculture appropriations bill.

We were able to pass the short-term continuing resolution today. I thank everyone for clearing that joint resolution for the President's desk.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

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

There being no objection, the Senate, at 6:32 p.m., adjourned until Thursday, November 16, 2006, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate November 15, 2006:

THE JUDICIARY

TERRENCE W. BOYLE, OF NORTH CAROLINA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE FOURTH CIRCUIT, VICE J. DICKSON PHILLIPS, JR., RETIRED.

WILLIAM JAMES HAYNES II, OF VIRGINIA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE FOURTH CIRCUIT, VICE H. EMORY WIDENER, JR., RETIRING.

PETER D. KEISLER, OF MARYLAND, TO BE UNITED STATES CIRCUIT JUDGE FOR THE DISTRICT OF COLUMBIA CIRCUIT, VICE JOHN G. ROBERTS, JR., ELEVATED.

WILLIAM GERRY MYERS III, OF IDAHO, TO BE UNITED STATES CIRCUIT JUDGE FOR THE NINTH CIRCUIT, VICE THOMAS G. NELSON, RETIRED.

JAMES EDWARD ROGAN, OF CALIFORNIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE CENTRAL DISTRICT OF CALIFORNIA, VICE NORA M. MANELLA, RESIGNED.

BENJAMIN HALE SETTLE, OF WASHINGTON, TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF WASHINGTON, VICE FRANKLIN D. BURGESS, RETIRED.

NORMAN RANDY SMITH, OF IDAHO, TO BE UNITED STATES CIRCUIT JUDGE FOR THE NINTH CIRCUIT, VICE STEPHEN S. TROTT, RETIRED.

MICHAEL BRUNSON WALLACE, OF MISSISSIPPI, TO BE UNITED STATES CIRCUIT JUDGE FOR THE FIFTH CIRCUIT, VICE CHARLES W. PICKERING, SR., RETIRED.

MARGARET A. RYAN, OF VIRGINIA, TO BE A JUDGE OF THE UNITED STATES COURT OF APPEALS FOR THE ARMED FORCES FOR THE TERM OF FIFTEEN YEARS TO EXPIRE ON THE DATE PRESCRIBED BY LAW, VICE HERMAN F. GIERKE, TERM EXPIRED.

SCOTT WALLACE STUCKY, OF MARYLAND, TO BE A JUDGE OF THE UNITED STATES COURT OF APPEALS FOR THE ARMED FORCES FOR THE TERM OF FIFTEEN YEARS TO EXPIRE ON THE DATE PRESCRIBED BY LAW, VICE SUSAN J. CRAWFORD, TERM EXPIRED.

IN THE COAST GUARD

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES COAST GUARD RESERVE UNDER TITLE 10, U.S.C., SECTION 12203(A):

To be captain

ANDREA L. CONTRATTO, 0000
STEPHEN B. NYE, 0000

IN THE AIR FORCE

THE FOLLOWING NAMED INDIVIDUALS IN THE GRADES INDICATED IN THE REGULAR AIR FORCE UNDER TITLE 10, U.S.C., SECTION 531(A):

To be lieutenant colonel

JERZY J. CHACHAJ, 0000
EDWIN MEDINA, 0000
MICHAEL A. RIPLEY, 0000

To be major

GREG GORDON, 0000

THE FOLLOWING NAMED OFFICERS FOR REGULAR APPOINTMENT IN THE GRADES INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 531:

To be lieutenant colonel

NORMAN B. DIMOND, 0000

To be major

MARK A. DEATON, 0000

IN THE ARMY

THE FOLLOWING NAMED INDIVIDUAL FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY NURSE CORPS UNDER TITLE 10, U.S.C., SECTION 531 AND 3064:

To be major

SHELLY M. TAYLOR, 0000

THE FOLLOWING NAMED INDIVIDUALS FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be lieutenant colonel

OMAR L. HAMADA, 0000
SETH W. WRIGHT, 0000

IN THE NAVY

THE FOLLOWING NAMED OFFICERS FOR TEMPORARY APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 5721:

To be lieutenant commander

KEITH T. ADKINS, 0000
JEFFREY A. ANDERSON, 0000
GABRIEL A. ANSEEUW, 0000
CARL BENTON, 0000
JASON L. BIRCH, 0000
KEVIN H. CADY, 0000
JOSEPH J. CASALE, 0000
BLAKE CHANVEY, 0000
PAUL D. CLARKE, 0000
BRIAN G. CUNNINGHAM, 0000
MICHAEL J. DAIGLE, JR., 0000
TRAVIS DAUN, 0000
RAVI M. DESAI, 0000
CHRISTOPHER J. DOMENCIC, 0000
DANIEL P. DUHAN, 0000
DAVID F. ETHERIDGE, 0000
STEVEN C. EVERHART, 0000
ADAM L. FLEMING, 0000
WILLIAM D. FRANCIS, JR., 0000
PETER D. FRENCH, 0000
GREGORY G. GALYO, 0000
CESAR S. GONZALEZ, 0000
ROBERT J. GRIFFITH, 0000
BRIAN G. GUGLIOTTA, 0000
MARK W. HANEY, 0000
JAMES A. HAYES, 0000
AARON D. JOHNSON, 0000
ROBERT S. JONES, 0000
JOHN M. LONG, 0000
ALEX T. MABINI, 0000
MICHAEL D. MAXWELL, 0000
JEREMIAH D. MINNER, 0000
DONALD L. MORRISON, JR., 0000
PAUL S. NAGY, 0000
DOUGLAS A. PATTERSON, 0000
LAWRENCE J. PENN, 0000
JOSHUA D. PETERS, 0000
ERICK A. PETERSEN, 0000
COREY A. POORMAN, 0000
JOHN D. PORADO, 0000
DAVID M. RAY, 0000
ROBERT P. ROBBINS, 0000
THOMAS A. RYNO, 0000
ROBERT W. SAWYER, 0000
BENJAMIN J. SELPH, 0000
HAROLD A. SEXTON, 0000
RYAN P. SHANN, 0000
BRIAN T. TURNER, 0000
DAMIAN K. VILTZ, 0000
WYATT T. WATERS, 0000
DONALD G. WETTERBEE, 0000
WILLIAM J. WILBURN, 0000
SAI G. WILLIAMS, 0000
DORSEY WISOTSKI, 0000