United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 109th CONGRESS, SECOND SESSION

Vol. 152 WASHINGTON, THURSDAY, APRIL 27, 2006 No. 48

Senate

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

PRAYER

The PRESIDENT pro tempore. Today's prayer will be offered by our guest Chaplain, Reverend Francis H. Wade, of St. Alban's Parish in Washington, DC.

The guest Chaplain offered the following prayer:

Let us bow our heads before the Lord.

Our God and King, You have taught us that those to whom much is given much is required. Open our minds to an awareness of the riches of this good land—its material wealth, its moral heritage, its legacies of courage and generosity. Open our eyes to the treasure that is the people of this land, their hopes and fears, their homes and families, their histories and potential. Open our hearts to the intangibles of justice and peace, dignity and joy, trust and forbearance.

Bless this Senate and all who bear the responsibility of governance with the lively sense of stewardship and accountability so that what You have made precious in this Nation will flourish and be Your resource for the fullness of life for all people of every land. Amen.

PLEDGE OF ALLEGIANCE

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

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

RESERVATION OF LEADER TIME

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

MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business for up to 30 minutes, with the first half of the time under the control of the majority leader or his designee, and the second half of the time under the control of the Democratic leader or his designee.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, today we will start with a 30-minute period of morning business. Therefore, shortly after 10 a.m., we will return to the consideration of the supplemental appropriations bill. We now have approximately 13 amendments pending. One of those has been divided into 18 divisions; therefore, that amendment could require up to 18 votes before we dispose of it.

Needless to say, we will have rollcall votes throughout the day as we work our way through these amendments. At this point, there appears to be an unending flow of amendments and we will gauge our progress at the end of business today. I want Members to have the opportunity to offer amendments, but at some point it may be necessary to file a cloture motion to ensure that we finish this emergency supplemental sometime next week.

In the meantime, I encourage Senators to work with the managers to schedule their amendments, and perhaps there will be an opportunity for some of the votes to be accepted without the need for floor debate or a vote.

I will have a brief statement on another issue, unless the Democratic leader wants to comment on the schedule. We are going to have a busy day. I ask our colleagues to be cooperative. This is a supplemental emergency bill and we need to proceed efficiently—with patience but efficiently.

I wish to comment on another very important issue. We have so many things going on today and over the course of the week, with a focus on energy, with a lot of work being done not on the floor but in committees and in working groups and task forces to address the skyrocketing prices of gasoline. We have a pensions conference report on the way, and a tax increase prevention act conference report is underway.

JUDICIAL NOMINATIONS

Mr. FRIST. Mr. President, there is another issue we have made slow progress on recently that we need to accelerate and that is the judicial nomination process. Throughout my time as leader, I have done my very best to stand on the principle of having fair up-or-down votes for each of the judicial nominees. I believe it is our responsibility, our constitutional duty, grounded in the advice and consent clause of section 2 of the Constitution, and it is reinforced by over 200 years of Senate history; it is a duty we have in the Senate. I compliment the body on the two Justices who were confirmed—a Chief Justice, an associate Justice, and all the district court judges who were confirmed. In the coming weeks, we need to continue building on this progress, as with all the rest of the issues coming before us. We will confirm new nominees to fill vacancies on the Federal bench.

As we all know, we need our courts to have judges who are well-qualified, mainstream judges, who demonstrate the highest integrity, and who will practice judicial restraint and will respect the rule of law and the Constitution.

After consulting with Chairman SPECTER, Senator MCCONNELL, and many of my colleagues, I am pleased to announce that in the coming weeks we will move forward on the nomination of Brett Kavanaugh to the DC Circuit

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

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Court of Appeals. I will make every effort to see that he gets a vote before the Memorial Day recess.

President Bush nominated Mr. Kavanaugh on July 25, 2003, 3 years ago. He has been waiting for that up-or-down vote on the floor of the Senate since that time. That is almost 3 years ago. That is a long enough time for us to bring that nomination forward to the floor and to act on that nomination. He is a graduate of Yale College and Yale Law School, and he is also a former Supreme Court clerk. He has sterling credentials. Most of us have studied his record.

Mr. Kavanaugh has a broad range of experience as a prosecutor, as a lawyer in private practice, and as a trusted counsel and adviser to President Bush.

Throughout his entire career, Brett Kavanaugh has demonstrated the fair-minded temperament and intellectual prowess that is needed to serve as a Federal appellate judge.

There will be a lot more to say about him in the coming weeks. We will talk about that nomination. For now, I urge my colleagues to refocus on the nomination process and make sure it will work fairly. I want to be able to approach the process and dignify it in a civil way, rejecting the obstruction and personal attacks that have arisen on the floor in times past. Let's embrace the principle of a fair up-or-down vote. It is right to do for the nominees—to treat them in a dignified way—and for the American people, who depend on fairminded judges to resolve disputes and interpret our laws.

I yield the floor.

RECOGNITION OF THE MINORITY LEADER

The PRESIDENT pro tempore. The Democratic leader is recognized.

JUDICIAL NOMINATIONS

Mr. REID. The distinguished majority leader is right, we confirmed two Supreme Court Justices. I think they were dignified debates. I think the committee did a good job in preparing the Senate for those two Supreme Court nominations. We have also approved 29 lower court nominations. All nominees have been considered by the full Senate in this Congress and have been confirmed. The minority recognizes what rights we have. We will continue to recognize what those rights are, and certainly we have not abused any of those rights. We don't intend to. We will perform our constitutional role.

I say to the majority leader he is right, Mr. Kavanaugh had a hearing, but that was more than 2 years ago. I think one of the things that should be considered is whether the Judiciary Committee should update that. There have been a lot of things going on dealing with the situation in Iraq in which he was involved. That is a subject for discussion at a later time.

SUPPLEMENTAL APPROPRIATIONS

We look forward to the supplemental appropriations bill being finished. We have a lot of amendments. At this stage, we have had very few quorum calls. I am somewhat disappointed that we have this situation before us today. I believe the committee did some very good work—the Appropriations Committee—in bringing this matter to the floor. I wish we had a vote. I think when it is all over, that is what it will wind up being, anyway. I hope Senator COBURN, for whom I have the greatest respect, when he sees the first few votes, will get the idea how things are moving along and maybe we won't have to have all those votes.

As I understand it, at this time, there are about 30 votes in order at this stage. We have to dispose of those. There are people over here on this side waiting to offer amendments, none of which are dilatory in nature and all of which are dealing with the situation in Iraq, our military generally, with veterans. We have amendments that people wish to offer dealing with the energy situation we find in America.

So I hope today we can figure out a way to get through this situation. I appreciate very much the majority leader recognizing, as he has for the last few weeks, that we have an event over the weekend, a retreat in Philadelphia. We understand that.

The point I am making is that on this side we understand the importance of this bill. We wish it had not been part of an emergency appropriation in the original budget. We have to play the cards we are dealt. We will do everything we can to move this forward in what we believe is a dignified manner.

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

Mr. WARNER. Mr. President, I ask if I might have the privilege of introducing the visiting pastor who gave the morning prayer before the Senator from Oklahoma speaks.

Mr. INHOFE. Mr. President, I have no objection if the majority is going to have the first half of the 15 minutes immediately following the Senator's introduction.

REVEREND FRANCIS H. WADE

Mr. WARNER. Mr. President, it is a wonderful privilege for me to introduce to our colleagues Rev. Frank Wade, who most recently is the rector at St. Alban's Church. I want to say upfront that this great pastor married me and my wife Jeanne some 2 years ago. It was a real experience. It was so magnificent in that we counseled with him—even though both of us are well into adulthood—and received his guidance for some weeks prior to that beautiful ceremony, which was held in the Washington Cathedral. That is a site—St. Alban's and the Washington Cathedral—where I have spent so much of my life. Preceding Dr. Wade was my uncle, Charles Tinsley Warner, rector of St. Alban's Church for almost 40 years, from the late 1920s and 1930s all through World War II.

Our colleagues might recall that one of our dearest Members of the Senate, the former Senator from Missouri, Mr. Danforth, was an ordained Episcopal minister and he also preached occasionally at St. Alban's Church. Dr. Wade went to the Citadel, and from there he went to the Virginia Episcopal Seminary, where my uncle also graduated. For 17 years, he tended to the ministry of those in the great State of West Virginia. What a privilege for Dr. Wade and me this morning to have a few moments with our highly esteemed colleague, the senior Senator from West Virginia, Mr. BYRD.

I thank my colleagues and I thank Senator LAUTENBERG and Mr. Maxwell of his staff, who worked to make this memorable occasion for so many possible today.

I yield the floor.

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

ENERGY POLICY

Mr. INHOFE. Mr. President, it is my understanding we have 15 minutes equally divided. I ask the Chair, after 6 minutes has elapsed, to advise me.

First, let me say there is nothing new to the problem we have had in this country by not having an energy policy. I can remember when Don Hodel was Secretary of Energy and later Secretary of the Interior. We had a dog-and-pony show where we went around the country during the Reagan administration and tried to talk about how serious this was—the fact that our dependence upon foreign countries, or our ability to fight a war, was not an energy problem, it was a national security problem.

We found the message didn't sell. I was critical of the Reagan administration. Later on, when the first Bush administration came along, I thought, surely, out of the oil patch he would want to have an energy policy, but he didn't either. And during the Clinton administration, he did not. When the second George Bush came into office, the first thing he did was say we are going to have an energy policy. Keep in mind that our dependency at that time, when I was active around the country with Don Hodel, was 36 to 37 percent. Now we are up to twice that. It is much worse now than it was before.

We are in the middle of our second gulf war and people should realize what a threat this is. I chair the Environment and Public Works Committee, which has most of the jurisdiction over many energy issues, and certainly the air issues. I remember making every effort to get drilling on ANWR. The distinguished President pro tempore has spent his life trying to get production in the northern part of his State. It is something that would resolve the problem.

Yesterday, on this floor, one of the Senators on the Democratic side said it would take 10 years before we would see any of that production. I don't believe that is true. But if it were true, I remind my colleagues that on November 20, 1995, we passed in both Chambers drilling in ANWR, and President Clinton vetoed the bill. We would have it today. We would not be having this problem.

I suggest also that there is one other facet that has not been talked about enough, and that is, we could have all the production, all the exploration in the world, but if we don't have the refining capacity, it doesn't do any good.

We were at 100 percent refining capacity even before Katrina. This is a serious problem. In our committee, we marked up a refinery bill, a very sophisticated bill, very moderate. It would allow those cities where they had closed military bases to use those closed military bases along with EDA grants to establish refineries. It is something that would enhance our refinery capacity and give us new refineries, and it was killed right down party lines. Every Democrat voted against it.

I will read what one of the papers, the Topeka Capital Journal, said:

> Politics played a crucial role in Democrat opposition. If gas prices are high next year—

This is next year now—

> the GOP will be blamed. . . .

Even though it is the Democrats who are responsible for it. So we have those problems that are looming at the same time.

I will say this: Democrats did offer an alternative when they killed the refinery bill. All eight Democrats on the Environment and Public Works Committee, the committee I chair, voted in favor of an alternative that would put the Environmental Protection Agency in charge of siting, constructing, and operating oil facilities. In other words, socializing that particular sector of our economy, which is something they apparently believe Government can operate better than people.

It is not true. When we had the LIHEAP program, I had an amendment that would have improved the permitting process for ethanol plants, as well as oil refineries and coal liquid facilities. Again, killed right down party lines.

I guess what I am saying is, we go through this and we see what is happening, and it is always down party lines when we try to enhance our ability to have natural gas. Ask farmers anywhere in America what is causing the cost of fertilizer to go up. It is a shortage of natural gas.

At the same time, we had an opportunity to do something in Massachusetts. Two Congressmen from Massachusetts, FRANK and MCGOVERN, put a provision in the Transportation bill that blocks the construction of an already-approved liquefied natural gas facility.

What I am saying is—and I know I am down to 1 minute, Mr. President—it doesn't seem to matter to the Democrats whether we are trying to do something with fossil fuels, trying to do something with oil and gas, trying to do something with clean coal technology, or trying to do something with nuclear energy. It always is killed right down party lines. Now the crisis is here, and we are going to have to face it.

I yield the floor.

The PRESIDENT pro tempore. The Senator from South Dakota is recognized.

Mr. THUNE. Mr. President, as Americans go to the gas pump to fill up their gas tanks with gasoline, they are met with a very harsh economic reality. We have higher gas prices in this country. We don't have enough supply in this country. Of course, we have lots of demand, and demand continues to grow not only in the United States but around the world.

As the Senator from Oklahoma said, we have been trying to take steps now for a decade to address this issue of shortage of supply. As consumers look at the prices they are facing today and the fact that we, for the past decade, have really, for all intents and purposes, done nothing to lessen our dependence on foreign sources of energy or to add to energy resources we have in this country, that reality is starting to take root. I think people are realizing that now for the very first time, and they are taking the steps they can to curb demand. They are carpooling, buying more fuel-efficient vehicles, probably walking more than they used to. I think consumers are doing what they can on their side of the equation to try to address the demand issue.

We have a profound supply issue that has been complicated by a decade of obstruction in the U.S. Congress when it comes to increasing that supply. We have tried for the past decade—I was a Member of the House of Representatives for three terms and now as a Member of the Senate. We have had the opportunity to vote on numerous occasions to explore and produce oil on the North Slope of Alaska. There is somewhere between 6 and 16 billion barrels of oil on the North Slope of Alaska. There would be 1 million barrels a day in the pipeline if, when in 1995 the Congress acted, the President had acted and signed legislation into law that would have allowed us to take advantage of that rich resource right here in America.

We have tried on countless occasions to add to supply. We have offshore production. Why is it that Cuba can produce oil off the coast of Florida but we can't? We have to do something to help ourselves, and for the past decade we have been blocked at every turn by our colleagues on the other side of the aisle, by the Democrats in the Senate and in the House, from being able to get into the resources in the State of Alaska and other places.

As the Senator from Oklahoma mentioned, we had a vote in the Environment and Public Works Committee on legislation that would allow us to expand our refinery capacity. It was blocked by a party-line vote. One Republican voted with the Democrats, but the Democrats voted as a party en bloc against expanding refinery capacity.

That is something, too, that we need to get done. I believe there would be a majority of Senators in the Senate who would be in favor of that, just as there is a majority of Senators who are in favor of exploring on the North Slope of Alaska and in favor of offshore production. But the rules of the Senate have been used repeatedly—repeatedly, Mr. President—to block the clear will of the majority when it comes to adding to supply so we can lessen the crisis that we face in this country, putting more supply out there to bring that cost of gasoline, that cost of petroleum down. We have run into constant obstruction in the Senate from our colleagues on the Democratic side of the aisle.

So as consumers look at what they are facing today, it is important they begin to apply pressure to their leaders in the Senate and the House to take steps that should have been taken a long time ago and for which there is a clear majority of support in the Senate for exploration in Alaska, for building additional refinery capacity, for offshore production—for all these things that would add to the supply.

Having said that, I also believe it is not too late to do the right thing, and I have introduced bipartisan legislation with Senator OBAMA from Illinois that would help increase the use of renewable fuels to help meet the energy crisis, that would allow fuel retailers to defray the cost of installing E–85 pumps and other alternative fuel tanks at gas stations. Currently, only about 600 gas stations in the country have E–85 pumps. This would give many more Americans access to this alternative fuel and reduce our dependency on foreign energy.

There is more we can do. The President needs to push our oil-supplying countries to increase production to help ease this supply crisis.

Later today, I will introduce legislation that will provide immediate and short-term relief to American consumers. I will introduce legislation called the Gas Price Reduction Act of 2006 that will provide that relief. It will suspend the gas tax in its entirety for the remainder of this summer, until September 30, the period when Americans need the relief the most over the course of the summer months, when they are doing most of their traveling.

It calls for the elimination of the current 18.4-cents-per-gallon Federal gas tax on gasoline, relief that Americans will feel when they fill their gas tanks. The lost revenues will be reimbursed by temporary suspension of a number of tax credits and royalty

waivers received by oil corporations. The increased revenue to the Federal Government from this suspension of tax breaks and incentives will be used to reimburse the Federal Treasury and the highway trust fund dollar for dollar for lost revenue from the suspension of the gasoline tax. The temporary suspension of the tax credits and waivers will remain in place until the resulting revenue stream has fully reimbursed the Treasury.

As we see skyrocketing gas prices around the country, it is time for this Congress to act. It is time for the American consumer to realize some relief. When crude oil is selling for $73 a barrel, it seems to me that many of these incentives and tax credits that are in place for research, development, exploration, and even drilling costs for the oil companies could be used to offset a reduction in the gasoline tax that will bring immediate relief to hard-working consumers who are facing higher and higher costs for the fuel they need to get to work, to do their jobs.

I look forward to engaging in the debate about what we can do here and now, but I have to say that in the long term, steps should have been taken a decade ago to add to supplies in this country. It is never too late to do the right thing. We need to be moving forward to make sure America is energy independent, that America's future is energy secure. So we have to rely less and less on foreign countries around the world from which we derive today about 60 percent of our energy supply. That is an untenable situation to be in. It is something that should have been addressed. We tried to address it for years. There is majority support for many of these proposals that would increase supply in this country today, but we continue to run into obstruction in the Senate. I hope that will end so we can address this incredibly important crisis and issue to the American people.

I yield back the remainder of my time.

The PRESIDENT pro tempore. There is 2 minutes remaining for the majority.

The Senator from Alabama.

CHANGE OF VOTE

Mr. SHELBY. Mr. President, on roll-call vote 99 yesterday, I voted nay. It was my intention to vote yea. Therefore, I ask unanimous consent that I be permitted to change my vote since it will not affect the outcome.

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

The Senator from Rhode Island.

Mr. REED. Mr. President, I would like to proceed in morning business on the Democratic time.

The PRESIDENT pro tempore. Without objection, it is so ordered. There is 1½ minutes remaining for the majority.

The Senator is recognized on his time.

TRIBUTE TO LTG WILLIAM J. LENNOX

Mr. REED. Mr. President, I rise today to recognize the accomplishments of LTG William J. Lennox, United States Army, Superintendent of the United States Military Academy at West Point. General Lennox is retiring on the June 30, after 35 years of active military service. I have known General Lennox for many years. His military career exemplifies a soldier who always sought and achieved excellence.

After graduating from West Point in 1971, General Lennox served in a wide variety of assignments in the field artillery. He served as a Forward Observer, Executive Officer, and Fire Support Officer in the 1st Battalion, 29th Field Artillery, and as Commander, Battery B, 2d Battalion, 20th Field Artillery, in the 4th Infantry Division at Fort Carson, CO. He was the Operations Officer and Executive Officer for the 2d Battalion, 41st Field Artillery, in the 3d Infantry Division in Germany. He returned to Fort Carson to command the 5th Battalion, 29th Field Artillery, in the 4th Infantry Division and also commanded the Division Artillery in the 24th Infantry Division at Fort Stewart, GA.

General Lennox also served in a number of staff positions including a White House Fellowship, as the Special Assistant to the Secretary of the Army, and as the Executive Officer for the Deputy Chief of Staff for Operations and Plans.

Additionally, General Lennox served as the Deputy Commanding General and Assistant Commandant of the U.S. Army Field Artillery Center; the Chief of Staff for III Corps and Fort Hood; the Assistant Chief of Staff, CJ–3, at Combined Forces Command/United States Forces Korea; the Deputy Commanding General, Eighth United States Army and Chief of Legislative Liaison.

General Lennox is not only a soldier, however, he is also a scholar. After West Point, he continued his education at Princeton University, receiving a master's degree and a doctorate in literature. He was first in his class at Fort Leavenworth's Command and General Officer's School. He also completed the Senior Service College Fellowship at Harvard University.

In June 2001, General Lennox became the Superintendent of the U.S. Military Academy, and took the helm of one of the Nation's premier institutions of higher learning. Managing 7,000 people and $250 million budget per year on the 16,000-acre campus, he provided strategic direction for the academic, military, athletic and values programs.

During his tenure, his key accomplishments not only preserved but even enhanced the prestige of the Military Academy. General Lennox oversaw upgrades to the core liberal arts program while sustaining the fourth-ranked undergraduate engineering program in the country. Today, only Harvard, Princeton, and Yale produce more Rhodes scholars than West Point.

General Lennox has implemented and intensified opportunities for cultural exposure and expanded semesters abroad to countries such as China, Russia, Spain, and Chile.

In the summer of 2005, he himself traveled to the People's Republic of China to strengthen ties with educators and government officials and improve the opportunities for exchanges. His has increased the number of foreign students by 74 percent, an initiative that promises to build language and cultural skills, as well as lasting relationships with our allies across the globe.

General Lennox also realized the importance of the physical infrastructure of the Academy to the ultimate success of the cadets. His capital improvements have changed the face of the historic post for the better. He planned and began building a $120 million library learning center and science complex that is architecturally compatible with the granite buildings from previous centuries, and he completed construction of the $95 million physical development center.

To provide the margin of excellence necessary to maintain the U.S. Military Academy's status as a tier I university, LTG Lennox completed a $150 million fund raising campaign with over $220 million. The funds from private sources enabled further improvements in the academic, athletic and military programs.

General Lennox also recognized that the United States Military Academy was part of a larger community. From the outset of his tenure, he sought the comments and insights of graduates, the Academy, and the members of the surrounding neighborhood, whenever appropriate, to give them a closer identification with and support for the institution and ultimately its decisions.

LTG Lennox leaves a notably improved Academy in terms of leadership, facilities, and finances. The military, academic, physical and moral/ethical development programs at the Academy have never been stronger and more connected to the Army. General Lennox has set the course for officer education into the first half of the new century.

Bill Lennox is an extraordinary soldier. He combines great intellect, great character and great dedication. He is also an extraordinary man. Together with his wife, Anne, he has raised three sons, Andrew, Matthew, and Jonathan, who have continued the Lennox tradition of service. He and Anne have been a remarkable example of husband and wife in service to the Army and in service to the Nation. And anyone who has enjoyed the warm embrace of their friendship, treasures their company and their kindness.

The motto of West Point is ''Duty, Honor, Country.'' Throughout its history, West Point has been guided by leaders who exemplify and live out that great credo. LTG William Lennox is such a leader. He leaves a proud and

enduring legacy as the 56th Superintendant of the United States Military Academy.

Mr. President, I yield the floor.

AMENDMENT NO. 3665

Mr. WYDEN. Mr. President, I rise to propound a unanimous consent request. Late last night, right before the Senate adjourned, I offered an amendment to roll back the oil royalty payments that the companies get unless prices come down or there is a supply disruption. We didn't have an opportunity to debate it at any length. This morning I ask unanimous consent that Senator KYL and Senator LIEBERMAN be added at this time as cosponsors of my amendment.

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

Mr. BYRD. Mr. President, what is the order of the Senate business?

The PRESIDENT pro tempore. The Democrats have 8 minutes 48 seconds; the majority has 1 minute 26 seconds.

ORDER OF PROCEDURE

Mr. BYRD. Madam President, I ask unanimous consent notwithstanding the previous order that has been entered into for this morning, that I be recognized for not to exceed 40 minutes at this time.

The PRESIDING OFFICER (Ms. MURKOWSKI). Without objection, it is so ordered.

(The remarks of Mr. BYRD pertaining to the introduction of S.J. Res. 35 are printed in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is now closed.

MAKING EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2006

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of H.R. 4939 which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 4939) making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes.

Pending:

Harkin/Grassley amendment No. 3600, to limit the compensation of employees funded through the Employment and Training Administration.

McCain/Ensign amendment No. 3616, to strike a provision that provides $74.5 million to States based on their production of certain types of crops, live-stock and or dairy products, which was not included in the Administration's emergency supplemental request.

McCain/Ensign amendment No. 3617, to strike a provision providing $6 million to sugarcane growers in Hawaii, which was not included in the Administration's emergency supplemental request.

McCain/Ensign amendment No. 3618, to strike $15 million for a seafood promotion strategy that was not included in the Administration's emergency supplemental request.

McCain/Ensign amendment No. 3619, to strike the limitation on the use of funds for the issuance or implementation of certain rulemaking decisions related to the interpretation of ''actual control'' of airlines.

Warner amendment No. 3620, to repeal the requirement for 12 operational aircraft carriers within the Navy.

Warner amendment No. 3621, to equalize authorities to provide allowances, benefits, and gratuities to civilian personnel of the United States Government in Iraq and Afghanistan.

Coburn amendment No. 3641 (Divisions II through XIX), of a perfecting nature.

Vitter amendment No. 3627, to designate the areas affected by Hurricane Katrina or Hurricane Rita as HUBZones and to waive the Small Business Competitive Demonstration Program Act of 1988 for the areas affected by Hurricane Katrina or Hurricane Rita.

Vitter/Landrieu amendment No. 3626, to increase the limits on community disaster loans.

Vitter amendment No. 3628, to base the allocation of hurricane disaster relief and recovery funds to States on need and physical damages.

Vitter modified amendment No. 3648, to expand the scope of use of amounts appropriated for hurricane disaster relief and recovery to the National Oceanic and Atmospheric Administration for Operations, Research, and Facilities.

Wyden amendment No. 3665, to prohibit the use of funds to provide royalty relief.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Parliamentary inquiry: What is the pending business?

The PRESIDING OFFICER. The pending amendment is the Wyden amendment numbered 3665.

Mr. WYDEN. Madam President, I ask unanimous consent to speak on my amendment, which is the pending business, after the Senator from Pennsylvania offers his amendment, which I am told is going to take around 5 minutes or thereabouts. I propound a unanimous consent request we go back to my pending amendment and I be recognized next to speak on it after the Senator from Pennsylvania has had a chance to offer his amendment and speak for about 5 minutes.

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

The Senator from Pennsylvania.

AMENDMENT NO. 3640, AS MODIFIED

(Purpose: To increase by $12,500,000 the amount appropriated for the Broadcasting Board of Governors, to increase by $12,500,000 the amount appropriated for the Department of State for the Democracy Fund, to provide that such funds shall be made available for democracy programs and activities in Iran, and to provide an offset.)

Mr. SANTORUM. I thank the Senator from Oregon for his indulgence. I call up amendment numbered 3640 and I send a modification to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Pennsylvania [Mr. SANTORUM] proposes an amendment numbered 3640, as modified.

The amendment is as follows:

On page 253, between lines 19 and 20, insert the following:

DEMOCRACY PROGRAMS AND ACTIVITIES IN IRAN

SEC. 7032. (a) Congress makes the following findings:

(1) The people of the United States have long demonstrated an interest in the well-being of the people of Iran, dating back to the 1830s.

(2) Famous Americans such as Howard Baskerville, Dr. Samuel Martin, Jane E. Doolittle, and Louis G. Dreyfus, Jr., made significant contributions to Iranian society by furthering the educational opportunities of the people of Iran and improving the opportunities of the less fortunate citizens of Iran.

(3) Iran and the United States were allies following World War II, and through the late 1970s Iran was as an important regional ally of the United States and a key bulwark against Soviet influence.

(4) In November 1979, following the arrival of Mohammed Reza Shah Pahlavi in the United States, a mob of students and extremists seized the United States Embassy in Tehran, Iran, holding United States diplomatic personnel hostage until January 1981.

(5) Following the seizure of the United States Embassy, Ayatollah Ruhollah Khomeini, leader of the repressive revolutionary movement in Iran, expressed support for the actions of the students in taking American citizens hostage.

(6) Despite the presidential election of May 1997, an election in which an estimated 91 percent of the electorate participated, control of the internal and external affairs of the Islamic Republic of Iran is still exercised by the courts in Iran and the Revolutionary Guards, Supreme Leader, and Council of Guardians of the Government of Iran.

(7) The election results of the May 1997 election and the high level of voter participation in that election demonstrate that the people of Iran favor economic and political reforms and greater interaction with the United States and the Western world in general.

(8) Efforts by the United States to improve relations with Iran have been rebuffed by the Government of Iran.

(9) The Clinton Administration eased sanctions against Iran and promoted people-to-people exchanges, but the Leader of the Islamic Revolution Ayatollah Ali Khamenei, the Militant Clerics' Society, the Islamic Coalition Organization, and Supporters of the Party of God have all opposed efforts to open Iranian society to Western influences and have opposed efforts to change the dynamic of relations between the United States and Iran.

(10) For the past two decades, the Department of State has found Iran to be the leading sponsor of international terrorism in the world.

(11) In 1983, the Iran-sponsored Hezbollah terrorist organization conducted suicide terrorist operations against United States military and civilian personnel in Beirut, Lebanon, resulting in the deaths of hundreds of Americans.

(12) The United States intelligence community and law enforcement personnel have linked Iran to attacks against American military personnel at Khobar Towers in Saudi Arabia in 1996 and to al Qaeda attacks against civilians in Saudi Arabia in 2004.

(13) According to the Department of State's Patterns of Global Terrorism 2001 report, ''Iran's Islamic Revolutionary Guard Corps and Ministry of Intelligence and Security continued to be involved in the planning and support of terrorist acts and supported a variety of groups that use terrorism to pursue their goals,'' and ''Iran continued to provide Lebanese Hizballah and the Palestinian rejectionist groups—notably HAMAS, the Palestinian Islamic Jihad, and the [Popular Front for the Liberation of Palestine-General Command]—with varying amounts of funding, safehaven, training and weapons''.

(14) Iran currently operates more than 10 radio and television stations broadcasting in Iraq that incite violent actions against United States and coalition personnel in Iraq.

(15) The current leaders of Iran, Ayatollah Ali Khamenei and Hashemi Rafsanjani, have repeatedly called upon Muslims to kill Americans in Iraq and install a theocratic regime in Iraq.

(16) The Government of Iran has admitted pursuing a clandestine nuclear program, which the United States intelligence community believes may include a nuclear weapons program.

(17) The Government of Iran has failed to meet repeated pledges to arrest and extradite foreign terrorists in Iran.

(18) The United States Government believes that the Government of Iran supports terrorists and extremist religious leaders in Iraq with the clear intention of subverting coalition efforts to bring peace and democracy to Iraq.

(19) The Ministry of Defense of Iran confirmed in July 2003 that it had successfully conducted the final test of the Shahab-3 missile, giving Iran an operational intermediate-range ballistic missile capable of striking both Israel and United States troops throughout the Middle East and Afghanistan.

(b) Congress declares that it should be the policy of the United States—

(1) to support efforts by the people of Iran to exercise self-determination over the form of government of their country; and

(2) to actively support a national referendum in Iran with oversight by international observers and monitors to certify the integrity and fairness of the referendum.

(c)(1) The President is authorized, notwithstanding any other provision of law, to provide financial and political assistance (including the award of grants) to foreign and domestic individuals, organizations, and entities that support democracy and the promotion of democracy in Iran. Such assistance includes funding for—

(A) the Broadcasting Board of Governors for efforts to cultivate and support independent broadcasters that broadcast into Iran;

(B) cultural and student exchanges;

(C) the promotion of human rights and civil society activities in Iran; and

(D) assistance to student organizations, labor unions, and trade associations in Iran.

(2) It is the sense of Congress that financial and political assistance under this section be provided to an individual, organization, or entity that—

(A) opposes the use of terrorism;

(B) advocates the adherence by Iran to nonproliferation regimes for nuclear, chemical, and biological weapons and materiel;

(C) is dedicated to democratic values and supports the adoption of a democratic form of government in Iran;

(D) is dedicated to respect for human rights, including the fundamental equality of women;

(E) works to establish equality of opportunity for people; and

(F) supports freedom of the press, freedom of speech, freedom of association, and freedom of religion.

(3) The President may provide assistance under this subsection using amounts made available pursuant to the authorization of appropriations under paragraph (7).

(4) Not later than 15 days before each obligation of assistance under this subsection, and in accordance with the procedures under section 634A of the Foreign Assistance Act of 1961 (22 U.S.C. 2394–l), the President shall notify the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on International Relations and the Committee on Appropriations of the House of Representatives.

(5) It is the sense of Congress that in order to ensure maximum coordination among Federal agencies, if the President provides the assistance under this section, the President should appoint an individual who shall—

(A) serve as special assistant to the President on matters relating to Iran; and

(B) coordinate among the appropriate directors of the National Security Council on issues regarding such matters.

(6) It is the sense of Congress that—

(A) support for a transition to democracy in Iran should be expressed by United States representatives and officials in all appropriate international fora;

(B) representatives of the Government of Iran should be denied access to all United States Government buildings;

(C) efforts to bring a halt to the nuclear weapons program of Iran, including steps to end the supply of nuclear components or fuel to Iran, should be intensified, with particular attention focused on the cooperation regarding such program—

(i) between the Government of Iran and the Government of the Russian Federation; and

(ii) between the Government of Iran and individuals from China, Malaysia, and Pakistan, including the network of Dr. Abdul Qadeer (A. Q.) Khan; and

(D) officials and representatives of the United States should—

(i) strongly and unequivocally support indigenous efforts in Iran calling for free, transparent, and democratic elections; and

(ii) draw international attention to violations by the Government of Iran of human rights, freedom of religion, freedom of assembly, and freedom of the press.

(7) There is authorized to be appropriated to the Department of State $100,000,000 to carry out activities under this subsection.

(d) Not later than 15 days before designating a democratic opposition organization as eligible to receive assistance under subsection (b), the President shall notify the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on International Relations and the Committee on Appropriations of the House of Representatives of the proposed designation. The notification may be in classified form.

(e)(1)(A) The amount appropriated by chapter 2 of title I for the Broadcasting Board of Governors under the heading ''INTERNATIONAL BROADCASTING OPERATIONS'' is hereby increased by $12,500,000.

(B) The amount appropriated by chapter 4 of title I for other bilateral assistance for the Department of State under the heading ''DEMOCRACY FUND'' is hereby increased by $12,500,000.

(2)(A) Of the amount appropriated by chapter 2 of title I for the Broadcasting Board of Governors under the heading ''INTERNATIONAL BROADCASTING OPERATIONS'', as increased by paragraph (1)(A), $12,500,000 shall be made available for democracy programs and activities in Iran.

(B) Of the amount appropriated by chapter 4 of title I for other bilateral assistance for the Department of State under the heading ''DEMOCRACY FUND'', as increased by paragraph (1)(B), $12,500,000 shall be made available for democracy programs and activities in Iran.

(3) Of the amount appropriated by chapter 2 of title 1 under the heading Department of State and Related Agency, excluding funds appropriated for Educational and Cultural Exchange Programs and Public Diplomacy Programs, $42,750,000 shall be available for the Broadcasting Board of Governors for Democracy Programs and Activities in Iran.

(4) Of the amount appropriated by chapter 4, title 1, $47,250,000 shall be made available for the Democracy Fund for democracy programs and activities in Iran.

Mr. SANTORUM. Madam President, this is an amendment to add $25 million to the money that the President requested for prodemocracy efforts for Iran within the Iraq-Afghanistan supplemental. It is vitally important to understand how important this effort is in the face of what we are dealing with in Iran today.

We have heard lots of talk in the press about military options, given the potential nuclear threat from Iran. This is not a military option; this is a diplomatic option. It is a vitally important option. It is an option that says we in the United States are going to step forward and provide funding, a robust level of funding, for efforts through telecommunications as well as by seeding prodemocracy movements within Iran to effect change within the country of Iran so they do not move forward with this technology, do not move forward and continue to support terrorism, do not move forward and continue to be a disruptive force in Iraq, do not move forward and continue to be a disruptive force in the world, by having a more prodemocratic regime in this country.

What this amendment does is add $12.5 million for the Broadcasting Board of Governors—again, for public diplomacy in Iran—as well as $12.5 million for the Iran Democracy Fund. It is a total of $25 million in addition to the 75 in the bill. We also authorize using the language from the Iran freedom and support bill. This is a bill that has strong bipartisan support, close to 60 cosponsors, I think 56 or 57 as of this date. It is very strongly bipartisan. It is supported by a lot of the groups with interests in the Middle East.

We put authorizing language in here to make sure this money is spent in conformity with how the Congress would wish it to be spent. This is Congress putting its imprimatur on this supplemental appropriation language the President has put forward.

Having spoken to Secretary Rice and the President about this language, one of the reasons they put forward this money in the supplemental is because of the strong support Congress has shown both in the House and the Senate for the Iran Freedom and Support Act. We are using this opportunity to provide more direction for the use of this fund from the Congress, which I think is vitally important.

In my opinion, today there is no more important foreign policy area than in dealing with the emerging and present threat of Iran. To be very honest, the Congress has done nothing to address this issue. We have not stepped forward and articulated what our policy is within Iran. We do this with this amendment. We say as a sense of the Senate that we express support for a transition to democracy within Iran. That is language included in this amendment. We make clear statements about what we intend and what our direction is, what this money is to be used for. We provide a broader outline than what is in the current legislation.

I hope this language would be supported. We fence this money within the money for the State Department in this legislation so we are not stealing money from anywhere else. We are just making sure that the $100 million is spent in this area and we provide more guidance for the administration to do so.

I am hopeful this language can be accepted by both sides. As I said before, this is a bill that has strong bipartisan support and this language also has very strong bipartisan support.

I thank again the Senator from Oregon for his indulgence.

I yield the floor.

The PRESIDING OFFICER (Mr. COBURN). The Senator from Oregon.

AMENDMENT NO. 3665

Mr. WYDEN. Mr. President, the pending amendment which I offered last night and discussed briefly with the distinguished chairman of the committee, Senator COCHRAN, is before the Senate at this time. It deals with the most expensive and the most needless giveaway that taxpayers ladle out to the oil industry. It is something called royalty relief. I will take a few minutes to explain to the Senate how this works.

The oil companies are supposed to pay royalties to the Federal Government when they extract oil from Federal lands. In order to stimulate production when the price of oil was cheap, the Federal Government reduced the amount of royalty payments the companies had to make, certainly a logical argument for doing something such as that when we are not getting the production we need. When prices are cheap and we do not have incentives, then there is an argument for some kind of royalty relief. But now that the price of oil has soared to over $70 a barrel, the discounted royalty payments amount to a needless subsidy of billions and billions of dollars.

Now, to his credit, the President has essentially said, look, we do not need this huge array of incentives for the oil industry when the price is over $50 a barrel. Now we are looking at $70 a barrel. So a program that one could argue on behalf of when the price of oil was cheap has lost all its rationale at this critical time when we, of course, are seeing record prices, record profits, and now record royalty subsidies to the companies, as well.

What we have before the Senate is truly a bizarre situation. The Senate is working on a supplemental spending program that is designated as emergency spending because our Government does not have the money to pay for it. Yet the Senate is still willing to distribute, needlessly, billions of dollars of taxpayer money.

This program, by the General Accounting Office, is designed to lose at a minimum $20 billion. There is litigation underway with the oil companies surrounding this program. If that litigation is successful, it is possible this program will cost our Government $80 billion; $80 billion then becomes twice the amount that the distinguished Senator from Mississippi has in the legislation that is considered emergency spending.

Experts in and out of Government have said recently this subsidy makes absolutely no sense. For example, from the other body of the Congress, Congressman RICHARD POMBO, the chairman of the natural resources committee, is not a person that anyone would call anti-oil in his views about Government. This is what Congressman POMBO, the chairman of the natural resources committee, had to say a little bit ago about royalty relief: There is no need for an incentive. They have a market incentive to produce at $70 a barrel.

Michael Coney, a lawyer for Shell Oil—again, not a place one would normally look to hear anti-oil rhetoric espoused, said that under the current environment, we don't need royalty relief.

Even the original author of this program, the very respected former colleague Senator Bennett Johnston of Louisiana, essentially the person who put this whole thing together, thinks this program is out of whack.

Senator Johnston said:

> The one thing I can tell you is this is not what we intended.

So I come to the Senate today with a simple proposition. My proposition is, royalty relief can only be obtained if it is needed to avert a supply disruption or prices drop and there is no incentive for people to produce in the United States.

The distinguished Senator in the chair, Senator COBURN, knows a great deal about the oil business. I want to make sure there are incentives for production. But the President of the United States, to his credit, has said you don't need incentives when oil is over $50 a barrel. It is at $70 today.

(Mr. MCCAIN assumed the Chair.)

Mr. WYDEN. Not long ago when the oil company executives came before the Energy and Natural Resources Committee, I went down the line and asked them if they needed the various tax breaks. To a person, they all said no. So now we are seeing a bit of discussion about whether all of these tax breaks are needed by people in the oil business.

It is one thing to talk about new initiatives—and we will be debating a variety of additional approaches, windfall profits taxes and the like—and it is quite another to be spending billions and billions of dollars out the door when those subsidy payments defy common sense, defy essentially what the President of the United States said, that we ought to get out of the subsidy business when oil is over $50 a barrel. That is what I am proposing in this particular amendment.

What it comes down to is the U.S. Government ought to stop adding sweetener to the Royalty Relief Program. At every opportunity over the last few years—and I see the distinguished Senator in the chair has zeroed in on wasteful programs, to his credit, for a long time—at every opportunity we have seen this program sweetened and sweetened and sweetened, all at the taxpayers' expense. To give the Senate an idea of how out of control this particular program is, as I understand it, the previous Secretary of the Interior, Secretary Norton, actually went out and sweetened up the old contracts to provide even more royalty relief at a time when prices, again, were way above the threshold that the President of the United States has indicated we should not be offering subsidies to.

This is an important debate in this whole question of tax breaks and windfall profits tax and the like. It is clearly going to spark a lot of debate and differences of opinion among colleagues.

This, in my view, is not even a close call. When Congressman POMBO from the other body, the chair of the natural resources committee, says we did not need this incentive, when we have people from Shell Oil saying we do not need the Royalty Relief Program, when we have the original author of the program, our former colleague Senator Bennett Johnston, saying this is not what he intended, I sure hope that is a wakeup call to the Senate. This is not a close call.

We are going to see, according to the General Accounting Office, a minimum of $20 billion head out the door as a result of this program.

By the way, it was sweetened up also in the energy conference last year. In fact, it was done almost in the dead of night because nobody could make a case for sweetening up this program anymore in broad daylight. So essentially, with virtually no debate, even last year, in the Energy bill, after the previous Secretary of the Interior, Secretary Norton, had kept adding to the program, the Congress continued to enrich this program and needlessly offered these subsidies.

Mr. President, I think a little bit of history is in order. Certainly, back in the middle 1990s—this program is, essentially, one that is a decade old—you could make an argument for the Government being involved in an incentives effort. Certainly, when the price of energy was low and we needed opportunities to incentivize production, so

be it. That was a case where some targeted efforts on the part of Government to stimulate production could make some sense.

The Government is now out of the targeting business. For example, there are no limits on who gets royalty relief. The President of the United States did not say: Oh, we ought to draw distinctions between people who get these various subsidies. The President of the United States said: We don't need Government subsidies when the price of oil is over $50 a barrel.

So what happened, essentially, after the program got off the ground in the early 1990s is folks who were supposed to be watchdogging the program did not do their job. They did not pay attention to it. So there was an original threshold for this program of about $34. The price of oil today is $70-plus a barrel. They were talking, in the middle 1990s, about $34 being the threshold level for the subsidy.

But what happened is, during the Clinton administration, some folks in the Government agency, the minerals program, who were supposed to be watchdogging this program just missed it. Some have described it as a bureaucratic blunder. However you want to call it, the reality is, Government, in the middle 1990s, was not doing right by the taxpayers. The Government should have been watchdogging this program. They should have seen there would be an effort by some in the oil industry to enrich themselves and use the taxpayer to essentially create an incentive that was unjustifiable and inexplicable, if you looked at what we are seeing today. Yet the money just kept pouring out the doors.

So what we have is a brandnew subsidy—new because it was added during the energy legislation, at a time when the price of oil was already above $55 per barrel. Certainly, the industry cannot make a claim they need this kind of incentive, as they have said in the past.

They have been drilling, and drilling without this particular incentive. In fact, we have seen, fortunately, some increase in drilling and production over the past 2 years without this particular incentive. There is no doubt in my mind, if you look at the record prices and if you look at the record profits, the drilling is going to continue if and when the amendment I have before the Senate is adopted.

I wish to emphasize, this legislation does give the Bush administration a significant amount of discretion in terms of operating the Royalty Relief Program. If the President, if the Secretary of the Interior, for example, determines that an absence of royalty relief would cause a disruption in oil supply, they set it aside, go back to the Royalty Relief Program. If the price of oil were to drop precipitously again, once more, you can provide oil royalty relief. But when the companies make record profits, when they charge record prices, it seems to me they do not need these record amounts of subsidies.

So the supplemental we are on the floor debating now involves $35 billion. The amendment I hope to have adopted today would pick up a significant portion of the costs of the supplemental that have been designated as emergency spending.

If the litigation that is now taking place surrounding this program is successful—and I do not think anyone can divine the results of that litigation—it is possible the Government will be out $80 billion for this particular program. That is twice the amount—twice the amount—of the money this legislation involves.

Now, colleagues—and I see a number of Senators on the floor—this is the granddaddy of all the oil subsidies. This is the biggest and this is the most unjustifiable of all the breaks.

By the way, we have had good ideas coming from colleagues. And probably the best single idea—and the distinguished Senator from Arizona has had an interest in these issues for some time—the Senator from Wyoming has said, to his credit, he wants to target the tax incentives for oil drilling to get more out of existing wells. There is a lot of evidence that perhaps a third of the oil that is in these existing wells is being left behind because we have never retooled the tax laws to get more from existing wells.

So there are good ideas, Mr. President and colleagues, and Senator THOMAS from Wyoming deserves credit for one of the best. But I will tell you, there are some real turkeys out there. And one of them is this existing program which provides royalty relief where there is no case to do so. This is an out-of-control program. This is a program which has lost its historical moorings. It made sense in 1995, when the price of oil was cheap, but it sure does not make any sense today.

When I asked the executives who came before the Energy Committee recently—the CEOs of ExxonMobil, Chevron, Texaco, ConocoPhillips, BP, and Shell—I asked them specifically if they needed these new incentives. All of them said they did not.

So I am offering this amendment today that prohibits the Department of Energy from providing any additional royalty relief so long as the price of oil is above $55 per barrel. That is the price at which the President said oil companies do not need incentives to explore.

The amendment, as I have indicated, provides an exception in cases where royalty relief is needed to avoid supply disruptions because of hurricanes or other natural disasters or if the price of oil were to fall. But with oil selling for more than $70 a barrel—way above the price for which the President said incentives were not needed—Congress ought to stop giving away more taxpayer money for unnecessary subsidies. We ought to prohibit further royalty relief, use this money to pay down the deficit, as the distinguished Senator from Arizona has suggested on this floor on more than one occasion, and save our citizens' hard-earned tax dollars for more worthy uses.

Consumers of this country are already paying more at work. They are paying more at home and as they drive everywhere in between. It seems to me we certainly ought to give them a break in their personal energy bills before we continue the operation of a program that the General Accounting Office has said will cost taxpayers a minimum of $20 billion and could end up costing taxpayers $80 billion, if the litigation over this program is successful.

Mr. President, I see other colleagues on the floor. I have not had anybody come to the floor and say they are going to oppose my amendment. If no one does—and I am not going to yield quite at this point—I am anxious—and the chairman of the committee, Senator COCHRAN, has been very gracious in his discussions with me. I am anxious to go to a vote. I know the Senator from Mississippi treats all Members fairly, and I have told him I am ready to go to an up-or-down vote on my amendment and get the Senate on record as making sure we save this money which is being needlessly frittered away.

No one has come to the floor of the Senate to say they object to the amendment. The amendment is very straightforward. It says we are not going to have royalty relief unless the President says we have to have it to avoid a disruption or the price of oil falls. This is a program which does not make sense. We ought to save the money.

I, at this point, would like to propound a request to the distinguished chair of the committee. I would be prepared to allow the Senate to move on to other business if we could agree upon a time when there could be an up-or-down vote on my amendment. Would the distinguished chairman of the committee, the Senator from Mississippi, give me his thoughts? And can we enter into an agreement so you can move ahead with the important work you are doing and we can lock in a time for a vote on my amendment?

Mr. COCHRAN. Mr. President, if the Senator will yield, I will be happy to respond.

The PRESIDING OFFICER. Does the Senator from Oregon yield?

Mr. WYDEN. Mr. President, I am willing to yield so that the chairman of the committee can respond to my question.

The PRESIDING OFFICER. It requires unanimous consent. The Senator from Oregon should request unanimous consent.

Mr. WYDEN. Mr. President, I ask unanimous consent that the distinguished chairman of the committee, Senator COCHRAN, be allowed to respond to my request, and that after he has completed his response I reclaim my time.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Mississippi.

Mr. COCHRAN. Mr. President, I will be happy to respond to the Senator's inquiry. Responding to the Senator's inquiry, I am not, as manager of the bill, deciding who offers an amendment or what the content of the amendment is or how long the amendment can be discussed, whether or not there will be a tabling motion offered to any amendment or reaching an agreement with each Senator as to when a vote would occur on the amendment. The Senate rules control all of those issues. As manager of the bill, I am not going to inject myself in trying to manage to the extreme minutiae of the procedures of the Senate the way this bill is considered. I think we have rules that are here for a purpose. We ought to follow the rules.

We have other Senators who have offered amendments already which are pending and were pending before the amendment of the Senator from Oregon. They have a right, and I am not going to do anything that would abridge or infringe upon that right, to call for the regular order at any time. And the Senate would go back to the consideration of those earlier amendments.

So I cannot give the Senator any assurance, except you should be treated like any other Senator; no different whatsoever. You have the right to talk about your amendment, and eventually it will be disposed of in some way. But I am not going to put it ahead, reach an agreement that it should go ahead of any other issue before the Senate.

This an emergency, urgent supplemental appropriations bill to fund the war in Iraq, the global war on terror, provide the Department of Defense and Department of State with funds that are needed now to protect the national security interests of our country, and to assist in the recovery from Hurricane Katrina and other such events.

That is the business of the Senate. I wish to see it handled in an expeditious way, under the rules of the Senate, and then we wind up the business of the Senate on this bill and any amendments thereto in a workmanlike way, with fairness to all, Republicans and Democrats.

The PRESIDING OFFICER (Mr. COBURN). Under the unanimous consent agreement, the Senator from Oregon has the floor.

Mr. WYDEN. Mr. President, I think it is going to be a long day because I intend to stay here and make the case for this outrageous rip-off being eliminated. This is an extraordinary waste of taxpayer money. Colleagues know I always try to work in a bipartisan way. I always want to expedite the business of the Senate.

The last time the Senate looked at energy, after midnight, in the middle of the night, there was an effort to sweeten this program and add more cost to taxpayers that cannot be justified. As I understand it, I may have misspoken on this point; the total amount of the supplemental bill is $100 billion. The cost of litigation over this program, if successful, could be $80 billion. The General Accounting Office estimates that at a minimum, the Government is going to be out $20 billion. My amendment alone could pay a significant portion of what is needed to cover this emergency spending legislation.

The Government is here talking about an emergency spending bill because there isn't the money in order to pay for these essential programs. Yet at a time when we have an emergency spending bill and we don't have the money in order to take care of needs, the Government keeps ladling out billions of dollars. All I want to do is prevent what we saw last year in the Energy bill. We are now going to do it differently. We are going to stay here, and we are going to stay at this discussion until the Senate votes up or down as to whether we want to keep sweetening a program with billions and billions of dollars at a time when there is no commonsense reason for this particular program.

I have come to admire the Senator from Arizona. We serve together on the Commerce Committee. I particularly appreciate his tenaciousness. He has taught me an awful lot about it. Frankly, that is what is needed. Somebody has to stay here and stay at this until we drain this swamp. To continually shovel out billions and billions of dollars, when the President of the United States has said we don't need these incentives when oil is over $50 a barrel, I don't see how anybody can argue for the continuation of this program in its current form.

I said I am not going to chuck the program in the trash can. All I am going to say is, you get royalty relief if the price of oil goes down or we need royalty relief to avoid disruptions. That is a straightforward proposition. It certainly ensures that we go back to what was originally contemplated. Even the authors of this program, people such as our former colleague Senator Bennett Johnston, are scratching their heads and saying: This program is completely out of control. It makes no sense in its current form.

I don't see how you can argue something that at its outset was designed to promote production when prices were cheap. By the way, a lot of the sponsors of this legislation always said this program was cost free. I was amazed to hear that.

Mr. MCCAIN. Will the Senator yield for a question?

Mr. WYDEN. Through the Chair, I ask unanimous consent to have Senator MCCAIN propound his question, and when I have responded, I would be able to reclaim the floor.

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

Mr. MCCAIN. Mr. President, if the Senator yields for a question, then he maintains the right to the floor. I by no means want to deprive him of that.

Is the Senator from Oregon concerned that he is not going to get a vote on this amendment? Because it seems to me if the amendment is proposed and it is in order, at some point, after disposing of the pending amendments, unless there is something I don't understand, the amendment of the Senator from Oregon would then be subject to a vote. As the Senator from Oregon knows, there are several other pending amendments that we think are important as well, particularly having to do with earmarks.

I note this morning in a Wall Street Journal-NBC poll, the No. 1 concern of Americans is earmarks. I find it very interesting that they are sick and tired of the absolutely incredible stuff we have loaded into this bill. The Senator from Oklahoma and I have an amendment about seafood marketing. The Senator from Oregon, I am sure, probably remembers that last year they spent some half a million to paint a giant salmon on a 737. The same money would go to that same outfit in this bill that is supposed to be for the war in Iraq.

I am sorry for the long question. I apologize to my friend from Oregon. Is it his concern that he will not get a vote on this amendment or that he needs a vote now? Perhaps for the rest of us who are waiting to offer amendments, he could clarify. I thank the Senator from Oregon for his courtesy.

Mr. WYDEN. I thank my friend. Before we got into seafood marketing and the question of earmarks, it seemed to me that your point was a very logical one, sometimes too logical for the Senate. That is, how do you get a vote around here? What I was asking the distinguished chairman of the committee is if we could get agreement to have a vote at a time certain or conceivably to have my proposal included in the next group of amendments to be voted on. But, yes, I say to the distinguished Senator from Arizona, without that commitment, I am very much convinced that we won't get an up-or-down vote on this outrageous boondoggle, a huge expenditure of many billions of dollars that as recently as the energy conference, there were no votes. It was done in the middle of the night. It was snuck in after midnight.

The reason why: Because nobody was able to do what I am trying do right here on the floor of the Senate, which is to say, we are going to do this in broad daylight. If Senators want to vote in favor of a program that subsidizes, when we are over $70 a barrel and the President of the United States says we don't need those subsidies, then Senators can so vote.

Mr. MCCAIN. If I may, if the Senator will yield for an additional question.

The PRESIDING OFFICER. The Senator does not require unanimous consent. He retains his time.

Mr. WYDEN. Very good.

Mr. MCCAIN. My understanding from talking to the floor staff, I say to the Senator from Oregon—and the distinguished chairman can probably help

out on this—is we have a number of amendments in order which are going to be voted on, I think by an agreement between the two leaders, which is the general procedure around here.

Nothing is more outrageous, as the Senator from Oregon pointed out, than these things that are stuffed into conference reports. But this isn't a conference report. This is an initial bite at an appropriations bill. I hope that perhaps we could work out something so we can continue with the amendment process and set a time for votes on all amendments, with the amendment of the Senator from Oregon in order following the others, as is the normal procedure. Maybe the Senator from Oregon could ask for that again, we could move forward. We all know that everybody's time is limited.

I thank the Senator for responding to my question.

Mr. WYDEN. To respond to my friend from Arizona, he is very good at working out arrangements to get votes on these matters that are so important to the public interest. Perhaps it is possible, through his good offices, to persuade Senator COCHRAN and others that we can make arrangements. I am not anxious to hold up the time of the Senate. By the way, I was here late last night, and I would have been prepared to vote last night. So this Member was prepared to vote last night. I am prepared to vote now. I am prepared to give up the floor as long as there is a commitment that we get a vote. But the handling of this program is a disgrace.

You cannot make an argument for having no accountability whatsoever at a time when billions and billions of taxpayer dollars are used. That is what happened during the energy legislation where in the dead of night, not only was the program preserved, the program was sweetened at a time when the President says you cannot make the case for these kinds of subsidies.

We will continue with this discussion. My door, as always, remains open to colleagues. I would like to think I was bipartisan before it became fashionable to be bipartisan. I note that Senator KYL is a cosponsor of the legislation. Senator LIEBERMAN has joined on as a cosponsor of the legislation. I remain anxious to work with Senators to get this worked out.

We have been talking a lot about lobbyists. We have had a lobbying reform bill and the Senate has acted. It was not all I wished it were, but at least it was a beginning. Talk about special interests and about the clout of lobbyists, this program is a textbook case of how a handful of savvy lobbyists can hotwire the political process and end up costing taxpayers billions and billions of dollars. The law itself, through the handiwork of all these lobbyists, is full of confusing language, language that has lent itself to a wide variety of interpretations. We are almost running a lawyers full employment program with this particular initiative. It will be in court endlessly, as far as I can tell. It was a program that was sweetened by the administration, even at a time when the President said you didn't need added incentives when oil was over $50 a barrel.

I have mentioned some of the problems we saw in the previous administration. I guess nobody was home watchdogging the particular program there in the minerals department because they were supposed to have a threshold in terms of when subsidies would be dispensed. But what you have seen with this particular program is how a handful of insiders, very clever lobbyists, have been able to get the Government to give away billions and billions of dollars. I don't understand how any Member of the Senate could go home, face a town meeting in their particular community, and make the case for having this program in its current form at this crucial time. Do Senators want to go home, meet with folks in grange halls and senior centers and the like—I just got clobbered on the way to a meeting about these prices—and say, gosh, we have to continue this royalty relief program? Essentially what you have is a multiyear fiasco.

It began in 1995. At that time, with the price of energy low, you could make a case for this particular program. But over the years, and particularly in the last few years with high prices, what you have is a situation where you have a program mushrooming in cost, mushrooming in terms of the toll it takes on taxpayers. The Bush administration has even confirmed that the Government will lose billions of dollars in royalties.

So this argument some have made that this program costs nothing—we heard that in the energy debate last year. It is an argument that the Royalty Relief Program costs nothing. Now that is contradicted by the Bush administration itself, which has indicated that it is going to have to waive billions and billions of dollars in royalties.

There is a lawsuit underway, as I have noted. The lawsuit challenges what amounts to one of the few restrictions on the cash drawer the oil companies look to, and I gather that the oil companies have a pretty good chance of prevailing there. So we would see even more money shoveled out the door in the days ahead. Some have called this program one that was noncontroversial. I will tell you that I don't think you can explain this to anybody in broad daylight. That is why the actions with respect to sweetening the program were taken in the middle of the night. After the CEOs of all of the major oil companies have come before a joint hearing of the Senate Energy and Commerce Committees, saying, in response to my question, that they agreed with the President's position that when the price of oil is more than $55 per barrel, they don't need incentives to explore for oil and gas, I wish one Senator would come to the floor today and say here is why we need the Royalty Relief Program.

I note that I have been trying to get a vote on this particular amendment since last night. Not one Senator has come to the floor and said that they oppose my amendment. I cannot get a commitment for a vote up or down. And given what has happened with these oil interests and this program, that is not acceptable to me, and I cannot imagine that it is acceptable to the American people.

We have a supplemental that is going to cost $100 billion. If the litigation is successful, we will see the Government out of up to $80 billion. The General Accounting Office estimates the minimum cost of this program will be $20 billion. So at some point, it seems to me, the Senate has to step in and say we are going to have some accountability here for taxpayer money; we are not going to sit on our hands when the money pours out the door.

In terms of the timeline, there are a couple of dates that I think are particularly important. In January of 2004, the Department of the Interior apparently expanded the royalty incentives—the incentives the companies would be getting under this particular program. About a year after that, the President of the United States made his statement with respect to what kind of incentives there should be for people in the oil business. He said, as I have noted today, with oil at $70 a barrel, the Government ought to get out of the business. That is the President of the United States. The President said we don't need these incentives. By the way, he made no distinction in terms of the kind of companies involved. He just said the Government doesn't need to be pouring out subsidies when the price of oil is $70 a barrel.

The next key date was in the summer of 2005——

Mr. SALAZAR. Mr. President, will the Senator yield for a question?

Mr. WYDEN. I am happy to yield to my colleague for a question and then continue discussing my amendment.

Mr. SALAZAR. Mr. President, I thank my friend from Oregon for yielding for this question. I appreciate what my friend brings to this issue in trying to make sure we are dealing with the budgetary situation that faces our Nation in a straightforward manner. I appreciate his advocacy here this morning.

My question to my friend from Oregon is whether he would be willing to yield time for me to simply offer an amendment that I could do at this point in time.

Mr. WYDEN. Mr. President, I am under the impression that I cannot yield to my friend—I certainly would like to—without in essence losing my right to stay on the floor. As I said earlier when we had questions from the Senator from Arizona and others, I would very much like to get a time commitment, because I know the Senator has important legislation he

would like to have considered, and I also see my friend from Texas, Senator CORNYN. This is not my favorite way of getting the business of the Senate done. But my understanding is I cannot give up the floor to another Senator for purposes of their having consideration of their amendments.

Reluctantly, I tell my good friend, a wonderful addition to the Senate, that I cannot do that at this time. I also see our friend from Arizona here. He may be working his magic with the leadership and the Chair so as to be able to at some point lock in a vote. I would be happy if I could get a commitment that the Senate would vote on this amendment. I would be happy to let colleagues proceed for several hours and have a chance to do their important work.

I note once again that not one Senator of either political party has come to the floor and said they want to defend this multibillion dollar program in its current form. That is an astounding thing. I was very pleased to get Senator KYL this morning as a cosponsor of the legislation, and Senator LIEBERMAN and others. But what is stunning is in this place you can hardly get everybody to agree to go out and get a soda pop. Yet in discussing this legislation, nobody has stood up and said they are going to defend the Royalty Relief Program in its current form.

Mr. SALAZAR. Mr. President, I ask my friend if he would yield for another question.

Mr. WYDEN. Once again, as part of the unanimous consent agreement, I do yield for a question.

Mr. SALAZAR. Mr. President, to my friend from Oregon, I ask if he would object to a unanimous consent request on my part to offer an amendment concerning a fire emergency disaster we are facing across our Nation in the West—something that also affects the State of Oregon—and to agree not to object to my unanimous consent request to offer this amendment and to speak to this amendment for a period of no more than 3 minutes.

Mr. WYDEN. Mr. President, let me propound this to the Chair. My understanding is if I yield to the distinguished Senator from Colorado for purposes of these unanimous consent requests, I would lose the opportunity to be considered, after he discussed this, automatically. My understanding is I cannot yield to the Senator from Colorado without losing my place. Is that correct?

The PRESIDING OFFICER. It requires unanimous consent to yield for anything but a question. So it could be propounded as a unanimous consent request that the Senator from Colorado would be recognized, followed by the recognition of the Senator from Oregon, as long as no other Senator objected.

Mr. WYDEN. Again, I tell my friend from Colorado that this is not my preferred choice of doing business in the Senate. I was ready to vote last night. I am ready to vote now. I am ready to vote as part of a package of amendments. My understanding is I cannot yield the floor at this time without losing my place. I reluctantly have to decline.

Mr. SALAZAR. Mr. President, I ask another question of my friend. All I am attempting to do, as many colleagues here are attempting to do, is put an amendment on file so we can make them part of the pending business. We can have a unanimous consent for you to yield to me for 2 minutes so I can offer my amendment. Part of that unanimous consent would be that we then go back to the Senator's amendment. I think we can get down to at least offering one more amendment.

I ask the Chair whether I am correct in my assumption that if there is no objection to my unanimous consent request, then I can offer my amendment and then return the floor to the Senator from Oregon.

Mr. WYDEN. Parliamentary inquiry, Mr. President: However much I would like to do what the Senator from Colorado has suggested, I cannot do that without losing my place on the floor, is that correct?

The PRESIDING OFFICER. The Senator could do what the Senator from Colorado is talking about by unanimous consent, as long as no other Senator objected to what he was asking.

Mr. WYDEN. So if the Senator from Colorado propounds a unanimous consent request asking that he be allowed to speak for a couple of minutes so as to be able to offer his amendment, at the end of those 2 minutes, what he has offered is set aside and the business of the Senate would once again be my amendment, the Chair is advising that that could be done?

The PRESIDING OFFICER. It first takes unanimous consent for the Senator from Colorado to even ask for unanimous consent while the Senator from Oregon has the floor.

Mr. WYDEN. Mr. President, let me say I am going to have staff work with the Parliamentarian for a bit—my staff and Senator SALAZAR's staff, and others—to see if we can address the concern of the Senator from Colorado. Maybe we can get a number of Senators involved in this so we can lock in some actual votes.

I would be very pleased to get a commitment from the distinguished chairman of the committee, Senator COCHRAN, to have my amendment included in the next group of votes. That is a pretty simple request—something that goes on here very often. It seems to me if we cannot do that, and I am not included, then I guess I have to stay at my post here and say that I think the taxpayers ought to get some protection and we ought to stop the ripping off, the persistent plundering of tax revenue, at a time when the President and everybody else says you cannot justify these kinds of incentives. If I can get a commitment from the distinguished chairman from Mississippi to have my amendment included in the next group of votes, and we will get an up-or-down vote, I would certainly like to save my larynx and let the Senate get about its business.

Mr. COCHRAN. Mr. President, if the Senator will yield for a question, without his losing the floor.

Mr. WYDEN. Yes.

Mr. COCHRAN. Mr. President, the Senator asked if I would agree that he could have an up-or-down vote at a specific time or in a certain order. That in itself treats the Senator in a way that is different from the way every other Senator would be treated under the rules of the Senate.

We have opportunities for making points of order against an amendment that every Senator has under the rules. Any Senator could move to table the Senator's amendment and get the yeas and nays. But he is insisting that his amendment be treated different from that required under the rules in that he wants an up-or-down vote and he wants it in a certain order.

His amendment was not in the first order of business when the Senate started its work today. There were other amendments pending. But the Senator, by unanimous consent, proceeded with his offering of an amendment.

All I am suggesting is, I cannot be the referee for the duration of the handling of this bill and decide whose amendments get up-or-down votes, whose amendment can be tabled or a motion to table can be made, whether parliamentary objections can be made to proceeding on an amendment. Any person can be recognized to debate the amendment and talk without interruption until 60 Senators vote to cut off debate of that Senator who is talking.

So I am not going to make, I can't make, it is not appropriate for me to make rules that, in effect, limit all of the other Senators in the rights they have under the rules of the Senate.

This is just plain and simple. He is asking for special treatment of his amendment, and I don't have the power to do that and be fair at the same time to every other Senator. So that is why I am not agreeing to the unanimous consent request. I don't think it is appropriate that I do that.

His amendment ought to be treated just like anybody else's amendment. But he comes out here after amendments are being set aside at his request and offers his amendment and asks that we agree to vote up or down at a particular time. I have heard from some Senators who have concerns about the amendment.

The Energy Committee has jurisdiction of this legislation. I am chairman of the Appropriations Committee, not the Energy Committee. The Energy Committee has the right to review any suggested change in current law on matters coming within the jurisdiction of their committee, and that is being denied by offering this amendment to

an appropriations bill and then asking the chairman of the Appropriations Committee to guarantee that there be an up-or-down vote at a particular time. So I can't agree.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, by way of responding to the distinguished Chair, the Senator is not asking for special treatment. What we do in the Senate again and again—it is the common practice, something that goes on every week—is we have debates on amendments and then Senators have those amendments put into a group, and when there has been a group of amendments put together and all Senators on both sides of the aisle have been notified that there will be votes, then there are votes.

That is all that I have asked for. There is no request for a specific time. Do it at 1, 2, 3. Do it whenever we have a block of amendments so we can get on and hear from Senator CORNYN and Senator SALAZAR, and I now see the Senator from North Carolina and the Senator from Pennsylvania here as well.

I don't understand why we can't get a commitment that at some point—what goes on here regularly, that Senators get votes as a group of amendments is considered—that be done.

I come back to the point, having had now considerable amount of discussion, that not one Senator has said they want to defend the oil royalty relief in its current form. I think that is incredible. I certainly expected some opposition. I was pleased when Senator KYL and Senator LIEBERMAN said they wanted to be cosponsors. I expected people to come on over here and oppose it. And I think the reason there is no vocal opposition to this program is exactly what we saw in the energy conference committee last year. You can't defend this program in broad daylight. That is why it was sweetened in the middle of the night. A program that made no sense, was already a boondoggle, got even sweeter with additional sums now going out the door.

I have noted that if the litigation of this program is successful, it is possible that the Government will be out a sum close to the entire cost of the supplemental program.

So I repeat to the distinguished Senator from Mississippi, nothing would please me more than to enter into an agreement to allow others to go forward, and my amendment could be voted on in exactly the way the Senate customarily does business; that is, when we have a block of amendments, a group of amendments that Senators have had a chance to discuss and consider, we would then take a vote. But for some reason, we are not going to do that with respect to this multibillion-dollar subsidy program, a program that has the Government subsidizing these companies through royalties when oil is $70 a barrel, and the President of the United States says we ought to be out of the subsidy business when oil is over $50 a barrel.

I have a unanimous consent request ready to go so I can satisfy colleagues. I now see the distinguished Senator from New Jersey is here, the Senator from Florida is here, and the Senator from Pennsylvania is here. There are a lot of folks who would like to have a chance to speak, and nothing would please me more than to let them get about that business.

I have not been here as long as the distinguished Senator from Mississippi, but I have not had an instance such as this ever happen to me in the Senate when I ask: Can I get a chance, as part of a group of amendments, or at some point, an up-or-down vote, and no efforts are being made to work something like that out. I think it is unfortunate. I am going to have to remain at my post, and colleagues who want to ask questions—does the Senator from Florida seek to ask a question?—I will be able to respond and reclaim my time.

Mr. NELSON of Florida. Mr. President, I ask the Senator to yield for purposes of a question and that he retain the floor.

Mr. President, to the Senator from Oregon, I certainly commend him. Something is out of whack where we have a system of payments, royalty or otherwise, or tax credits, otherwise can be characterized in the vernacular of the street as giveaways, to an industry that at this point is reporting their first quarter profits. It is expected today or tomorrow that ExxonMobile will report a profit in excess of $9 billion for 3 months. That is profit for 3 months. That doesn't include the other major oil companies.

So I ask the Senator from Oregon, he has made a proposal—I don't know if it is the one that is on the floor right now—to eliminate the $1.5 billion giveaway. Will the Senator flesh out that particular proposal?

Mr. WYDEN. That is not the amendment that I offer. I will tell the Senator that I am trying to roll back the subsidy program that is the granddaddy of all of them. This is the one that is going to fleece taxpayers the worst. This is the one that the General Accounting Office says at a minimum will cost taxpayers $20 billion.

So the Senator from Florida, who has had a great interest in energy policy and serves on the committee, is talking about something else, but he has made the point again that there are a host of these subsidies. But the billion-dollar program that the Senator from Florida is talking about is peanuts compared to what we are talking about here.

What we are talking about here—I see the distinguished Senator from Alaska, Mr. STEVENS, is here. He was, I know, a close friend of Senator Johnston, who was the original author of this program. Senator Johnston has said that he didn't intend anything like what this program has turned out to be. Congressman POMBO, the chair in the other body of the natural resources committee, said: You don't need this incentive. Nobody has ever called Congressman POMBO anti-oil. Even the people at Shell Oil say you don't need this kind of incentive in this climate.

The Senator from Florida makes a good point that there are a variety of subsidies that go out to oil companies, but the one that the Senator from Florida is talking about is really small potatoes compared to what we are talking about here. I appreciate the question.

Mr. STEVENS. Will the Senator yield for a question?

Mr. WYDEN. Once again, under our unanimous consent agreement.

Mr. STEVENS. I wonder if the Senator from Oregon would agree, I have heard the comment that the normal process is for a Senator to offer an amendment and to have an opportunity to get a guarantee of a vote. I am sure, would the Senator agree, that the Senator's amendment is subject to an amendment?

Mr. WYDEN. Of course. I will tell my good friend from Alaska, I have been surprised that somebody hasn't come to the floor to speak against my amendment or to second-degree it, or anything of the sort. I have been here since last night, I will say—reclaiming my time—I have been here since last night discussing this, and no Senator, Democrat or Republican, has come and opposed the amendment that I am offering. No one has tried to second-degree it.

I think at this time what I would like to do——

Mr. STEVENS. Will the Senator yield for another question?

Mr. WYDEN. I will be happy to.

Mr. STEVENS. Mr. President, I have been trying for 25 years to get a vote on ANWR. I fully intend to offer ANWR as an amendment in the second degree to the Senator's amendment, and then I want to help him get a vote. I want to help him get a vote right now. That is exactly what I have been waiting to do for 25 years.

So I serve notice, I will offer an amendment in the second degree, the ANWR bill. I do hope we will vote on it today.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, reclaiming my time, just so we can make sure all the dots are connected, I ask unanimous consent that my amendment be voted on during the next group of amendments.

Mr. STEVENS. Reserving the right to object, will that bar my offering of my amendment on ANWR? Is the amendment still subject to an amendment in the second degree?

The PRESIDING OFFICER. There is nothing in this agreement that would bar a second-degree amendment.

Is there objection?

Mr. COCHRAN. Reserving the right to object, Mr. President. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from Oregon has the floor.

Mr. COCHRAN. Further reserving the right to object.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, I think the Senator from Alaska has propounded a question that has not been fully answered—at least I didn't understand the answer—to permit him to offer the amendment he would seek to offer to this amendment. So before I yield for that purpose, I want to be assured that the Senator's rights are protected on this side of the aisle and that we are not guaranteeing an up-or-down vote in so doing on the underlying amendment.

I don't want to treat that amendment any differently from any other amendment that might be offered. That is my concern. Maybe I should frame that in the form of a parliamentary inquiry. I do so inquire of the Parliamentarian.

The PRESIDING OFFICER. As the Chair said before, there is not anything in the unanimous consent request that would stop somebody from offering a second-degree amendment to the amendment of the Senator from Oregon.

Is there objection?

Mr. STEVENS. Mr. President, again reserving the right to object, this does not bar an amendment in the second degree; is that correct?

Mr. WYDEN. Mr. President, I ask unanimous consent to modify my amendment.

Mr. STEVENS. I object.

Mr. WYDEN. I ask unanimous consent to modify my amendment.

Mr. STEVENS. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. STEVENS. Mr. President, I repeat my parliamentary inquiry. Does the Senator's request——

The PRESIDING OFFICER. The Chair's answer is there is nothing in the unanimous consent request that would stop the Senator from Alaska from offering the second-degree amendment.

Is there objection?

Mr. WYDEN. reserving the right to object, Mr. President, I am going to withdraw——

Mr. COCHRAN. Mr. President, parliamentary inquiry: How does the Senator seek to clarify—

The PRESIDING OFFICER (Mr. GRAHAM). The Senator has the right to withdraw his unanimous consent request.

Mr. WYDEN. Mr. President, I intend to withdraw my unanimous consent request at this time, and my staff is happy to work with Senator STEVENS, as we have done on so many issues, to see if we can work something out that is acceptable.

The PRESIDING OFFICER. The unanimous consent request is withdrawn.

Mr. WYDEN. Mr. President, having said that, I want to state once again that I am anxious to work with all of the Senators who are on the floor, and I am sure there are others hovering about the Chamber, to get on with the business of the Senate. All I want to be able to do is what I think is pretty customary in the Senate, and that is to get a vote at some point—at the time when we have the next set of amendments. But clearly, there are those here who don't want to allow that. So I think I will just have to persist.

One additional area I want to focus on, I say to my colleagues, is that I and others, particularly a bipartisan group on the Energy Committee, have been trying to get an explanation from the Interior Department for months and months about what is going on with this program. What we would like to do is see if we could get some accountability.

A number of Senators wrote back in January to express our concerns. We never got an answer. And what I would like to do is highlight a few points of the Senators' concerns because I think, once again, they go to this point about whether there is going to be some accountability in a multibillion-dollar program that has been costly to our taxpayers.

The Senators said, in a January 24, 2006, letter:

> There is a series of steps the Interior Department can take to remedy the flaws with this program. For example—

The letter notes—

> you could reinstate the full audits of the royalty relief program that have been scaled back during the Bush administration.

Now, as to auditing this program, auditing a multibillion-dollar program that you can't justify at a time of $70-a-barrel oil costs, you would think that having these audits would be pretty much a no-brainer. You would say that the Interior Department, particularly after they have been criticized by their Inspector General on this particular point, would be willing to step up the audits. They would be willing to take some steps, some concrete steps, to make sure that so many taxpayer dollars weren't being wasted. Unfortunately, that has not taken place. We haven't seen the audits that even the Inspector General has called for in the program.

Another step that has been noted by the Senators would require enforcement of existing rules for this program, such as those requiring companies to start paying royalties when market prices reach a threshold level. Again, we have seen no response—no response—to practical, concrete suggestions that Senators have made to make sure we get some accountability into this particular program.

I also note that Senators have indicated they would be supportive of legislation that would require greater accountability for this program so that, in effect, it would be possible for people to see how it actually works in broad daylight. That, too, is probably too logical, and I would only say that given the fact that this program was sweetened—and expensively so—behind, essentially, closed doors last year, it seems to me that at a minimum we ought to have greater openness for this program, additional funding for auditors, and that, too, has not been forthcoming.

So concrete suggestions made by Senators to better watchdog this program and to protect the billions and billions of taxpayer dollars that are needed are highlighted by our challenge right here, which is: As we debate an emergency spending bill, a bill that is an emergency because the Government really doesn't have the money to pay for it, we are still seeing billions of dollars go out the door needlessly.

In addition, the letter from the Senators states:

> We are troubled by the suggestion that companies involved in the program have made differing representations of the costs to the Securities and Exchange Commission and the Department of Interior.

These are both Federal agencies. In order for the Congress to carry out its own oversight responsibilities and probe the magnitude of these discrepancies, what the Senators asked is for information with respect to oil and gas prices over the last few years. Once again, it looks to me like a very reasonable kind of request, and I want to highlight again that when you have an out-of-control program, when you have Senators making practical suggestions like having better audits, like having better enforcement of existing laws, saying we ought to follow up on discrepancies in the information that is furnished to the Government, that strikes me as a no-brainer. Every Member of the Senate should say: Of course, we want to watchdog the way these monies are being spent.

I would like to read a little bit about these disparities in the costs of the program. Johnnie M. Burton, Director of the Interior Department's Minerals Management Service—I am just going to read from a report, a news report on it—said the disparities, the differences in the information that was furnished by the industry ''were mostly the result of deductions that the regulations let companies take, reducing the sales price they report to the government.''

Now let's just think about that. The companies take these deductions; that reduces the sales price that is reported to the government; and still the Department of Interior won't step in and say: We are going to try to straighten out these discrepancies in the information about this program.

To read further, the Director of this program said that she, ''had not known and could not explain why companies were reporting higher sales prices to their shareholders and to the Securities and Exchange Commission than to her office.''

Once again, that is an extraordinary statement, a statement that comes from the Director of the Minerals Management Program. And she wraps it up,

when she is asked by the news media to respond—and I will quote here from the news reports:

> I can't answer because I don't know. We don't look at SEC filings. We don't have enough staff to do all of that. If we were to do that, then we would have to have more staff and more budget. You know, there is such a thing as budget constraint, and it has been real tough, let me tell you.

So what we have is the Government not even getting the straight story about the program. You have Senators saying that different representations of costs by the companies are being given to the SEC and the Department of Interior, and yet the person who runs the program says: I don't know, can't do it. Can't get to the bottom of how a multi-billion-dollar program operates.

Mr. President, I say to my colleagues, this is the granddaddy of all of the oil subsidy programs. My friend, Senator NELSON from Florida, came to the floor to talk about a particular subsidy he was concerned about and said that the cost of the subsidy was about $1 billion. That is certainly a lot of money to the people of South Carolina and the people of Oregon. This program that I am saying we ought to rein in and get some accountability over involves, according to the General Accounting Office, a minimum—a minimum—of $20 billion. And, if the litigation that surrounds the Royalty Relief Program is successful, we would see the cost to the Government be $80 billion.

I have been at this for several hours. No Senator of either political party has come to the floor and made a case against my amendment. I have been pretty surprised about it. I was pleased to have Senator KYL and Senator LIEBERMAN sign on as cosponsors of my particular effort. But I would sure like to have a dialogue in the Senate with respect to the program. I think we have a good handle on how to reform it.

We would say: You can have royalty payments when you need them. It is not rocket science. It is very straightforward. If the price of oil goes down, if the President of the United States says we are going to have a disruption of our oil markets, then you can stay royalty relief. It is not a complicated proposition. But all I can conclude is that Senators—we have had a number of Senators come over and yet nobody has said anything against my amendment. That seems to say, well, just chew up our day letting this fellow from Oregon hold forth.

I have not had to do this in my time in the Senate. It is not a whole lot of fun when you have colleagues and friends who obviously put in a lot of work, a lot of time into amendments that they feel strongly about. I have asked on several occasions to see if I could just get an opportunity to have a vote, up or down, in some kind of fashion, at some point when we do the next block of amendments. But we haven't been able to get that agreement, so here we are, working through lunchtime on this particular program.

I will also tell the Senate with respect to where we are right now that the amount of the subsidy that is out there today could increase—this is in an article from U.S. News and World Report—fivefold. So we are talking about billions of dollars that go out the door today, and if the litigation is successful, then we will see vast additional sums going out.

In the speech that the President made earlier in the week, the President, to his credit, said that he really didn't see the case for subsidies with the price of oil well over $70 per barrel. I don't see anybody making that argument. I don't see anybody making it outside of the Senate. And as I have said over the course of the morning, I don't see anybody making it in the Senate today. I wish somebody would because maybe then we could begin a real discussion and we could get on with what the Senator from Mississippi desires, which is to complete his important legislation. But we have not been able to have that kind of debate, nor have we been able to get a commitment to have this amendment come up as part of a block.

About the only thing we know for certain is we have a program that is completely out of control, and even the original author of the legislation, our former colleague, Senator Johnston, has indicated that.

Under the Energy bill that was signed into law last summer, the companies were given new subsidies in the form of reduced royalty fees. The way that came about is we did not have any floor votes, we didn't have extended debate as we are having this morning; it was done after midnight in the conference committee. It was done after the claim was made that this would not cost anybody anything. That is pretty farfetched. The General Accounting Office says it will cost a minimum of $20 billion.

The Senate has indicated that we are concerned about the practices of lobbyists. I say to Senators, this is a classic case. This is one you would write in the textbooks, of how a small group of lobbyists can figure out a way—essentially behind closed doors and in the dead of night when people are not exactly following debate about energy policy, after midnight—to work their will. So I am doing something I have not done in the Senate and that is to say I am going to stand here and try to do my very best to protect taxpayers. I think it is critical right now, when we are dealing with emergency spending legislation. This program alone uses up a decent portion of the tab for this piece of legislation.

Colleagues have talked a bit about tax breaks and the like, but we have not had any real discussion before today about royalties under the Minerals Management Program. That is what we are talking about here. The House discussed it in its legislation. I think that is why we ought to discuss it.

I don't think this is going to harm in any way the incentives to produce oil in this country. We certainly need to do that. We are as dependent on foreign oil as we were 20 years ago. I personally think getting a new energy policy is about the most patriotic thing we can do in our country. Getting a new energy policy is about as red, white, and blue as it gets. But you sure don't get a new energy policy if you are going to keep sweetening, with billions of dollars, a program that doesn't work, a program that has lacked oversight, lacked accountability.

By the way, I have mentioned it has been bipartisan. I see the distinguished Senator from Alaska, Senator STEVENS. I have highlighted the fact that the previous administration, the Clinton administration, somewhere, someplace in the bureaucracy, was not watchdogging this program, was not watching the threshold that was needed to ensure that this money would be used wisely.

By the way, they were talking about $34 a barrel at that time. Now the price of oil is over $70 a barrel. The President of the United States says we don't need subsidies when it is over $50 a barrel.

My hope is we can get this Minerals Management Program under control. It needs to be under control. The bill that came over from the House addresses the royalties issue as well. I think it is time for the Senate to step up. This is a subsidy that is not needed at this time. I wish some Member of the Senate would come to the floor and say, Let me tell you why the subsidy is needed. We have three Senators on the floor and certainly a lot of others have been coming through at various times, but Senator Johnston, who made the case years ago that this program was needed in the 1990s—I think Senator STEVENS probably knows the most about the history of the program of any of us—I think Senator Johnston's argument in the 1990s was the gulf coast was hurting. The gulf coast had gotten clobbered. Senator Johnston and others were concerned about how things were going to go in the future. The price of energy had dropped very dramatically. The concern of Senator Johnston was that you were going to see very little investment unless you had changes in the Government's policy.

I know people at that time—I have seen the press reports—were comparing the Gulf of Mexico to the Dead Sea. We are not faced with anything like that. In fact, the program worked well in those middle 1990s.

Now we have a very different situation. Now we have a very different climate. In fact, those are virtually the words that were used by one of the lawyers from the Shell Oil Company. The lawyer from the Shell Oil Company said we don't need royalty relief in this kind of environment, in this kind of climate.

I hope we will get the Senate to dig into the merits of this. I have read the comments from news reports, from Senator Johnston. Senator Johnston told the press recently:

The one thing I can tell you is this is not what we had intended.

Given all of the fuzzy and confusing language that was in this program, what we have seen is the companies, those that have tried to milk this program in every way possible, have been able to do it. I was particularly troubled by some of the changes the Secretary of Interior, Secretary Norton, made administratively. But I think the Senate, in going forward with this discussion, ought to reflect on some of the comments that have been made by people who I think have been about as supportive of the oil industry as they possibly could be. In the other body, the chair of the natural resources committee, Congressman POMBO, says:

There is no need for an incentive. They've got a market incentive to produce at $70 a barrel.

Think about that comment of Congressman POMBO. Congressman POMBO is saying there is no need for incentives right now.

I wanted to be sensitive in my amendment to the fact that things can change. We always have to deal with that in any legislative proposal. What I said is, look, the President of the United States says we could have a supply disruption. If the President of the United States says, for example, that with prices going down we need to reinstitute the program, so be it. But that apparently is not acceptable to some here in the Senate so we cannot get an opportunity at some point to get a vote.

But this is high-stakes stuff, folks. This is not small sums of money. Senator NELSON raised a question that was important to him about a particular subsidy program he was concerned about. It involved $1 billion. But as a number have noted, if the legal battles that are taking place right now about the Royalty Relief Program are successful, we are talking about upwards of $30 billion in additional royalty relief over the next few years. How much more do we need to prod those who care about this to look at reforming this particular program? Certainly they don't need more incentives to go out and drill. Nobody needs to prod the oil industry in that regard. We have seen a great deal of effort on the part of the Senate to make it attractive to be in the energy business. But what I am seeking to do, with the support of Senators KYL and LIEBERMAN and I know other Senators, is to get this program under control, is to have some accountability. It seems to me what we are faced with is essentially a trifecta of subsidies.

First, you have the companies getting tax breaks. The Joint Tax Committee has estimated that the costs of those would be in the vicinity of $10 billion. I am beginning to think we are making some headway on that particular point because we are hearing Senators on both sides of the aisle say they want to review those tax breaks. When we had the executives come before the Energy Committee, I went right down the row and asked each one of them if they needed the tax breaks in the new Energy bill. When it got to broad daylight, they said they didn't need those particular tax breaks. So I think we are making some headway.

I then went to the Senate Finance Committee and was able to get a modest reduction in the tax breaks the companies would get. That is now in the reconciliation bill. I think it is the only actual cut in tax breaks the companies have gotten in quite some time. I am hopeful that will make its way into the reconciliation legislation. Senator GRASSLEY and Senator BAUCUS have been extremely helpful in that regard.

But the first part of the trifecta is essentially the tax breaks. I am hoping we can get Senators of both political parties at a minimum to review them, review them comprehensively—something that hasn't gone on. Yesterday, to their credit, Senator GRASSLEY and Senator BAUCUS indicated they would begin that particular review.

The second part of the trifecta is we have mandatory spending programs. That was one that Senator NELSON spoke about earlier, one that involves $1 billion.

Then we come to the Royalty Relief Program, which is the big daddy, the granddaddy of all the subsidy programs. That is the one I have said I am not going to let the Senate duck any longer.

It appears both the Chair and the ranking minority member have left the floor. I think that is unfortunate because I want to try to work out an effort to move ahead on this. But I will continue.

Mr. STEVENS. Will the Senator yield?

Mr. WYDEN. Again, under our unanimous consent.

Mr. STEVENS. I am the senior member of the Appropriations Committee and former chairman, and I will be happy to work with you to arrange consideration of ANWR at any time.

Mr. WYDEN. I thank the distinguished Senator. I know the Senator, having chaired the Appropriations Committee, is anxious to try to work this out. My door is open to try to do that. If the Senator can do what apparently we couldn't get worked out with Senators MCCAIN, SALAZAR, NELSON, and others, no one will be happier than I.

I want to note exactly what the amendment does. It blocks the Federal Government from sweetening the already sweetheart royalty deals that are being dispensed under this legislation. This is needed because even as the prices have shot up, the previous Secretary of Interior was giving more royalty relief to the companies. It has been reported in the press that the Secretary of Interior made the incentives more generous by raising the threshold prices. Her action allowed drillers to escape royalties in 2005, when prices spiked to record levels. She also offered to sweeten the contracts that were not generous enough, in her opinion.

Think about that one. She went back and offered to sweeten the contracts that she felt were not generous enough, contracts the drillers signed before the new regulations were approved. What this amendment does is it prohibits the kind of sweetening of the deals for those who are drilling when prices are high.

When prices are high and we have no threat of disruption, then I am saying the Government has to step in and watchdog this program and do a better job for the taxpayers.

These are royalty deals which are already laden with sugar. They do not need any further sweetening. What is needed in the Senate is for the Senate to say now we are going to do what has not been done; we are going to step in and protect the taxpayers and the American people.

Under this amendment I am trying to get up in front of the Senate, the next Secretary of Interior would not be able to do what was done last year and give away more royalty relief when oil prices are above $55 per barrel. That is what we are all about today.

I hope we will have discussion of other aspects of the oil business. I know that colleagues have amendments of a variety of types they wish to offer.

But these are the sweetest deals in town. They are laden with sugar. They do not need any further sweetening. And at some point you have to ask, Is the Senate ever going to draw the line and have some real accountability in this program?

I have now been speaking about this for probably close to 3 hours. No Member of the Senate has spoken in favor of running the Royalty Relief Program the way it is. I want to repeat that. After 3 hours of debate and a chance for anybody here in the Senate to come and say, Look, I think it is important, I think we ought to keep the program the way it is, nobody in the Senate has come before this distinguished body and made the case for this program on the floor of the Senate.

I think that says it all. Nothing could better illuminate the history of this out-of-control program than the fact that nobody has opposed it here or has opposed my amendment on the floor of the Senate.

The way decisions are made with respect to this program is like what happened with the conference committee in 2005 on the Energy bill. After midnight, when nobody would have a chance to see what was going on, an argument was made that this doesn't cost any money. A couple of Senators were present. They said, You have to be kidding. There has been one Government report and audit after another of

this program. Nobody can say with a straight face that this program costs nothing. Yet that was the argument made after midnight in the energy conference. So this legislation kept getting sweeter and sweeter and sweeter.

Billions of dollars are at stake. We already have record prices. We already have record profits. The question becomes, Are we going to have record royalty payments?

I think it is important now for the Senate to draw the line. I want to make sure the Senate is aware of how my amendment would work. Right now the oil companies are supposed to pay royalties to the Federal Government when they extract oil from Federal lands. To stimulate production when the price of oil was cheap, the Federal Government reduced the amount of royalty payments the companies had to make. Now that the price of oil has shot up to over $70 a barrel, the discounted royalty payments amount to a needless subsidy of billions and billions of dollars.

So the practical effect of all of this is the Senate works on a supplemental spending program. It is called an emergency because the Government doesn't have the money. That is why we are in this situation today. We have an emergency. The Government doesn't have the money, but yet the Senate is still willing to look the other way when billions and billions of dollars go out the door at a time when the President of the United States has said you don't need subsidies when the price of oil is over $50 a barrel.

Experts in and out of the Government share my view that this subsidy defies common sense. I have described the views of the chairman of the natural resources committee, Congressman POMBO, who talked about what the folks at Shell Oil have said. Former Senator Johnston wrote this particular program. There isn't anybody defending this program in its current form. That is the amazing part of this debate. Nobody has stood up and said, I want the Royalty Relief Program to operate just the way it is. I thought for sure we would have some discussion about this topic. I thought somebody would actually stand up and oppose what I am talking about. Somebody might say, Look, just because you say it is the granddaddy of all subsidies doesn't mean it doesn't do any good. But nobody has done that. In the course of speaking at some length about this particular program, nobody here in the Senate has said they want to come to the floor and defend it. I think that tells a whole lot about the situation we are in.

By the way, I think it says a lot about whether the Senate is willing to hold these companies accountable and is going to watchdog the program which costs billions and billions of dollars.

We have all had our phones flooded with folks concerned about the price of oil. I heard a discussion from the distinguished Senator from Arizona who said that earmarks were the top question he had heard about from citizens. Like the Senator from South Carolina, I have an enormous amount of respect for the Senator from Arizona. But I think while earmarks are certainly important—and I don't want to get into some kind of competition about what is the most important—I can tell you everything I am seeing right now is that gasoline prices is the issue the American people want to address.

I want a new energy policy. I am anxious to work with colleagues to do so. As I have spoken here on the floor of the Senate, I would say arguably the best idea we have seen in energy as it relates to production comes from our friend from Wyoming, Senator THOMAS, who has pointed out that we are probably not getting a big chunk of the oil production out of existing wells. It is an amazing thing; experts in the field say we may be losing as much as a third of what is out there in existing wells. If you go and get that oil, first, you begin to add to the production that all Senators want to encourage but also you do something that is sensible for the environment because you don't run the risk of additional environmental problems.

As we have looked at on the Commerce Committee under the distinguished chair, Senator STEVENS, there is a lot of new technology in the oil business. So it is possible to capture some of the gases that are emitted and better protect the environment. There are good ideas for getting a fresh energy policy and certainly increasing production.

As I have said publicly and privately, I think Senator THOMAS is one of the best. But there are also some programs that make no sense. This one doesn't. This one is the biggest of them all. If the Senate is serious about reining in these practices that drain our Treasury, which is a factor in our having to come to the floor and ask for emergency spending programs, then I think we have to tackle this kind of program.

Government subsidies—sure, you can make a case for them when the price is low, when you have to stimulate production, and when our economy needs a shot in the arm. But billions of dollars of royalty relief for the companies with these kinds of prices? I don't get it. I don't think it is even a close call. Perhaps that is why we have not seen anybody come to the floor and argue on behalf of doing business this way.

My amendment would ensure that you have royalty relief when it is needed. When you need royalty relief, under this particular amendment—when there is a supply disruption or when prices fall—you would be able to have that relief. But it ought to be targeted. It ought to be targeted as it was in the middle 1990s. That was a period when the price of energy was way down. Parts of our country that could produce oil were hurting. There was a judgment made before my good friend from South Carolina and I were in the Congress, there was a judgment made in the middle of the 1990s to say, all right, let us give these companies a break. If they go out and take some risk, if they will go out and drill and take those chances as you do as part of the free enterprise system because the Government wanted to encourage production at an important time, there was bipartisan consensus that it be done.

The author of the program, Senator Johnston, our former colleague from Louisiana, put together an impressive coalition to get it passed. As I have quoted Senator Johnston here on this floor recently, what we have isn't anything close to what was intended. He was kind of baffled about the whole thing. He said the whole thing is confusing.

It is time for the Senate to say that on the biggest subsidy program, the one that costs the most, which is going to be greater, as far as I can tell, than all of the subsidies combined, and if the litigation involving this program costs approximately what the whole supplemental costs, this is the program we have to deal with.

I don't think it passes the smell test to keep dispensing billions and billions of dollars of royalty relief at this time from the taxpayers' wallet. This is a program that was useful a decade ago. But nobody could say that we need these kinds of incentives at this time.

Back when they were talking about this program in the middle 1990s, the price of oil was in the vicinity of $34 or $35 a barrel. That was the threshold they were talking about at that time. Now the price of oil is twice the threshold that was used back in those days, in the 1990s.

This is a program that it seems to me the Senate has to step in and start watchdogging. One of the reasons I have come to the floor of the Senate today is because the Department of the Interior won't even answer questions from Senators. After there were news reports earlier this year, a number of Senators asked very practical questions. They wanted to know about additional audits; they wanted to make sure there was an effort to enforce the law; they pointed out discrepancies in reports on this program; that the Securities and Exchange Commission was given one set of facts and statistics and the Department of Interior was given another set of facts and statistics. Think about that. We now have companies not even using the same information the Government has so the Government can watchdog the program. Then they go over to the person who heads the Minerals Management Office, which runs this particular program, and what that person says is, Gosh, we don't know. We don't have the auditors. We can't keep track of this. We are not people with expertise. I guess I could see that point if it were involving a small program; in other words, you would be talking about something with

a modest sum of money, and they said they did not have enough auditors. Senators could work on a bipartisan basis and beef up the program. But it was not an emergency because you were talking about a much smaller amount of money. We know the phrase a billion here, a billion there starts to add up to real money. Everett Dirksen talked about millions; now we are talking about billions.

The point is, this is not a small program. This is one of the biggest programs, $20 billion minimum. The General Accounting Office says $20 billion minimum is involved. If the litigation surrounding this program is successful, it could approach the amount that would pay for the entire emergency supplemental program. That is pretty amazing.

One program subsidizing the companies with royalty relief—and no Senator has come to the Senate over the last few hours to defend the operation of the program in its current form—one program can pick up the tab for most of the emergency supplemental. Yet we cannot get a vote up or down as part of any kind of practice that resembles what the Senator from South Carolina and this Senator have customarily seen in the Senate.

We have a discussion over a batch of amendments. Usually a big batch of amendments takes a reasonable period of time. I have done this. The Senator from South Carolina has done it scores and scores of times. Then the amendment you offer is put into a package of other amendments, and there is a vote at a time when Senators of both political parties have been notified and all Members are aware of what is coming up in the Senate. We cannot do that. Somehow, we cannot do that.

I see the distinguished chairman of the committee, Senator COCHRAN, has returned. I have propounded a variety of different questions to see if we could at some point do what is the customary practice in the Senate, which is at some point have a vote, at some point that is convenient for all who want to offer their amendments. As far as I can tell, we are not having any discussions about how to do that. I have not heard any discussions about others who want to amend this in some way. We have, essentially, a one-sided discussion. This side would very much like to see if we can move forward and get about the business of the Senate.

I have outlined the key questions about a program which is a classic example of what happens when you do not have the Government watchdogging the taxpayers' wallet. The money does not fly out of the sky and land in Washington and all of a sudden get used for one program or another. This is taxpayers' hard-earned money.

We have a situation in South Carolina, Oregon, and elsewhere where people are getting clobbered at the pump. They are all up in arms about the cost of gasoline. We have these record prices at the pump. We have record profits people constantly read about, and the CEOs get pensions. Some of the pensions the CEOs are getting come to sums that are greater than whole communities, as far as I can tell, in terms of their pension relief. So citizens hear about this sort of thing and want to know what the Congress is doing to straighten out the priorities.

What this is about, folks, is straightening out the priorities. I don't think the priorities ought to be to have a minimum of $20 billion used for a royalty relief program when the price of oil is over $70 a barrel. The priorities ought to be for the kinds of things the distinguished Senator from Mississippi and his counterpart on the Democratic side have been working to get done. We do have emergencies. We have emergencies we have to address. I want to see it done. I will tell the Senate when we are subsidizing an amount that could possibly come to the full cost of this supplemental, this cries out for the Senate to step in.

I am going to do everything I can do and will continue to try to engage colleagues on both sides of the aisle so we can do what is necessary to protect the public; that is, essentially reining in a program that has been driven by a small number of lobbyists. A small number of lobbyists for a small number of companies has figured out how to make off with the bank. That is essentially what has happened. We have a program that very few know much about.

When it hit the newspapers a few months ago, Senators and others were up in arms. It is fair to say very few knew a great deal about how the program operated. Those headlines—''General Accounting Office Says Minimum of $20 Billion Will Be Lost''—should have served as a wake-up call.

After we saw those news reports, Senators began writing letters, some of them bipartisan, saying to the Department of Interior: Give us the facts about the program. They said: We have read all these reports indicating what a waste of money, what a colossal waste of money this is. Give us the facts.

The Department of Interior has stonewalled Senators who are trying to get the facts about how the program works. The Senators pointed out the discrepancies in the information furnished. Senators pointed out there did not seem to be people watching this program and watchdogging it, but still no response from the Department of Interior.

So we get to the point, it seems to me, that somebody ought to come to the Senate and describe how an industry that is finding profit everywhere it looks ought to be given more relief from the Federal taxpayer. That is what it comes down to. This industry is doing exceptionally well. Everyone understands the importance of energy production. We understand the importance of seeing it produced in the United States. But the good ideas for getting production going in this country are not ones that drain the Treasury of billions and billions of dollars. The good ideas are the kinds of ideas offered by the distinguished Senator from Wyoming, Mr. THOMAS, who talks about getting more production out of existing wells. That is the kind of thing we ought to be doing to get a new energy policy, a red, white, and blue energy policy that is patriotic.

Frankly, our energy policy does a great disservice to those who honor us by wearing the uniform overseas. I know the Senator from South Carolina has been a great advocate for those people. When I meet with folks in the military, I say: You have honored us with your extraordinary service by wearing the uniform and putting your health and the well-being of your family on the line. I want to get a new energy policy so it is less likely that your kid and your grandkid will be off in the Middle East fighting another war where people are saying it is about oil.

We owe it to those courageous people who honor our Nation by wearing the uniform to get them a fresh energy policy from ideas such as those offered by Senator THOMAS. This program is not one of them.

I see one of my cosponsors of this legislation in the Chamber. I am ecstatic he has arrived in the Chamber, and I yield to him under the unanimous consent agreement.

Mr. KYL. May I ask my colleague a couple of questions with the understanding he retains the floor?

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

Mr. KYL. I compliment the Senator from Oregon for bringing this matter to the attention of the Senate. It is my pleasure to cosponsor the amendment with the Senator. I also compliment the chairman of the Committee on Appropriations for his patience, his great patience, and his willingness to work with everyone and try to get this bill to a conclusion.

Let me first ask a couple of questions to make sure everyone knows exactly what we are talking about. It is my understanding that back in 1995, the Congress passed something called the Deepwater Royalty Relief Act designed to encourage the development of new sources of energy and that there were some mandatory provisions in that act that required the waiver of the payment of royalties from Federal land, from oil extracted from Federal land. The concept was we wanted to encourage the production of more oil and gas on these Federal lands and the best way to do that would be to enable the oil companies to keep the revenues and not pay the Government any royalties. Is that your understanding of the original concept of this legislation?

Mr. WYDEN. The Senator has summed it up very well. And at least reduce royalties.

Mr. KYL. And then what happened was in the Energy bill we adopted, we thought, well, if it was a good enough

idea then, even though these mandatory provisions of the act expired in 2001, it would be a good idea to continue them, but the administration at that time, observing the fact that oil prices were going up now, came to the conclusion that the extension of this royalty relief was not necessary and, in fact, issued its statement of policy on the Energy bill on June 14, 2005, saying the President believes that additional taxpayer subsidies for oil and gas exploration are unwarranted in today's price environment and urges the Senate to eliminate the Federal oil and gas subsidy and other exploration incentives contained in the bill.

So when the President made his statement about whether we should extend this mandatory royalty relief, he was saying at that time—this was in June of 2005, not quite a year ago; the prices were up but not nearly where they are now—but even at that level he was saying this provision is not necessary to encourage more exploration. Is that the Senator's understanding?

Mr. WYDEN. The Senator is absolutely right. It is Congress that kept ladling out this money and the President, to his credit, has been making the point that these subsidies are not needed.

Mr. KYL. Might I ask further, the number that I have of the estimate of how much this is going to cost the American taxpayer over the next 5 years is $7 billion. Does that number comport with what the Senator from Oregon has?

Mr. WYDEN. The General Accounting Office has said this program will cost, at a minimum, $20 billion. I am looking at the headline of the newspaper that ''GAO Sees Loss in Oil Royalties of At Least $20 Billion,'' but one of the calculations has been $7 billion.

Mr. KYL. Mr. President, $7 billion may be a very low estimate. Is $20 billion over a 5-year period?

Mr. WYDEN. That is over 25 years. And the cost, if the litigation that is underway is successful, the evidence indicates that could add up to $80 billion. The entire supplemental is $100 billion, so depending on how this litigation turns out before too long, the amount of money involved could be close to the cost of the entire supplemental.

Mr. KYL. Mr. President, I noted that the Senator said something earlier in his remarks that I thought was very important in the context of our consideration of this supplemental appropriation. We all agree we have to appropriate the funds not only for relief from the hurricane to States such as that of the Presiding Officer, but also to ensure that everything our troops need to conduct their activities in the war against terror is provided to them and that the bulk of the money in the supplemental appropriations bill is going for that purpose, but that this is emergency spending we have not offset in any other way.

What the Senator from Oregon has pointed out is that actually, in great measure, a great deal of this could be offset if we simply eliminate some of the costly taxpayer subsidies such as that which is the subject of this amendment, so that we are in total agreement that we have to provide this funding for our military, and that one way we can help to pay for it is for the taxpayers to not have to continue this subsidy, which by all accounts is totally unnecessary to produce additional oil and gas, at least at this time.

Let me ask the Senator further, I don't know what the crude oil price was in June of last year when the President made his statement that this royalty was simply not necessary, but it probably was somewhere in the neighborhood of half of what it is today. Maybe the Senator has an idea on that. But the estimates today, I think—when I last looked at the market—were about $72 a barrel. Therefore, if it is true the measure was not necessary a year ago, as lawyers say: a fortiori, it is not needed today.

Does the Senator from Oregon have any thoughts on that?

Mr. WYDEN. Again, I think the Senator has summed it up. The price of oil has doubled in the last 5 years. The Senator from Arizona asks about last year. I think, again, speaking off the top of my head, it was somewhere in the middle sixties somewhere, the price of oil per barrel. But I think the bottom line is, the Senator from Arizona is correct, it is now well over $70 a barrel. And that is vastly higher than the amount the President says would warrant an incentive.

Mr. KYL. Mr. President, let me ask another question of the Senator from Oregon.

Your amendment does not just wipe out this provision that waives royalties but, rather, allows for a situation, as I understand it, when the price drops to a point where maybe some incentive is necessary to provide for this production. It actually does not eliminate the possibility of that incentive. Is that correct? Could the Senator explain that?

Mr. WYDEN. I am very grateful for the Senator from Arizona getting into this discussion because what I have tried to do is ensure we will have royalty relief when it is needed. Essentially one of two conditions would be met, and then you could have the royalty relief resume. One is, as the Senator from Arizona has said, the price of oil falls and you do need incentive.

The other, which, in effect, gives the President of the United States the last word, is a stipulation that allows the President, through the Secretary of the Interior, to say—if we need to prevent a disruption of supply; if the President determines we would have a disruption of supply at this crucial time when our country is at war—then the President of the United States can say: We will resume the Royalty Relief Program because we need this incentive for production; it is my judgment that without this Royalty Relief Program we would have a disruption in supply.

Mr. KYL. So, Mr. President, if I could kind of summarize this point, it seems to me this amendment represents kind of a win-win situation in that we have the opportunity now to save the American taxpayers a lot of money—money that is not necessary to stimulate the production of oil and gas at this time because the price of oil is so high. But it is also a win in the sense that the Senator from Oregon has drafted the legislation in such a way that should we need that ability to stimulate production in the future—for example, should we be in a wartime situation and the President determines we have to do everything we can to produce more domestic oil—that the authority exists and would continue to exist. The Senator from Oregon is not eliminating that authority but noting that is one of the protections in his amendment.

So it seems to me that either way we have protected the American taxpayer, the American consumer, and, of course, the American citizen in a time of war. So it is a little hard to argue there could be a bad result from this since at the time you might need this kind of stimulus, it would be there or at least potentially would be there.

Let me make another point and ask a question. I happened to have been watching television the other night late, and I believe it was the Discovery Channel, watching the drilling off of our coast down to the depths of—I have forgotten how many miles. It was incredible. The people on the rigs were saying they never dreamed years ago they could do that, that they would be able to do that. Certainly the Presiding Officer, being from the State of Louisiana, knows a lot more about this than I do. I was impressed with the ability of these people to explore, to find the oil, and then to be able to drill at such great lengths, and to be able to pull that oil out of the ground in a way that, while very expensive, was still profitable and could, therefore, contribute to the domestic oil production in the United States.

At a time when it does not appear it is at all necessary to provide this kind of royalty relief, it seems to me we ought to be taking our hat off to those who produce this kind of critical product in our society during a time of war.

My understanding, at least from some folks I talked to, was that at least the companies that were asked about this at the time said they did not even need this royalty relief, that they could do this work, that the price of oil was such that they could pull it out of the ground.

So like the Senator from Oregon, I am a bit mystified about who the folks were who came in, whether it was in the dead of night or whenever, and extended this in the Energy bill. I would note this is one of the reasons I voted against the Energy bill, by the way. I saw the President's Statement of Policy saying we don't need this provision. It was a mystery to me why it remained. It was clear it was going to cost a lot of money.

The Senator from Oregon has now quantified how much that is. Again, the estimate I have, over 5 years, is at least a $7 billion cost to the taxpayers. At a time when we are looking for revenues to offset the cost of the war, it seems to me to be a perfect opportunity to achieve two good policy objectives: save some money for the American taxpayer, avoid the bad policy of subsidizing something that does not need to be subsidized, but retain the ability to continue stimulating our domestic production if and when we need to have such a policy to do so.

So I commend the Senator from Oregon for his work. I am very pleased to cosponsor it. I hope through the processes of the Senate at some point we can get this matter to a vote.

Again, the distinguished chairman of the committee has left the floor momentarily, but I want to commend him for his patience in trying to work out all of these things. I suspect somehow or other we are going to be able to sit down and work out a vote on this since it is pretty hard for me to see where any opposition to this amendment could come from based upon the fine arguments the Senator from Oregon has made.

So, again, I commend the Senator from Oregon. I am very pleased to cosponsor this and will work in every way I can to bring it to a vote so we can effect the policy.

Mr. WYDEN. Mr. President, before he leaves, I hope the Senator can stay a bit longer as well because I so appreciate his insight and input on this issue.

The Senator from Arizona has been making these points ever since—in the Finance Committee and in the Energy Committee we were talking about this legislation. And you and I and others said: Let's think through now how to use scarce taxpayer resources wisely. Let's take out a sharp pencil and say there are going to be some areas that you set aside, and there are going to be some areas you promote.

I have been talking about Senator THOMAS's efforts at some length here today because I think Senator THOMAS gets it in terms of what we ought to be looking at as far as our long-term needs in terms of production.

The Senator from Arizona said we should be taking our hat off to people who produce energy. I certainly second that. And I am glad the Senator has done that. I want to say I think what we are trying to do in our amendment—and you and I and Senator LIEBERMAN in particular—is we are saying not only do we want to be supportive verbally of what people are doing to produce energy in our country, but we want to say, as we have outlined in the royalty relief amendment we are talking about here, is they can get royalty relief when it is needed. In other words, this is not a bunch of verbiage where people come over to the floor of the Senate and say: Oh, maybe you will be able to do this; maybe you will be able to do that.

I think what we have spelled out, as a result of your thoughtful questioning, is that when relief is needed—either the prices are down or we have a threat of disruption—not only are we going to say we are for the producers, we are going to back it up, and they will be in a position of being able to secure that royalty relief support.

I am happy to yield to the Senator from Arizona for additional questioning.

Mr. KYL. I thank the Senator.

Mr. President, the Senator from Oregon has made a very important point I want to second; that is, at the time this was being debated, I recall the Senator for Oregon, in his comments, making the same points I made, which were that it is important for us to be supportive of American industry being able to do the things we want it to do, but that since we are talking about taxpayer dollars, we need to be very careful that if there is some kind of support for industry, that it is very well thought out, that it is not open ended, hopefully, it is not mandatory, that we retain enough flexibility, let's say, so when the conditions no longer warrant the support of a particular industry we will no longer do that.

Now, all of us in this body can have different ideas about when that is appropriate. I happen not to be a big fan of subsidies. Some others may like them a little bit more. But at least the Senator from Oregon and I have been consistent for a long time wanting to know the facts about whether support for a particular good cause was necessary with respect to the expenditure of taxpayer dollars. If it was necessary for the national good during a time of war, for example, then I think the consensus is there to always do it. But what we said is: Is it necessary at this time? We were talking about a situation where oil was at least $10 a barrel cheaper than it is today. Even the President was saying at that time: This particular subsidy is not necessary.

So it seems to me that colleagues who may have supported the bill at the time would have no reason not to support our amendment here because this is a very specific and differentiated item. It is not the entire Energy bill; it is one very specific little provision. It is a provision that will save us a lot of money if we can get it amended the way we are talking about doing. And its relevance to this supplemental appropriations bill—whatever the germaneness provision is—its relevance is very clear.

It would be nice if we could offset some of the spending we are going to have to engage in here to support our troops with real savings. This is an area where we can achieve real savings because the royalty is simply not needed at this time for the purpose that it was originally put in the legislation.

So this would be consistent with the policy we have talked about for a long time. And I think it makes very good policy sense for the country to begin to put it into place in the future. When you need something like this, fine. But when you do not need it, then don't saddle the taxpayers of the country with an expenditure that simply takes money out of their pocket and is not needed by the producers, who are going to be producing the oil, in this case, in any event.

Again, I thank the Senator from Oregon.

Mr. WYDEN. I thank my friend from Arizona.

I would also say with respect to this issue of relevance, not only would we be able to save a significant chunk of the tab for this overall emergency supplemental, but the House, the other body, at page 64 of their bill, talks specifically about the Minerals Management Service. So we are already seeing some concern, at least on the part of the other body, that the Congress ought to be looking at this program.

So it is my hope—and you were talking about making sure there is an effort to watchdog this program. Now is when you watchdog it because the spigot is on, and it is gushing taxpayer money. It is gushing taxpayer money at a time when the Government does not have it. And the Government's lack of funds has forced the distinguished Senator from Mississippi to come and work on an emergency spending measure because the Government does not have any money.

So I think that highlights why this is so important. And, once again, well into 3 hours of discussion on this, I want to review for colleagues that we have not been able to work out an arrangement to get a chance to vote on this as part of a batch of amendments. No Senator has come to the floor to speak against this amendment. No Senator, neither political party, has said this amendment is off base.

What we just heard from the distinguished Senator from Arizona, who sits on both the Finance Committee and the Energy Committee, is that we need this. We need this to make sure we watchdog the use of taxpayer dollars. This program worked in the 1990s.

It boosted oil production substantially. We were all glad to see it. But the fact is, the President says we can get the production now without these kinds of subsidies when the price of oil is over $70 a barrel. I am hopeful we can continue to work—I see the chairman of the full committee, Senator COCHRAN, here to get it worked out—so that we could do what is customary in the Senate, and that is make this amendment part of a batch of amendments.

I do want the Senate to know a little bit about the payment terms of this program and how this program works in terms of royalties and rentals. I will read a little bit from a Congressional Research Service report that describes it. The leases are conditioned upon payment to the Government of a royalty of at least 12.5 percent in amount

or value of oil or gas production that is removed or sold from the leased land. Leases subject to rates in effect after December 22, 1987, generally pay a 12.5-percent royalty, but this percentage can increase if a lease is canceled because of late payments and then reinstated. The Secretary of Interior also has the power to reduce the oil royalty on a noncompetitive lease if it is deemed to be equitable to do so.

Once again, we are talking about very favorable terms for the companies. We are talking about noncompetitive leases. We are talking about something I don't think anybody sees in the private sector in Mississippi or Louisiana or Oregon, but yet that is the way we do business in this particular program.

The Congressional Research Service goes on to say: For oil and gas leases, the royalty must be paid in value unless the Department of the Interior specifies that a royalty payment in kind is required. Once the royalty has been paid, the Secretary is required to sell any royalty or gas except whenever, in their judgment, it is desirable to retain the same for the use of the United States.

That is the heart and soul of how this program works. The Secretary is given this extraordinary waiver authority to suspend or reduce rentals and royalties under certain conditions. Unfortunately, we have seen some problems in terms of the Secretary using that discretion. That is one of the reasons I have come to the floor and raised this concern.

Senators know who is getting the profits. I have tried to talk about the trifecta: The profits that are being made, the mandatory spending that goes out the door in terms of this program. Then we have the granddaddy of them all, the question of royalty relief. What it really comes down to is the Senate's saying, after years of decisions being made about this program behind closed doors, we are actually going to have a debate about this and at some point work out a way to take a vote on it. I don't think that is an unreasonable position.

This is a program that is out of control. This is a program that ensures that billions of subsidy dollars will fly out the door, even when the President says it is not necessary. The price of oil is $70 a barrel plus right now. The President said hold the line on the subsidies when it is over $50 a barrel. The Royalty Relief Program holds no lines.

Essentially, the Royalty Relief Program is a wish list for a handful of very powerful interests who have figured out how, behind closed doors, to have their way with the program. This is the sweetest of the sweetheart deals. It needs to change. I would like to see a Senator come to the floor and defend the Royalty Relief Program as it is presently constituted. This involves billions and billions of dollars.

For example, think about what we could do for the Low Income Home Energy Assistance Program. That is a program about which many Senators have been concerned. Think about what we could do for the Low Income Home Energy Assistance Program if we reconfigured the Royalty Relief Program to one essentially based on need, with prices going down, or supply disruption being the only factors in making a decision about whether to have the royalty relief.

We could have plenty of money left over for deficit reduction, even after helping the Low Income Home Energy Assistance Program.

The Senator from Mississippi has a bill that has a number of provisions in it I strongly support. But budgets are about choices. As a Senator, I cannot explain to the people of my State how a program like this is going to be run like business as usual. When billions of dollars are shoveled out the door, when independent audits continually site the lack of controls, when the companies that look to this program give one set of facts to one agency and another set of facts to another agency, that is unacceptable. That is what I want to change. I guess we will be here on the floor of the Senate a while in order to try and get it worked out.

I am reading again from news reports. The General Accounting Office has said that the best case for the amount of money that would be lost to the American taxpayer is $20 billion. The press has already reported that this would involve an instance where energy prices are over what is called the so-called threshold in the years ahead. The companies that have sought this have won a huge victory at taxpayers expense. They have won legal victories in the past. All the more reason for Congress to step in and establish some accountability and ground rules. There are prospects that if they win their next lawsuit, we could be spending another $50 or $60 billion over the years ahead on top of the most optimistic projection for the cost of the program, which would be $20 billion. We are talking about big sums of money.

I would like to read from a report that shows how conservative these numbers are. The New York Times said, in an analysis of this program, that the General Accounting Office based its estimate on the assumption that crude oil would sell for about $45 a barrel, a level well below what was then the $66 cost in the futures market. So these are very conservative projections. I am concerned that with the General Accounting Office lowballing the cost of the program, the tab to the taxpayers will be much greater than anyone has envisioned.

I hope Senators will want at some point to come to the floor and see if we can work out a way to vote, look at further suggestions and revisions. If they don't, we will have to stay at it and continue to talk about this issue.

I want to address one of the issues that came up in the discussion over the Energy bill, that somehow this program wasn't going to cost taxpayers any money. Folks said that with a straight face. They said: No, it is not going to cost people any money. We are going to have to figure out a way to deal with this issue.

They said: It is not going to cost people any money. That statement was made by some of the supporters of the program back in 1995. They said in 1995 this would produce revenue for taxpayers, and they were concerned that people were somehow saying otherwise.

The reality is, this has not been a no-cost program. This has been a pricing program. This is a program that is going to cost the taxpayers billions and billions of dollars. It is the biggest of the programs. I am still struck by the discussion that we had with Senator NELSON earlier. Senator NELSON was concerned about a program that cost a billion dollars. That is a lot of money to taxpayers, a billion-dollar subsidy. Here we are talking about a program that could go to $80 billion. Senator COCHRAN's supplemental comes in, I believe, in the vicinity of $100 billion. Depending on how the litigation plays out, the amount of money involved comes to an amount equal to what will be spent in this emergency supplemental.

This is a subsidy that is more than a dubious use of taxpayer resources. This is a subsidy for which there is no logical argument at all. We are not seeing low prices. We are not seeing an investment climate with ominous signs over it—quite the opposite. We are seeing an investment climate in energy that is certainly promising. If we look at stocks and profits and the like, energy prices have been very high. We are not talking about crude oil selling for $16 a barrel. Back in 1995, that is what they were talking about. They were talking about crude oil selling for $16 a barrel.

Let's think about that. In 1995, when this program was originated, when there was a discussion about how to proceed and move ahead, the price was $16. Now we have prices at over $70 a barrel. How can one argue that a program that was conceived at a time when we were talking about prices of under $20 a barrel is needed when the price of oil is over $70 a barrel? That is what we are dealing with here, and that is why I and others want to rein in this program.

To furnish all of this royalty relief on top of the record profits and on top of the record cost, I don't get. I don't get how, when you have the industry prospering as it is today, and taxpayers, particularly the middle class, feeling the crunch, how do you make the argument that you ought to use taxpayer dollars this way?

I have introduced tax reform legislation targeted to the middle class. The reason I have is that the middle class today is being squeezed as we have never before seen. Certainly, we have not seen it in the last 50 years. For the last 50 years, when corporate profits

have gone up, when you have seen increases in productivity, the middle class has benefited. We have seen them enjoy the fruits of expanded profits and productivity. We are not seeing that today.

The middle-class folks from Mississippi, Louisiana, and Oregon are getting shellacked. This bill cannot do everything that is needed for the middle class, certainly, but it seems to me what we can say is the middle-class person should not see their tax dollars used for a program such as this that is totally out of control. I wish to see middle-class folks get a break. When I have my community meetings at home—and, like other Senators, I get to every part of the State—I have these open meetings and folks can come in. Almost always the second word is ''bill.'' First, it is medical bill, and then gas bill, then home heating bill, then mortgage bill, then tax bill. The middle-class folks cannot keep up.

So if the Senate keeps this program going in its current form, as opposed to what I am trying to do, which is to reconfigure it, target it to where it is needed, what will happen when Senators go home and middle-class people ask them about what is being done? In effect, what is happening is that tax dollars from middle-class people, at a time when they need a break and some relief—they would have to say that essentially they go into the coffers of the Government and then out they go in terms of billions of dollars of royalty relief, when the President of the United States says it is not necessary. That doesn't make any sense.

This is essentially a debate about priorities. What I think we ought to be doing, especially on this middle-class issue, where people making $40,000, $50,000, $60,000, or $70,000 have been hit so hard and they are living payday to payday—that is how middle-class folks get by. They get their paycheck and they use it until the next one comes along. The Federal Reserve said not long ago that middle-class people have seen virtually no increase in their net worth over the last 5 years.

Whose side is the Senate on? Are we on the side of those who want to keep milking this Royalty Relief Program, at a time when it is not needed, at a time when we are seeing record profits and record costs or are we on the side of middle-class folks? I want to be on the side of middle-class folks. I want to better protect the use of their tax dollars. This is the most flagrant waste of tax dollars I have seen in a long time. That is why no Senator comes to the floor of this body to defend it.

This is such an exorbitant expenditure. This is such a waste of taxpayer dollars that no Member of the Senate wants to come to this floor and defend the way this program is now being run. That is what it comes down to. Nobody wants to defend it, but somehow we cannot work out a way to get a vote and to actually see where the Senate stands on whether this program ought to continue as it is, or whether the Senate is willing, as I am proposing, to try to change it and make sure that instead of special interests and lobbyists being able to hotwire this whole program behind closed doors and talk to people at the Department of Energy, that we stand up for the public. It is all about choices.

At a unique time in our country's history, when we are seeing an extraordinary economic transformation, when the people of Louisiana, Oregon, and Mississippi are not just competing against somebody down the road and we are competing against tough global markets—those in China and India—I want to see us change our priorities. I want to see us pay for this legislation responsibly.

Senator COCHRAN has a bill that in many respects, I believe, makes a lot of sense. I am anxious to go forward with his legislation and see, on a bipartisan basis, how we can deal with the emergency needs of our country. What I am not willing to do, however, is to look the other way on this program any longer. I am not willing to do it. We may have a vote at some point. Maybe I will prevail and maybe I will not. When I talked to Senator COCHRAN this morning, we were talking about the way the Senate works. The Senator from Mississippi has always been very fair in the past. He said: Look, the Senate debates and then the Senate has, through its customs and rules, a way to ensure that the Senate takes a position. That is all I am asking. I am asking that the Senate do what it customarily does. What we do, as far as I can tell, practically every single week we are in session—almost every week I have been here, we deal with a variety of issues that come up from Senators in the form of amendments. The amendments are debated and then the Senators have an opportunity to have the Senate go on record on their particular amendment as a part of a group of measures that are considered. That is not what is going on here. I am curious why.

I wish we would hear from some who possibly oppose the legislation why we cannot do what is done virtually every week in the Senate, which is to have a debate, have a discussion, and then the Senate makes a judgment on whether a particular amendment or effort is meritorious.

I see the distinguished Senator from Washington, who is such a wonderful advocate for the Pacific Northwest. She has done extraordinary work, particularly on infrastructure, on port security, on making sure we have good investments in transportation. You cannot have big league quality of life with a little league transportation system. So what we find is when the Senator from Washington wants to see scarce dollars go into infrastructure and into port security, and a number of the valuable areas she has been advocating, we cannot do that because a minimum of $20 billion is going to be lost to this particular program, and if the litigation is successful, it will be $80 billion.

So, again, this is going to come down to choices. I like the kinds of choices the distinguished Senator from Washington, Senator MURRAY, has been talking about. I think she said we ought to focus on middle-class folks, we ought to focus on infrastructure, we ought to focus on a handful of choices in a difficult budgetary climate. But it is not going to be possible to have the resources the distinguished Senator from Washington has been talking about if you continue to throw money out the door in a wasteful fashion. That is what it is all about.

This is not very complicated. It has been documented. How the Senate can essentially stiff the General Accounting Office on its recommendations to get some controls on this program is beyond me. I guess that is still what some wish to do. But I am going to do everything I can to prevent it. This program, as Senator Bennett Johnston said some time ago, is not what was intended. Those are not my words. Those are not the words of Senator KYL or Senator LIEBERMAN, my cosponsors of this particular effort. Those are the words of the author of the legislation, who hails from the same State as the distinguished Senator in the chair. So with the author of the program saying it wasn't intended, with people all across the political spectrum saying you don't need royalty relief in this particular climate, I wish to see the Senate take a position up or down as to whether this kind of royalty relief is needed.

If the Senate doesn't, it seems to me what the Senate is saying is we will do business as usual, in terms of all of these subsidies. In other words, we talk a lot about tax breaks and the like and what we might be doing on some of them. This is the biggest subsidy. This is No. 1. This is the one that counts if we are serious about all of the speeches that are given about cutting back needless subsidies to the oil sector. Senator NELSON summed it up very well. He was concerned about spending a billion dollars in terms of a subsidy program that was ill-advised. I think Senator NELSON is on track, and I am anxious to find out more about the program he is concerned about. But that is a tiny fraction of what is at issue.

So I think if the Senate is concerned about changing our energy policy, at a time of record profits, at a time of record prices, it cannot duck the big ticket items. You cannot say you are serious about using taxpayer money more prudently and then pass on the programs such as this one at the Minerals Management Office that count. In particular, you should not duck them when all of the evidence indicates that the historical rationale for starting this program in the 1990s, with low prices and a need to boost production, isn't present any longer.

I see colleagues on the floor. I see my friend from Colorado, Senator

SALAZAR. He did extraordinary work in what was called, I think, the Gang of 14, I believe, in terms of getting the Senate to come together on some judicial nominations. Perhaps he can work his great talent into finding a way for us to move ahead now. Senator MURRAY is also one who is no weak soul in terms of parliamentary procedure. I see two good friends on the floor.

I am happy to yield to my friend under the unanimous consent agreement.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr. SALAZAR. Mr. President, I thank my friend from Oregon for yielding a few minutes to give him a break so he can take a drink of water and continue his dialog. He raises a very important point in the argument he has been advancing for the last several hours. I very much respect his passion on the issue.

I request of my friend from Oregon to enter into a consent to allow at least my amendment to move forward, and perhaps two or three others of colleagues who have been waiting in the wings, with the understanding that upon the offering of those amendments, then the floor would return to him.

Mr. WYDEN. Parliamentary inquiry, Mr. President: I am very anxious to accommodate the distinguished Senator from Colorado. I will tell colleagues I am vastly more interested in accommodating my colleague than anyone can imagine at this point. But my understanding, and I need to have this clarified by the Chair, is that if I were to do what the distinguished Senator from Colorado has asked, I would lose my opportunity to automatically come back to the floor; is that a correct interpretation?

Mr. President, I hope it is not because I would love to do exactly what the Senator from Colorado has asked.

The PRESIDING OFFICER. It is the Chair's understanding that would depend entirely upon the exact terms of the unanimous consent request and that a unanimous consent request could be so structured to avoid what the Senator is talking about.

Mr. WYDEN. That is probably one of the most encouraging things I have heard in hours.

Mrs. MURRAY. Will the Senator from Oregon yield?

Mr. WYDEN. If I can respond, just to ensure that we are absolutely correct on this point, what I would like to do—and, hopefully, we can work it out in a matter of minutes——

Mrs. MURRAY. If the Senator from Oregon will yield for a unanimous consent request, Mr. President.

The PRESIDING OFFICER. Does the Senator from Oregon so yield?

Mrs. MURRAY. I ask the Senator to yield without losing his right to the floor immediately after——

Mr. WYDEN. Without losing my right to the floor immediately after the question; of course, I yield.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The Senator from Washington.

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Senator from Colorado be allowed to call up his amendment and offer it, and at the end of that time, to immediately return the floor to the Senator from Oregon.

Mr. WYDEN. Reserving the right to object, Mr. President.

The PRESIDING OFFICER. The Senator is recognized.

Mr. WYDEN. I am only stating this reservation to be able to propound a parliamentary inquiry of the Chair. If the unanimous consent request is propounded exactly as the distinguished Senator from Washington has so stated, would it be possible for the Senator from Colorado to offer his amendment and then the Senate would automatically return to consideration of my amendment?

The PRESIDING OFFICER. As the Chair understands it, the pending unanimous consent request would return control of the floor to the Senator from Oregon but does not specifically address the issue of whether his amendment will be the pending amendment.

Mr. WYDEN. Mr. President, I ask the Senator from Washington to modify her unanimous consent request so that at the conclusion of Senator SALAZAR's offering his amendment, not only would I be recognized but that we would again be dealing with my specific amendment so I would not lose the opportunity to come back to my amendment which is before the Senate after Senator SALAZAR has completed. So it would require a unanimous consent modification.

Mrs. MURRAY. Mr. President, I so modify my unanimous consent request that the Senator from Colorado be allowed to offer his amendment, and then at the conclusion of his offering that amendment, he would set it aside, and we would return to the pending amendment, which is the Wyden amendment, with the floor being under the control of Senator WYDEN.

The PRESIDING OFFICER. Is there objection?

The Senator from Mississippi.

Mr. COCHRAN. Mr. President, reserving the right to object, it is my understanding of the unanimous consent request that this would give the distinguished Senator from Oregon the right to have his amendment the pending business after disposition of the amendment of the Senator from Colorado. If that is correct, my conclusion is that we are placing in the hands of one Senator by this action a decision as to what the order of business is of the Senate, the order in which amendments can be considered, specifically these two, and that they have priority over any other motion or action that could be taken by any other Senator under the rules of the Senate. Under that assumption, I am obliged to object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Washington is recognized.

Mrs. MURRAY. Mr. President, I say to my colleague that I think the attempt here is that the Senator from Colorado simply would like a few minutes on the floor this afternoon to offer his amendment. I don't think he is trying to supersede the order of any other amendments. The pending business of the Senate is the Wyden amendment, so the intent of the Senator from Colorado is simply to have a few minutes on the floor to offer his amendment. He has been here numerous times throughout the day simply asking for that time, and then we will return to the current order of the Senate.

Mr. COCHRAN. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. If that is a unanimous consent request, I reserve the right to object to it and make a further observation. By this procedure, if the unanimous consent requests—plural now—are approved, no other Senator has a right to offer an amendment even to the amendment offered by the Senator from Oregon. No one has the right to move to table the amendment of the Senator from Oregon which establishes his amendment by the request in a position that no other Senator has a right to expect.

Everybody is governed by the same rules, but in this instance, the Senator from Oregon is trying to construct a situation where he is not under the same rules. His rule is that he is entitled to an up-or-down vote without any further amendment, without there being an opportunity to move to table by any Senator in the Senate. That is inappropriate.

That is a modification of the rules without discussion of it and is a bad precedent to set. He is governed by the same rules as all Senators are. We should not make any exception in that. There has been no cause shown for that. I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Oregon has the floor.

Mr. WYDEN. Mr. President, I very much regret the action of the distinguished Chair of the committee because I am extremely interested in having the Senator from Colorado be able to offer his amendment, and I thought that what the Senator from Washington did was very constructive.

I repeat, this Senator seeks no special treatment. I have been trying since last night, when Senators went home and I came to the floor to offer it, to do something that goes on in the Senate every single week. I know of no week since I have been in the Senate when the Senate has not done what it is that I hope to work out very quickly so that Senator SALAZAR can offer his amendment.

We have debates—mine, Senator SALAZAR, and others—and then the various amendments are clustered together so that at some point the Senate goes on record. I haven't asked for anything other than that.

The Senator from Mississippi has talked about various issues I have not addressed in any way. What I have said is, I would like to see the Senate do with my amendment what the Senate does every single week the Senate is in session, which is to bring together a group of amendments. That is all I am asking for and still hope to work out.

I yield to the Senator from Colorado for the purposes of his question.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. SALAZAR. Mr. President, I thank my friend from Oregon. I ask him the question as to whether a short period of discussion, perhaps between the Senator from Oregon and the distinguished chairman from Mississippi and the distinguished Senator from Washington may allow us to work out some kind of procedural framework where not only the amendment that I am proposing to offer is able to be offered, but in addition to that, Senator MENENDEZ, who has been here waiting several hours to offer an amendment, might offer his amendment, as well as several of my colleagues who are here, including Senator CONRAD and earlier Senator BYRD.

The suggestion I am making to my friend from Oregon is if we take a breath, we might be able to get perhaps three or four amendments offered on the Democratic side and three or four amendments offered on the Republican side, allowing the Senator from Oregon to return back to his amendment as the pending business of the Senate.

Mr. WYDEN. Mr. President, I say to my friend, I wouldn't just like to take a breath, I would like to take multiple breaths at this point. Unfortunately, what we have been told by the Chair is that it is not possible to work out some kind of format so that at some point, as part of a batch of amendments, mine could be considered.

As to the question the Senator asked about working with the distinguished Chair of the committee, I will tell you that half an hour before the Senate came in, I called the distinguished Chair of the committee, and I asked that we do exactly what the Senator from Colorado said. In other words, I was concerned about just this scenario. And so about 9:30 or so, I called the distinguished chair of the committee, Senator COCHRAN, and said: I am willing to do somersaults to work this out so as to be fair to all Senators because having watched this program grow and grow behind closed doors, and watch this sugar-ladened program get sweeter and sweeter over the years, I have seen all the big decisions made behind closed doors. So fearing exactly what the Senator from Colorado has talked about, I called the chair of the committee at 9:30 in an effort to try to work this out.

Ever since 9:30—and now I guess we are about at 2 o'clock—that has been my interest. It will continue to be my interest.

The Senator from Colorado says I ought to have an opportunity to take a breath. I will tell him, I wish it was more than one.

Mr. COCHRAN. Mr. President, will the Senator yield for a response since he referred to his conversation with this Senator this morning?

Mr. WYDEN. Without losing, again, my place, of course.

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

Mr. COCHRAN. Mr. President, the Senator is correct. The Senator did call me, as he said, and asked if he could get a vote on his amendment, be recognized to debate his amendment. I said I am not in the business of picking out which Senator can speak first. This is the Senate. The first Senator who rises when we go in today and says ''Mr. President'' gets recognition and can talk about anything that Senator wants to talk about, for as long as he or she wants to talk about it, and can offer any amendment to any pending amendment, can have the attention of the Senate. But that is not my prerogative, it is the Presiding Officer's prerogative to recognize Senators.

I told him I wished him well with his amendment in terms of getting recognition, offering it, and talking about it and proceeding. Go ahead, you don't have to get my permission.

That was pretty well the extent of the conversation. The fact is that there are 21 pending amendments that come ahead of the Senator's amendment. There are 21 in all; 20 come ahead of the Senator. His is the last one that has been presented to the Senate.

I can read the list. We have had some that have been adopted, some that have failed, and some that are still pending without action by the Senate. Those Senators have a right to have their amendments considered. So he is asking that we put his amendment to the top of the list from 21 to 1 and that no amendment can be offered to his amendment and that it can't be tabled on a motion of another Senator. That is not fair to all the other Senators. That is not fair to the Senate. That is why I am unable to agree to give him those rights.

The PRESIDING OFFICER. The Senator from Oregon is recognized.

Mr. WYDEN. Mr. President, if I can reclaim my time, the Senator from Mississippi is a person of enormous integrity. I agree with the vast majority of what the Senator has said with respect to our conversation. The only part I take exception to is I did not ask to be put to the head of the line. I have never asked to be put to the head of the line. I told my friend from Mississippi that I had offered the amendment last night, so it was the pending business, and I said, fearing exactly what we have seen, that I was open to just about any possible way to do what the Senate always does, and that is to have amendments considered, have them put in to a batch, and voted. So I simply want to say, because I do have the highest regard for the Senator from Mississippi, that I agree with the vast amount of what he has said, but I do take exception to the part where I asked to be put ahead of other Senators. I said I am open to working this out in any way. Frankly, I don't really care whether it is even in the first batch of votes that the Senate would take. If we can work it out so it is in the second batch of votes, fine by me as well.

I see now we have the Senator from New Mexico here who knows more about this program than anybody else, frankly, on the planet. I am glad he is here, and I hope we can have a discussion about this, because I have been troubled by the fact that we are not having debate about it, and maybe the presence of the Senator from New Mexico will get us to the point where we can get to a vote.

Senator KYL and I both serve on the committee. Like you, Senator COCHRAN, Senator DOMENICI is very fair. He and I have disagreed on loads of issues. When I think of Senator DOMENICI, I always think of fairness—always. That is what I am interested in, having become a part of all of this. To me, fairness—fairness—is when the Senate has a debate, and we have had that now for many hours, and amendments are pulled together in a cluster, and I am open to being part of the first cluster or the second cluster. And maybe there are other ways to work this out. I would have been very pleased to have done what Senator SALAZAR and Senator MURRAY are talking about.

Would the Senator from New Mexico like me to yield to him for a question? I yield to the Senator, again, under the unanimous consent agreement.

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

Mr. DOMENICI. Mr. President, I thank the Senator for the kind words. I think we are wearing the patience of the chairman thin, so we ought to get on with doing what we can. I want to ask the Senator—I want him to take this fairly and squarely, and when I am finished, if you don't believe what I am saying, then I would like very much for you to have your staff go take a look to see if I am right or not.

First of all, Senator, I think you made a mistake with your amendment. I think the amendment is wrong in that under current law—and what the Secretary has done under current law—the oil companies will pay more royalties than they are going to pay under your amendment. You set a threshold, for instance, on oil of $55, if I read your amendment correctly. Your staff is there and they can confirm this: $55. The Secretary has already established the threshold for oil at $36. So the difference is that at $34, they start—that is the break point, and you have made a mistake in taking it all the way up

to $55. It shouldn't be $55 when it is much lower. It means that the oil companies are going to pay much more at a much lower level of the price under existing law than under your amendment.

So your amendment should not be adopted. I want to be fair, but I just want to tell you it shouldn't.

Mr. WYDEN. Is the Senator asking a question?

Mr. DOMENICI. I will ask: Do you know that? I started off by asking if you know that.

Mr. WYDEN. I do. And in response specifically to the Senator, nothing in the amendment says that threshold couldn't be lower. Of course, the threshold should be addressed in a responsible way. All we are saying is that we are not going to shovel taxpayer money out when it is over $55 a barrel. But nothing in my amendment says the threshold couldn't be lower, and that is why it better targets the resources and would do something about it.

Again, the General Accounting Office is not some group with a political ax to grind; it is the Government Accountability Office, the people we hire as our auditors who have been talking about all the waste in this program.

As the distinguished chair of the committee knows because he has seen the letter from the Senators, this program is so riddled—so riddled—with questionable issues, the companies don't even give the same facts to the government. They say one thing to the Securities and Exchange Commission and say another thing to the Department of the Interior, and the Department of the Interior people say: Well, we don't know what to make of it.

So I am very glad the Senator is on the floor, and if the Senator would be willing to work with me, I am interested in trying to do what Senator KYL and I and Senator LIEBERMAN have been working on with this bipartisan amendment. But in response to the particular point made by the chairman of the committee, nothing in this amendment says that the threshold couldn't be lower, and obviously it needs to be.

I think now the Senator from Colorado is next, and I yield to him.

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

Mr. SALAZAR. I thank the Chair, and I thank my colleague from Oregon. I would like to ask a question of my friend from Oregon and a question of the Senator from Mississippi, Mr. COCHRAN. If we can find an agreement that will allow three amendments from the Democratic side and three amendments from the Republican side, and then at the end of those six amendments being sent to the desk, returning back to your amendment as the pending business of the Senate, is that something that the chairman of the committee would object to? If we were to offer a unanimous consent agreement with respect to those six amendments and we would agree to what those six amendments would be, would then the chairman of the committee object to us moving forward with that kind of a unanimous consent agreement, understanding that we would be returning to the amendment of the Senator from Oregon at the end of that?

The PRESIDING OFFICER. Does the Senator propose that as a unanimous consent agreement?

Mr. SALAZAR. I do propose that as a unanimous consent agreement.

Mr. WYDEN. Reserving my right to object, Mr. President.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, again, wanting very much to accommodate the Senator from Colorado, could the Chair clarify that if we did what the Senator from Colorado is talking about exactly as he has so stated, that after that group of amendments, I believe it was six that the Senator from Colorado talked about, we would return to the amendment that I am offering being the pending business of the Senate?

The PRESIDING OFFICER. Under the proposed unanimous consent agreement of the Senator from Colorado, after the six amendments are read from the desk and briefly discussed, the Wyden amendment would remain the pending amendment and the Senator from Oregon would have the floor.

The Senator from Mississippi.

Mr. COCHRAN. Reserving the right to object, Mr. President, as I understand the Senator's request, this would prevent the Senator from New Mexico from offering an amendment to the amendment offered by the Senator from Oregon. It would also prevent returning to the first amendments that were offered and that are the pending business of the Senate; specifically, amendments offered by the Senator from Oklahoma, Mr. COBURN.

I understand that he would like to have his amendments considered and voted on in the regular order in which they were filed by the Senate. An alternative to the proposal of the Senator from Colorado is to go to the regular order. But as long as the Senator from Oregon has the floor, if he doesn't ask for the regular order, no other Senator can, as I understand it, because we don't have the floor for that purpose. So, again, what the Senator from Oregon is trying to do is to design a situation that benefits him, puts him in priority over all the Senators who have amendments pending, and provides that he will get an up-or-down vote on his amendment; that it won't be subject to any amendment, that it can't be tabled. That is not fair. I can't agree to that. So I am compelled to object.

The PRESIDING OFFICER. Objection is heard. To clarify, the Chair would note that the unanimous consent agreement proposed by the Senator from Colorado does not address in any way votes on any amendments.

The objection is heard. The Senator from Oregon.

Mr. WYDEN. Mr. President, I want to again highlight that this Senator very much wants to accommodate the Senator from Colorado and to do exactly what he is talking about—what I wanted to do hours and hours ago, but the chair of the committee is the one who has objected. I called the chair a half an hour before we went into session, knowing that we were really looking at the prospects of this kind of gridlock because I know the decisions about this multibillion-dollar boondoggle have always been made behind closed doors.

When I offered this amendment last night, and it was pending when he came in this morning, I knew there was the potential for this. I called the Senator from Mississippi a half an hour before we went into session this morning in an effort to try to work out what is done in the Senate all the time.

I see Senator DODD here who is our leader on the Rules Committee and knows vastly more about this than I. But what I tried to say is let's do what is done in the Senate every single week. You consider a big batch of amendments, and at some point after both sides have been noticed, then you go to a vote. You go to a vote so that both sides are aware of what is going on.

I have also offered here that I wouldn't even be in the first cluster of amendments that were considered. So that, again, even though my amendment was pending last night, when we came in, we could have colleagues get the first votes. Colleagues would get the first votes before my amendment. But what I am forced to conclude, and why I am going to stay here and try to stand up for taxpayers, is that virtually nothing is acceptable other than what we saw in the Energy Conference agreement where oil royalty relief got sweeter for a handful of companies, after midnight, in the middle of the night, with no accountability.

This is a program with a minimum cost of $20 billion. If the litigation involving this program is successful, the tab for this program will be $80 billion. That is virtually the amount we are talking about in terms of emergency spending.

So the Senate is looking at the bizarre situation of having an emergency supplemental because the Government doesn't have the money. Yet even though we have an emergency supplemental, we are sending out the door billions and billions of dollars that the General Accounting Office has deemed wasteful. I don't think that makes sense.

I am willing, again, to yield to my friend from Colorado.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. SALAZAR. Mr. President, I thank my colleague from Oregon for yielding, once again. I would like to ask a question of the Senator from Mississippi, if I may.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. SALAZAR. To my friend from Mississippi, the unanimous consent request that I made earlier would essentially allow the work of the Senate to continue forward for a brief period of time while we would have three Republican amendments and three Democratic amendments to be offered.

As I understood your statement, you believe that would then allow my good friend from Oregon to essentially control the floor throughout his amendment to essentially supersede the other amendments that are pending—some 21 amendments, as I understand that to be the case. I do not think that was at all the nature of the unanimous consent request that I made.

What I suggested that we would do with my unanimous consent request is that we move forward with the filing and then move forward with the pending business of the Senate with six amendments in total. And at that point in time we would return to the amendment of the Senator from Oregon, without prejudging whether or not there is going to be a vote at all on the amendment of the Senator from Oregon. So I would like clarification from the chairman of the committee as to what will happen via the unanimous consent request that I previously made, which was objected to by the chairman of the committee, with respect to the pending business that is currently before the Senate.

Mr. COCHRAN. Mr. President, if the Senator will yield for a response?

The PRESIDING OFFICER (Mr. ALEXANDER). The Senator from Mississippi.

Mr. COCHRAN. I am happy to inform the Senator that this would disadvantage some 10 Senators who have already filed and argued and had their amendments pending for consideration. You would urge that we have six more amendments offered from three Republican and three Democratic Senators and add those to these and then have a vote, I guess, on the Wyden amendment? Instead of voting on those which we would take up in regular order, if we could ask for the regular order? It puts you in charge of managing the business of the Senate, setting priorities for the amendments that can be offered when that priority has already been established.

I think what we should do is follow the regular order. That is all I have said from the beginning. But Senator WYDEN wanted to come in today, get recognized, offer his amendment, and have an up-or-down vote on it without any other intervening business—no amendments, no motion to table. I don't know of anybody who has ever gotten a deal like that.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, reclaiming the floor, what Senator SALAZAR and I are both saying is we do not want to be at the head of the line, but we want to have a place in the line, which is the custom of the Senate. The custom is that you have these debates, you have these discussions, and at some point the leadership on both sides gets together. I see the distinguished leader, Senator REID, and Senator DURBIN. What happens is they get together with Senator FRIST and Senator MCCONNELL after everybody has had a chance to discuss their amendments. Then at some point you get in the queue.

I have enormous respect for the distinguished Senator from Mississippi. That is why I called him a half hour before we even went in today, in an effort to try to work this out. He consistently says I want to be at the head of the line; I want special treatment.

I don't want to be at the head of the line, but I think at some point Senators ought to have a place in line. My amendment was offered late last night because I stayed here, again anticipating the possibility of this. So it was pending when we came in.

So Senators are very clear, I am interested in working out what Senator SALAZAR wants to do. I am interested in amendments being clustered as we traditionally have done in the Senate. What I am not willing to do is this: At a time of record profits, at a time of record costs, I am not willing to sit by while record amounts of royalty relief are handed out while all of the independent auditors say it ought to be stopped.

I have read to my colleagues, for example, that in the other body the chair of the natural resources committee, Congressman POMBO—hardly anti-oil, as our good friend, the chair of our Energy Committee, knows; Congressman POMBO has consistently been proproduction—Congressman POMBO says we don't need this incentive for production. Those are his words, you don't need an incentive for production at a time when oil is $70 a barrel.

Senator DODD and Senator DORGAN have a variety of approaches they want to explore with respect to the Tax Code, and Senators will weigh in, one way or another. There is a trifecta of programs now. There are tax breaks, there is mandatory spending, and there is royalty relief, which is the granddaddy of all of these breaks. I do not see how we can justify sweetening this sugar-laden giveaway again and again and do it behind closed doors.

I have been out here I guess upwards of 4 hours. I sure wish this were not necessary. I would certainly like to do what Senator SALAZAR has been talking about, which is get an order for these amendments and all of us find a reasonable place in line. But I am not going to sit by while taxpayers get fleeced again. I am just not. I may lose when it comes time, if we can get one, to vote, but until then I am just going to hold forth.

We have colleagues here. Senator DODD, for example, knew the author of the program very well. Senator Bennett Johnston was the author of the program. Senator Bennett Johnston has said nothing like what we have seen was what he intended.

There are no people arguing on behalf of doing business as usual, as I guess some in the Senate want to consider. But all of the independent experts—the lawyers for Shell oil company—again not the first place you look for anti-oil kinds of arguments—the lawyers for Shell oil company say you don't need this kind of break in this sort of climate. So you have Congressman POMBO, you have the folks from Shell oil company, you have the author of the program, Senator Bennett Johnston—all of them weighing in.

If the litigation that is now underway with respect to this program is successful, I would say to colleagues, the tab for this program could be $80 billion. The emergency supplemental is $100 billion. So over the life of this program, it could come to a very significant fraction of what we need to do in terms of the emergency spending. The distinguished chair of the committee is on his feet, and I am glad to recognize him for a question at this time, keeping my place here on the floor.

Mr. DOMENICI. Senator, first of all, I don't quite know how to ask the question, but I am going to try. Are you aware that the years of 1998 and 1999—for 2 full years, all the leases that were issued had no thresholds in them? Are you aware of that, Senator?

Mr. WYDEN. To respond to the chairman, I am very much aware. It is clear that some of those in the Clinton administration—and I have talked about this at some length. Frankly, those omissions by midlevel people in key level positions in the Clinton administration have contributed mightily to this problem. If they had been doing their job and been watching this threshold question, we would not be in this problem.

Mr. DOMENICI. Yes.

Mr. WYDEN. I think the chairman knows, I believe energy policy has to be bipartisan. We have the distinguished Senator from Tennessee in the chair. I have been talking to him for some weeks on an innovative approach we would like to explore. I want to do business in a bipartisan way. I think I was bipartisan, frankly, before it even became fashionable around here. But I am telling you this has to end. I am glad the Senator from New Mexico has brought up the point about how we got into the situation.

By the way, during the Clinton years when folks weren't watchdogging this program, as I say—the Senator from New Mexico knows a lot more about this than I do—the price of oil was $34 a barrel. We were talking about a price that was a fraction of the cost right now. So what you have is a program that was designed when the price of oil was $16 a barrel. The folks in the Clinton administration muffed the ball in the middle of 1990 when the price was $34 a barrel. Now the President of the United States comes along and says, to his credit, let's knock off the subsidies

at a time when the price of oil is more than $50 a barrel. That is what I am trying to do in this particular amendment.

This program made sense in the middle 1990s, when folks in the oil patch were hurting. Probably Senator DODD remembers a bit of that history. Senator Johnston, whom we all respect so much, came to people in the Senate and talked about the need for the program. Folks in that part of the country were hurting, and the price of energy was very low. There was a good argument saying there was a role for Government.

I have sat in many hearings with the distinguished chairman of the Energy Committee where we talked about the notion that there is a role for the private sector, a role for Government. We want production. What I have done in my amendment is say—Senator KYL and I got a little bit into this—not only are we going to put a lot of verbiage behind the notion that we are going to support production, what I said is, if there is any evidence this incentive is needed—the President says we will have a disruption of supply—if the price of oil goes down, bingo, the Government can get back into the royalty business. That is what we are trying to do here.

I recall that energy conference committee, I say to my friend from New Mexico. The decisions were made on this particular provision after midnight. I am not even completely sure how it came about. I don't believe I was even in the room. But this time, the Senate is going to take a position, if I have anything to say about it. As colleagues know, I have had plenty to say in the last 4½ hours. I very much want this worked out so we can get to the point of a vote.

Did the distinguished chairman want the floor?

Mr. DOMENICI. Would the Senator yield in a different way, so I could speak for 5 minutes and return the floor to you and you lose none of your rights?

Mr. WYDEN. Let me propound a parliamentary inquiry. I would very much like to do what Senator DOMENICI, the chair of the Energy Committee, has asked for. If I yield to him to speak for any amount of time, will I lose my place to be able, on the pending amendment, to speak on it? Would the Chair so advise at this point?

The PRESIDING OFFICER. The answer is yes, unless you ask by unanimous consent that the floor be returned to you and it is approved without objection.

Mr. WYDEN. Mr. President, my understanding is that puts us in exactly the same position as we had with Senator SALAZAR. I would like to make the same offer to the distinguished chair of the committee, because I would very much like to respond positively to his request, if we can work with the staffs to propound a parliamentary request to deal with what the chairman, the Senator from New Mexico, has asked. I would very much like to do it. Perhaps we can get our staffs together and perhaps work it out.

Mr. DOMENICI. I just heard the Chair say what it would take for this to be appropriate. I ask unanimous consent that which he has just articulated be the unanimous consent request before the Senate, and I ask that the Senate grant it.

Mr. WYDEN. Reserving my right to object.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Again I think we have to be very clear on this. If the Senator from New Mexico is granted his unanimous consent request and he speaks for whatever time he desires—frankly, probably more power to you if you go longer—if he speaks for whatever time the Senator from New Mexico desires, does it automatically come back to me to speak on my pending amendment? That is what I am asking the Chair.

The PRESIDING OFFICER. It is the Chair's understanding that the Senator from New Mexico desires 5 minutes to speak, and when he is concluded the floor will be returned to the Senator from Oregon and the pending business will be his amendment, if the unanimous consent of the Senator from New Mexico is approved without objection.

Is there objection? Without objection, it is so ordered. The Senator from New Mexico is recognized for 5 minutes.

Mr. DOMENICI. Mr. President, I say to fellow Senators and Senator WYDEN, if you would please lend me your ear because I would like to be helpful.

Mr. WYDEN. Mr. President, parliamentary inquiry?

The PRESIDING OFFICER. The Senator will state his inquiry.

Mr. WYDEN. I wish to be clear that what the Senator from New Mexico asked for was a request to speak for 5 minutes and then we would return to consideration of my amendment specifically in its current form, and I would be recognized to speak on my amendment.

The PRESIDING OFFICER. That is correct. Nothing else will be in order during the 5 minutes except that.

Mr. DOMENICI. Mr. President, I have 5 minutes. I would like very much for anybody who is trying to fix this parliamentary problem to just listen for a minute.

First of all, most of the problem that has been discussed by the distinguished Senator in terms of royalties that are allegedly not being paid by oil companies which are indeed drilling successfully offshore—most of those have occurred during the years of 1999 and 1998. Let me repeat, there are oil companies which are drilling and would otherwise owe some kind of royalties, and those are companies that did business during the years 1998 and 1999. They got leases those years, and mistakes were made. I am not accusing the Clinton administration because it is Democratic. The truth is, they made the mistakes. They issued them without the right to collect royalties on behalf of the Federal Government.

Along comes an auditing company that finds them and says: Look at these companies. They are getting away with hundreds of millions of dollars. Yes, they are. But read their contracts. They are not obligated to pay any because the U.S. Government messed up. We didn't obligate them to pay any. I don't know what to do about that.

I can come to the floor and yell and cry that we are losing revenue, but these companies are going to have to gratuitously decide to pay or they do not owe it. So we can come down here and talk forever about that. Obviously, the amendment by my good friend from Oregon will do nothing about the leases of 1998–1999, for if you tried to do something about them you would be doing nothing. You cannot come to the floor of the Senate and say leases already issued upon, which the work has been done upon, which the Government sought not to charge anything, we have changed our mind, and we are going to make them pay. That is not the subject of his amendment. Read it. It doesn't purport to do that. That is point No. 1.

Point No. 2, the amendment doesn't do what the Senator says it does. This year, the Secretary—this Secretary—stopped royalty relief at $35.86 per barrel. The amendment by the distinguished Senator is talking about $55 a barrel. He is saying the same thing—that we will stop royalty relief at $55 instead of $35. Obviously, his amendment in today's market is a malady. It doesn't do anything. The Secretary has already one-upped his amendment. The Secretary has put the relief line at a lower price per barrel than his amendment.

I don't know, again, what he is trying to do with the amendment. First, he can't affect the so-called Clinton year lease which he has been talking about. And he deserves to tell the public that the companies have gotten away with a lot of money there. That is a nice speech. And it deserves to be given, but he isn't fixing that because you can't fix it. He isn't fixing the existing leases because he is setting a threshold that is higher than the price that the Secretary had set, and the price of oil is higher than both of them. So we are going to collect all the royalties we can get, and I do not know how we are losing anything.

I don't know what the speeches are about in terms of losing that much money, nor do I know what the amendment is doing. What I do know is that from this point forward the Energy bill that we passed has some language that could be fixed.

I have an amendment that fixes it. It makes it permissive. It says the Secretary may in the future set these limits. The Secretary may in the future set the dollar amount from which you base royalty relief. I have an amendment that I think sooner or later we

should adopt that says it should not be made, but the Secretary shall set these limits. That is an amendment that I have that I think the good Senator from Oregon ought to take. I will give it to him. He ought to put it in instead of his, and he will have solved one of the problems by making it mandatory.

I thank you profusely for the 5 minutes which has turned into 7½. I talked too long, but I thank you for it.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. REID. Mr. President, I ask permission to propound a unanimous consent request. May I propound a unanimous consent request?

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. REID. Mr. President, I ask unanimous consent that amendment No. 3665 by the Senator from Oregon be made the last amendment in order and that it be subject to no second-degree amendment; that is, when we dispose of approximately 31 amendments, there would be a vote on his with no second-degree amendments.

Mr. COCHRAN. Mr. President, I reserve the right to object.

First of all, the Wyden amendment No. 3665, I think, was offered just before the Santorum amendment last night. The Santorum amendment No. 3640 was offered on the subject of Iran. I am not able to agree to his amendment being voted on without any amendment. So I object.

The PRESIDING OFFICER. Objection is heard. The Senator from Oregon.

Mr. WYDEN. Mr. President, I thank the Senator from Nevada for propounding that unanimous consent request because I think now it is clear what has happened in the Senate; that is, it will not be possible to get an up-or-down vote at any point on rolling back this outrageous boondoggle that wastes taxpayer money.

My good friend from New Mexico made the point, and I want to kind of summarize it because I think we are getting close to being able to wind down.

Mr. REID. Mr. President, will the Senator yield for a question without losing his right to the floor?

Mr. WYDEN. Of course, I yield to my friend.

Mr. REID. Is the Senator's understanding the same as mine, that no matter how he tried to do all the different proposals which he has made he is not being allowed a vote by the majority? Is that your understanding?

Mr. WYDEN. The distinguished Democratic leader is exactly right. We have done summersaults since last night. I called the chairman of the committee, Senator COCHRAN, half an hour before we went in in an effort to try to work it out. I have been supportive of Senator SALAZAR's request. But what we saw in the last few minutes is the ball game—you can't get a vote up or down in the Senate on a rip-off of taxpayer money. It is not me who concluded it; the General Accounting Office has done that. The Shell Oil Company says we don't need this particular incentive right now.

In the other body, the chairman of the natural resources committee says you don't need it. Even the author of the bill says it is not working as he intended.

But what we saw as a result of the request of the Senator from Nevada is that the Senate is not going to take a position on the granddaddy of all oil company subsidies. This is the biggest, folks. This is the one that really counts.

I want to respond briefly to the distinguished chairman of the Energy Committee, Senator DOMENICI. Senator DOMENICI essentially said a little bit ago that there were great problems in 1998 and 1999 with some in the Clinton administration who weren't watchdogging the program. I very much share the chairman's view. I talked about this probably two or three times over the course of the morning and early afternoon.

Where I take exception with my friend, however, is he essentially said the Clinton administration caused all of these problems, and along came Secretary Norton who cleaned it up. That was essentially the argument.

I would like to read verbatim and then enter into the RECORD a discussion in the New York Times of what happened under Secretary Norton. While I respect the chairman of the committee tremendously, I want the Senate to know what happened over the last few years.

Gale Norton, who stepped down this month as Interior Secretary, moved quickly to speed up approval of new drilling permits. Starting in 2001, she offered royalty incentives to shallow-water producers who drilled more than 15,000 feet below the sea bottom. In January 2004, Ms. Norton made the incentive far more generous by raising the threshold price. Her decisions meant that deep-gas drillers were able to escape royalties in 2005 when prices spiked to record levels and would probably escape them this year as well.

Continuing to quote:

She also offered to sweeten less generous contracts the drillers had signed before the regulation was approved.

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

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

[From the New York Times, Mar. 27, 2006]

VAGUE LAW AND HARD LOBBYING ADD UP TO BILLIONS FOR BIG OIL

(By Edmund L. Andrews)

WASHINGTON, March 26.—It was after midnight and every lawmaker in the committee room wanted to go home, but there was still time to sweeten a deal encouraging oil and gas companies to drill in the Gulf of Mexico.

''There is no cost,'' declared Representative Joe L. Barton, a Texas Republican who was presiding over Congressional negotiations on the sprawling energy bill last July. An obscure provision on new drilling incentives was ''so noncontroversial,'' he added, that senior House and Senate negotiators had not even discussed it.

Mr. Barton's claim had a long history. For more than a decade, lawmakers and administration officials, both Republicans and Democrats, have promised there would be no cost to taxpayers for a program allowing companies to avoid paying the government royalties on oil and gas produced in publicly owned waters in the Gulf.

But last month, the Bush administration confirmed that it expected the government to waive about $7 billion in royalties over the next five years, even though the industry incentive was expressly conceived of for times when energy prices were low. And that number could quadruple to more than $28 billion if a lawsuit filed last week challenging one of the program's remaining restrictions proves successful.

''The big lie about this whole program is that it doesn't cost anything,'' said Representative Edward J. Markey, a Massachusetts Democrat who tried to block its expansion last July. ''Taxpayers are being asked to provide huge subsidies to oil companies to produce oil—it's like subsidizing a fish to swim.''

How did a supposedly cost-free incentive become a multibillion-dollar break to an industry making record profits?

The answer is a familiar Washington story of special-interest politics at work: the people who pay the closest attention and make the fewest mistakes are those with the most profit at stake.

It is an account of legislators who passed a law riddled with ambiguities; of crucial errors by midlevel bureaucrats under President Bill Clinton; of $2 billion in inducements from the Bush administration, which was intent on promoting energy production; and of Republican lawmakers who wanted to do even more. At each turn, through shrewd lobbying and litigation, oil and gas companies ended up with bigger incentives than before.

Until last month, hardly anyone noticed—or even knew—the real costs. They were obscured in part by the long gap between the time incentives are offered and when new offshore wells start producing. But lawmakers shrouded the costs with rosy projections. And administration officials consistently declined to tally up the money they were forfeiting.

Most industry executives say that the royalty relief spurred drilling and exploration when prices were relatively low. But the industry is divided about whether it is appropriate to continue the incentives with prices at current levels. Michael Coney, a lawyer for Shell Oil, said, ''Under the current environment, we don't need royalty relief.''

The program's original architect said he was surprised by what had happened. ''The one thing I can tell you is that this is not what we intended,'' said J. Bennett Johnston, a former Democratic senator from Louisiana who had pushed for the original incentives that Congress passed in 1995.

Mr. Johnston conceded that he was confused by his own law. ''I got out the language a few days ago,'' he said in a recent interview. ''I had it out just long enough to know that it's got a lot of very obscure language.''

A SUBSIDY OF DISPUTED NEED

Things looked bleak for oil and gas companies in 1995, especially for those along the Gulf Coast.

Energy prices had been so low for so long that investment had dried up. With crude oil selling for about $16 a barrel, scores of wildcatters and small exploration companies had gone out of business. Few companies had any stomach for drilling in water thousands of feet deep, and industry leaders like Exxon

and Royal Dutch Shell were increasingly focused on opportunities abroad.

''At the time, the Gulf of Mexico was like the Dead Sea,'' recalled John Northington, then an Energy Department policy adviser and now an industry lobbyist.

Senator Johnston, convinced that the Gulf's vast reservoirs and Louisiana's oil-based economy were being neglected, had argued for years that Congress should offer incentives for deep-water drilling and exploration.

''Failure to invest in the Gulf of Mexico is a lost opportunity for the U.S.,'' Mr. Johnston pleaded in a letter to other lawmakers. ''Those dollars will not move into other domestic development, they will move to Asia, South America, the Middle East or the former Soviet Union.''

Working closely with industry executives, he wrote legislation that would allow a company drilling in deep water to escape the standard 12 percent royalty on up to 87.5 million barrels of oil or its equivalent in natural gas. The coastal waters are mostly owned by the federal government, which leases tens of millions of acres in exchange for upfront fees and a share of sales, or royalties.

Mr. Johnston and other supporters argued that the incentives would actually generate money for the government by increasing production and prompting companies to bid higher prices for new leases.

''The provision will result in a minimum net benefit to the Treasury of $200 million by the year 2000,'' Mr. Johnston declared in November 1995, denouncing what he called ''outrageous allegations'' that the plan was a giveaway.

He won support from oil-state Democrats, Republicans and the Clinton administration. Hazel O'Leary, the energy secretary at the time, said the assistance would reduce American dependence on foreign oil and ''enhance national security.''

Representative Robert Livingston of Louisiana, then a rising Republican leader, declared that the inducements would ''create thousands of jobs'' and ''reduce the deficit.''

Many budget experts agree that the rosy estimates were misleading. The reason, they say, is that it often takes seven years before a new offshore field begins producing. As a result, almost all the costs of royalty relief would occur outside of Congress's five-year budget timeframe.

Opponents protested that the cost estimates were wrong, that the incentives amounted to corporate welfare and that companies did not need government incentives to invest.

''They are going to the Gulf of Mexico because that's where the oil is,'' said Representative George Miller, Democrat of California, during a House debate. ''What we do here is not going to change that. We are just going to decide whether or not we are going to give away the taxpayers' dollars to a lot of oil companies that do not need it.''

Industry executives and lobbyists fanned out across Capitol Hill to shore up support for the program, visiting 150 lawmakers in October 1995. The effort succeeded. A month later, Congress passed Mr. Johnston's bill.

A MISSING ESCAPE CLAUSE

To hear lawmakers today, they never intended to waive royalties when energy prices were high.

The 1995 law, according to Republicans and Democrats alike, was supposed to include an escape clause: in any year when average spot prices for oil or gas climbed above certain threshold levels, companies would pay full royalties instead.

''Royalty relief is an effective tool for two things: keeping investment in America during times of superlow prices, and spurring American energy production when massive capital and technological risks would otherwise preclude it,'' said Representative Richard W. Pombo, Republican of California and chairman of the House Resources Committee. ''Absent those criteria, I do not believe any relief should be granted.''

But in what administration officials said appeared to have been a mistake, Clinton administration managers omitted the crucial escape clause in all offshore leases signed in 1998 and 1999.

At the time, with oil prices still below $20 a barrel, the mistake seemed harmless. But energy prices have been above the cutoff points since 2002, and Interior Department officials estimate that about one-sixth of production in the Gulf of Mexico is still exempt from royalties.

Walter Cruickshank, a senior official in both the Clinton and Bush administrations, told lawmakers last month that officials writing the lease contracts thought the price thresholds were spelled out in the new regulations, which were completed in 1998. But officials writing the regulations left those details out, preferring to set the precise rules at each new lease sale.

''It seems to have been a massive screw-up,'' said Mr. Northington, who was then in the Energy Department. No one noticed the error for two years, and no one informed Congress about it until last month.

Five years later, the costs of that lapse were compounded. A group of oil companies, led by Shell, defeated the Bush administration in court. The decision more than doubled the amount of oil and gas that companies could produce without paying royalties.

The case began as a relatively obscure dispute. Shell paid $3.8 million in 1997 for a Gulf lease and soon drilled a successful well. But the Interior Department denied the company royalty relief, saying that Shell had drilled into an older field already producing oil and gas. The decision hinged on undersea geography and the court's interpretation of language in the 1995 law.

A typical field, or geological reservoir, often encompasses two or three separately leased tracts of ocean floor. Interior Department officials insisted that the maximum amount of royalty-free oil and gas was based on each field. Shell and its partners argued that limit applied only to each lease.

Perhaps shrewdly, the oil companies sued the Bush administration in Louisiana, where federal courts previously had sided with the industry in spats with the government.

The fight was not even close. In January 2003, a federal district judge declared that the Interior Department's rules violated the 1995 law. If the department ''disagrees with Congress's policy choices,'' Judge James T. Trimble Jr. wrote, ''then such arguments are best addressed to Congress.''

What might have been a $2 billion mistake in the Clinton administration suddenly ballooned into a $5 billion headache under Mr. Bush.

But even as the Bush administration was losing in court, it was offering new incentives for the energy industry.

Mr. Bush placed a top priority on expanding oil and gas production as soon as he took office in 2001. Vice President Dick Cheney's task force on energy, warning of a deepening shortfall in domestic energy production, urged the government to ''explore opportunities for royalty reduction'' and to open areas like the Arctic National Wildlife Refuge to drilling.

Gale A. Norton, who stepped down this month as interior secretary, moved quickly to speed up approvals of new drilling permits. Starting in 2001, she offered royalty incentives to shallow-water producers who drilled more than 15,000 feet below the sea bottom.

In January 2004, Ms. Norton made the incentives far more generous by raising the threshold prices. Her decision meant that deep-gas drillers were able to escape royalties in 2005, when prices spiked to record levels, and would probably escape them this year as well.

''These incentives will help ensure we have a reliable supply of natural gas in the future,'' Ms. Norton proclaimed, predicting that American consumers would save ''an estimated $570 million a year'' in lower fuel prices.

Ms. Norton's decision was influenced by the industry. The Interior Department had originally proposed a cut-off price for royalty exemptions of $5 per million British thermal units, or B.T.U.'s, of gas. But the Independent Petroleum Association of America, which represents smaller producers, argued that the new incentive would have little value because natural gas prices were already above $5. Ms. Norton set the threshold at $9.34.

Based on administration assumptions about future production and prices, that change could cost the government about $1.9 billion in lost royalties.

''There is no cost rationale,'' said Shirley J. Neff, an economist at Columbia University and Senator Johnston's top legislative aide in drafting the 1995 royalty law. ''It is astounding to me that the administration would so blatantly cave in to the industry's demands.''

INCENTIVES KEEP GROWING

Last April, President Bush himself expressed skepticism about giving new incentives to oil and gas drillers. ''With oil at $50 a barrel,'' Mr. Bush remarked, ''I don't think energy companies need taxpayer-funded incentives to explore.''

But on Aug. 8, Mr. Bush signed a sweeping energy bill that contained $2.6 billion in new tax breaks for oil and gas drillers and a modest expansion of the 10–year-old ''royalty relief'' program. For the most part, the law locked in incentives that the Interior Department was already offering for another five years. But it included some embellishments, like an extra break on royalties for companies drilling in the deepest waters.

And energy companies, whose executives had long contributed campaign funds to Republican candidates, pushed to block any amendments aimed at diluting the benefits.

The push to lock in the royalty inducements came primarily from House Republicans. The only real opposition came from a handful of House Democrats, in a showdown about 1 a.m. on July 25, according to a transcript of the session.

''It is indefensible to be keeping these companies on the government dole when oil and gas prices are so high,'' charged Representative Markey of Massachusetts, who proposed to strip the royalty provisions. ''We might as well be giving tax breaks to Donald Trump and Warren Buffett.''

Mr. Barton, the Texas Republican, brushed aside the objections. He reassured lawmakers that the new provisions would not cost taxpayers anything.

When Mr. Markey proposed a more modest change—having Congress prohibit incentives if crude oil prices rose above $40 a barrel—Republicans quickly voted him down again.

''The only reason they waited until after midnight to bring up these issues is that they couldn't stand up in the light of day,'' Mr. Markey said in a recent interview. ''They all expected me to give up because it was so late and I didn't have the votes. But if nothing else, I wanted to get these things on the record.''

A ROYALTY-FREE FUTURE?

It is still not clear how much impact the reduced royalties had in encouraging deep-

water drilling. While activity in the Gulf has increased since 1995, prices for oil and gas have more than quadrupled over the same period, providing a powerful motivation, experts say.

''It's hard to make a case for royalty relief, especially at these high prices,'' said Jack Overstreet, owner of an independent oil exploration company in Texas. ''But the oil industry is like the farm lobby and will have its hand out at every opportunity.''

The size of the subsidies will soar far higher if oil companies win their newest court battle.

In a lawsuit filed March 17, Kerr-McGee Exploration and Production argued that Congress never authorized the government to set price cut-offs for incentives on leases awarded from 1996 through 2000. If the company wins, the Interior Department recently estimated, about three-quarters of oil and gas produced in the Gulf of Mexico will be royalty-free for the next five years.

Mr. Markey and other Democrats recently introduced legislation that would pressure companies to pay full royalties when energy prices are high, regardless of what their leases allow.

But Republican lawmakers and the Bush administration have signaled their opposition.

''These are binding contracts that the government signed with companies,'' Ms. Norton recently remarked. ''I don't think we can change them just because we don't like them.''

GIVING AWAY $7 BILLION IN ROYALTIES

November 1995—Deep Water Royalty Relief Act is passed, allowing companies to avoid paying some royalties on oil and gas produced in deep water in the Gulf of Mexico. Bill has bipartisan support.

1998–99—Interior Department makes big mistake on leases awarded in these two years. The department omits price thresholds that would cut royalty relief if oil and gas prices rose above about $34 a barrel for crude and about $4 per thousand cubic feet of natural gas.

2000—Interior realizes the error and quietly adds price thresholds into new leases—but the old leases remain valid.

2001—A vice presidential task force issues National Energy Policy recommendations, urging the government to open up more federal lands and waters to oil and gas development to ''explore opportunities for royalty reductions.''

March 2003—U.S. District Court in Louisiana knocks down a restriction on the volume of royalty-free oil and gas a company can produce. This effectively doubles or triples the incentives.

Jan. 23, 2004—Interior expands royalty incentives for deep gas producers, letting them avoid royalties if price is below $9.34 per million B.T.U.'s—higher than average price to date. Decision could cost $1.9 billion in royalties over next five years.

April 2005—President Bush says no need for more incentives. ''With oil at $50 a barrel,'' he says, ''I don't think energy companies need taxpayer-funded incentives to explore.''

July 25, 2005—House and Senate conferees on energy bill vote to extend and slightly enhance royalty incentives for oil and gas. Bush signs energy bill Aug. 8.

February 2006—Interior Department budget shows that royalty breaks could cost government more than $7 billion over next five years, even though it expects oil prices to remain above $50 a barrel.

March 17, 2006—Kerr-McGee, a large Gulf of Mexico producer, sues the federal government in a test case to receive all deepwater royalty incentives, regardless of how high prices are, for all leases signed from 1996 through 2000. If suit is successful, government projections indicate taxpayers could lose more than $28 billion over five years.

Mr. WYDEN. There we have it, folks. In essentially the late 1990s—1998–1999—as the distinguished chairman of the committee has pointed out, the Clinton administration dropped the ball. No question about it. It was costly to taxpayers.

But I have just read a recitation of how the Secretary of the Interior compounded the problem and how on her watch the sweetener got even sweeter. The price of oil was still shooting up. The price of oil had doubled over the last few years, and she just kept ladling out the sugar. It just kept coming.

Then, on top of it, we had the energy conference agreement between the House and the Senate. So on top of the problem that we see stemming from the last administration and then Secretary Norton sweetening the pot even more, we then had in the energy conference agreement additions to the royalty program, additions at a time when clearly they were not in the public interest.

I think we are close to being able to move ahead in the Senate. I want to have some discussion with the floor manager, the distinguished Senator from Washington.

But what we have seen in the last few minutes as a result of the unanimous consent request propounded by the Senator from Nevada is that this Senate will not be allowed to vote at any time on the granddaddy of all of the subsidies. We have tried to work out arrangements to have a vote that would be fair to both sides. I have propounded a variety of requests through the Chair in an effort to do it. But somehow for some reason continuing this outrageous use of taxpayer money seems to be the big priority around here.

I am staggered. I can't understand. I cannot understand why the Senate would say at a time of record profits, at a time of record prices, it would want to continue to dispense record royalty relief.

The President of the United States said, to his credit, that we don't need all of these incentives when the price of oil is over $50 a barrel. This program started when the price of oil was $16 a barrel.

As the distinguished Senator from New Mexico has indicated, the last administration muffed it when the price of oil was $34 a barrel. But Secretary Norton has made it worse. The energy conference agreement adds more sugar on top of it. I wish to see the Senate step in and protect the public.

I see my good friend from Illinois.

Mr. DURBIN. Will the Senator yield?

Mr. WYDEN. I am happy to yield.

Mr. DURBIN. I ask the Senator from Oregon, I know he has been on the floor since this morning and I know this issue is of great importance to him and the Nation. I want to make sure for those who have been following the debate from the beginning that they understand exactly the issue.

As I understand it, we are talking about those private companies that drill for oil on lands owned by the people, by the Federal Government, and how much money they will receive for drilling oil. I ask the Senator from Oregon, if he could, in the simplest terms, to explain to me how much is at stake here? How much did the taxpayers pay in these royalty payments to those who are drilling for oil on land that the people, the Federal Government, owns?

Mr. WYDEN. I thank the Senator from Illinois for his question. We tried to get into this something like 5 hours ago. It is very helpful to have the Senator from Illinois asking exactly the question he has asked.

The way this program works is that the oil companies are supposed to pay royalties to the Federal Government when they extract oil from Federal lands. In order to stimulate production when the price of oil was cheap, the Federal Government reduced the amount of royalty payments the companies had to make.

It is my view and the view of all of the independent experts, including our former colleague in the House, Congressman POMBO, who chairs the Committee on Resources, it is the view of all of these experts across the political spectrum that with the price of oil soaring to over $70 a barrel, the discounted royalty payments amount to a needless subsidy of billions and billions of dollars. The General Accounting Office has estimated that at a minimum it would be $20 billion. There are projections because there is litigation underway.

For some oil companies, even this is not enough, so they keep litigating and trying to get more and more and more. There are estimates that if the litigation is successful, the Government would pay $80 billion just in royalty relief. And that $80 billion would pay a significant fraction of the entire cost of this emergency spending bill.

Mr. DURBIN. If the Senator will further yield for a question, so that I understand it, if I own an oil company and I want to drill on somebody else's land, in this case the land of the Federal Government, I was required to pay the Federal Government for drilling oil that belonged to somebody else that I was going to sell, and if the price of oil was so low that it did not justify drilling, they would appeal, the oil companies would appeal to the Federal Government, saying, we will pay less for what we are drilling because the price of oil is so low, thus this royalty payment for drilling oil on Federal Government land.

Now the tables have turned and the price of every barrel of oil brought out of Federal land is worth $70 to $75 and the Senator from Oregon is arguing why in the world would you give them relief from their royalty payments

when they are making so much money on oil that comes out of Federal lands that we all own.

It would seem to me the Senator's argument is that the oil companies, which are doing quite well, thank you, are going to experience a windfall if the price of oil goes up and the amount they have to pay to the Federal Government continues to be discounted or lowered. So they want it both ways. They want the consumer to pay more at the pump and they want the taxpayers to receive less for the oil they are taking from land they do not even own.

Am I missing something in this analysis?

Mr. WYDEN. I think the Senator has said it very well. In a climate such as this, when prices are high, they get to privatize their gains and socialize their losses. This makes no sense at all. This is a program designed for a period when production was down and the price of oil was very low.

What I have tried to do—because I have spent a lot of hours sitting next to the distinguished chairman of our committee, the Energy Committee, who points out, and correctly so, that energy is a volatile part of our economy—I made an exception so that if the President of the United States says there is going to be a supply disruption or the price of oil falls back down again, bingo, we are back to looking at royalty relief.

The Senator from Illinois puts it very well.

To drive home the point, I say to the Senate, particularly the Senator from Illinois who did great work on the Low-Income Home Energy Assistance Program, we could have taken care of the needs of the Low-Income Home Energy Assistance Program plus have money left over for deficit reduction if we were to stop this wasteful expenditure of taxpayer funds.

Mr. DURBIN. If the Senator from Oregon will yield for a question, through the Chair, you were suggesting in your amendment we should no longer subsidize the extraction of oil by private companies from Federal lands when they are clearly in a very profitable position. We should no longer ask taxpayers to give up royalties which they were entitled to because the oil companies frankly are doing well and the discounted oil was designed for the times when they were doing poorly.

If I understand what the Senator is saying, the same oil companies have been going to court challenging the Federal Government when it comes to these royalty payments and royalty discounts, so with all the talk about too much litigation, it turns out some of these oil companies believe litigation is a healthy thing if it protects their profit margins and protects their Federal subsidy.

If the Senator from Oregon would be kind enough to explain to me exactly what the impact of his amendment would be on this bill and how much money it could bring back to the Treasury for purposes already outlined—whether it is the LIHEAP program or money for education or health care, whatever it might be, that currently is going to oil companies that are doing well and experiencing record profits.

Mr. WYDEN. The Senator asks a very good question. This is the granddaddy, this is the biggest subsidy the Government gives—to the oil sector.

The General Accounting Office, which did a review of this, indicates that a minimal projection is $20 billion for the cost of the program. If the litigation is successful, it is up to $80 billion.

What we have is, at a time when middle-class folks, the people who are living paycheck to paycheck and being squeezed as hard as they are, at a time when our Government ought to be looking at trying to give them a break, give them a bit of help, what we are seeing is the middle-class folks have their tax dollars flow into the Federal Government and go out in terms of royalty relief at a time when the price of oil is vastly above the amount the President has indicated. It is for that reason I felt so strongly about this.

I also point out this is a program that grew under Secretary Norton. After the initial mistakes with the previous administration, it was added to by the energy conference legislation between the House and the Senate which sweetened the sweetheart deal even more.

I am saying this is enough. We do not need record royalty payments on top of record profits and on top of record prices. I have said I will draw the line. I have not done anything like what I have done today in the Senate since I have been here. I have had the pleasure of serving with the distinguished Senator from Illinois for a long time, going back to the days when I had a full head of hair and rugged good looks. I have never done anything like this. I regret this tremendously. But we have to protect the taxpayers of this country.

I am happy to yield if the Senator from Illinois has anything further.

Mr. DURBIN. I will ask the Senator, you are asking for an opportunity to call your amendment to be voted on up or down, whether this subsidy to profitable oil companies will continue or whether the money will come back to the Federal Treasury. Is that your intention in taking the floor?

Mr. WYDEN. That is exactly what I have been seeking since last night when I called the distinguished chairman of the committee, and what I indicated, contrary to what has been said in the Senate, I am not seeking any special treatment. I have not been seeking to be put first in the line. What I have been seeking is what I have seen virtually every week since I have been in the Senate.

The distinguished Senator from Illinois is an expert in the rules, and it is my understanding that what we customarily do, we debate a variety of amendments, then we cluster them into a group, five, six, eight—sometimes the number will vary—and at some point the Senate goes on a vote.

I offered to the chairman of the committee to be put in the second or third cluster. I don't have to go first if colleagues feel strongly about this, but at some point it seems to me we ought to say the Senate is accountable, at a time with record profits and record prices, for a program that is the biggest of them all. That is the Royalty Relief Program.

I am happy to yield further.

Mr. DURBIN. I ask a procedural point for those following this debate.

I ask the Senator from Oregon, it is my understanding that what the Senator is doing is consistent with the Senate rules which allows a Senator to take the floor and offer an amendment. As long as he can stand and offer his amendment and speak to it, he controls the floor, which is what the Senator from Oregon is doing. Many people have seen this depicted in movies and otherwise, but this is the classic element of the Senate procedure, that a Senator can insist on his right to have an amendment voted on. Clearly there is a disagreement in the Senate. Until that disagreement is resolved, as long as the Senator from Oregon can stand, if I am not mistaken—he can correct me if I am wrong—he is asserting his right as a Senator to do so.

Mr. WYDEN. I thank my colleague from Illinois. That is essentially my desire.

What we have seen, particularly in the discussion between the distinguished Democratic leader and the chairman of the committee, is it is the intent of those who oppose this amendment that they will not allow a vote. Not now, not at any point. That is what we have learned as a result of the discussion between the distinguished Senator from Nevada and the distinguished chairman of the committee, for whom I have a great deal of respect but simply disagree with on this point.

We have heard people say, I am asking for special treatment, that I want to go first. That is not the case. I respect the rights of all Senators. I offered the last amendment before the Senate adjourned last night which made my amendment pending this morning. I have asked a variety of times now to work something out with Senator SALAZAR and the chairman of the committee, the chairman from Mississippi, and that is not possible, so the distinguished Senator from Nevada, Senator REID, called the question. He basically asked, are we ever going to get a chance to vote. It is clear we will not.

That is very unfortunate. In a few minutes—my friend from Colorado has been here and has been so patient—I will probably take one last crack at seeing if we can protect taxpayers' interests and see if we can work something out to do what the Senate normally does, which is to cluster these

amendments. If that is not the case, I could talk until I fell over, frankly, but it is clear the folks who are opposed to this do not want to vote in any way, shape, or form. They are saying at a time of record profits, at a time of record prices, we ought to keep ladling out this money. As the Senator from Illinois said, this is on the people's land. We are talking about oil companies extracting oil not from land they own but from land that belongs to the people of this country.

So a judgment was made in the 1990s, give energy development a break from the price of oil, when the price of oil is low, when production is down. It made sense then. It boosted production in those critical times. However, it certainly does not make sense to argue for a program when the price of oil is over $70 a barrel and you compare that to what we saw when this program originated; the price of oil was $16 a barrel, a fraction of what people are paying, and production was also down at that time.

This comes down to a question of choices. Whose side are you on? Are you on the side of the taxpayer in an instance where the General Accounting Office has documented what a rip-off this program has become or are you on the side of a handful of special interests that have figured out a way to hotwire this special program that gives them such great advantages?

I wish the case were, as the distinguished chairman of the committee, Senator DOMENICI, has indicated, the problems were with the Clinton administration and then the next administration cleaned them up, but as I read into the record, the problem got worse. It got worse twice. First, as a result of the actions by the Secretary of the Interior; second, as a result of what was done in the energy conference agreement.

By the way, some of what we heard in the energy conference agreement was just preposterous, not from the Senator from New Mexico, but some in the energy conference agreement said: Oh, this oil royalty program has no cost. It doesn't cost anything at all.

Now, I do not know how in the world you argue that when the General Accounting Office and others have talked about billions and billions of taxpayer dollars flooding out the door. But I think it shows to what extraordinary lengths some will go to protect this program, which is such an inefficient use of taxpayer dollars.

My goodness, there are a lot of ways you could use $20 billion to $60 billion. How do you explain you are trying to pay for an emergency spending bill when the Government does not have the money to cover the emergency spending and yet you are still shoveling out billions and billions of taxpayer dollars, at a time when the President of the United States, to his credit, has said we do not need these incentives when the price of oil is over $50 a barrel?

So this has been, for this Member of the Senate, a very unique experience. I wish we could get a vote on this amendment. I think this does a disservice to the taxpayers of this country.

I wish to mention what it means in terms of the globe. I, like all Senators, see the men and women who honor us every single day by wearing the uniform for our country. They put themselves in harm's way. They risk their physical health, their mental health, their well-being, and put their families at risk because they honor us every day by wearing the uniform of the United States. It seems to me the people who wear that uniform and are fighting today on our behalf in Iraq deserve an energy policy that is going to make it less likely their kids and their grandkids are going to be off in the Middle East another time in the next few years in a war with implications for oil. To do that, to make our country's energy secure, we have to stop programs that rip off the taxpayers like this Royalty Relief Program.

Now that I see Senator DOMENICI here, I say to the chairman, I have tried to indicate in the course of the day that, frankly, one of the best things we have been talking about over the last few years comes from a Senator from your side of the aisle, Mr. THOMAS. Senator THOMAS makes the important point that we are probably losing something like a third of all the oil from existing wells, and we don't have incentives to go and do that drilling from existing wells.

I have been supporting Senator THOMAS because I think it is good for production, and I think it is good for the environment, especially right now, because what we have learned in terms of environmental protection is that you can get more out of existing wells, capturing the gases, what is called sequestration, in order to protect the environment.

So I want it understood by colleagues: One, I want to work in a bipartisan way; two, I think that arguably what Senator THOMAS has talked about is one of the best new ideas to get a fresh energy policy that is red, white, and blue. But I do not see how you are going to get incentives for the kind of constructive thing Senator THOMAS has been talking about if you are shoveling money out the door for wasteful programs like royalty relief.

So I see the Senator from New Mexico is on his feet. I say to the chairman, the distinguished Senator from Colorado had asked I recognize him first. But let us structure this so the Senator from Colorado can ask his question, and then we will structure this so we can hear from the chairman of the committee.

The Senator from Colorado.

The PRESIDING OFFICER (Ms. MURKOWSKI). The Senator from Colorado.

Mr. SALAZAR. Madam President, I thank the Senator from Oregon for yielding a minute for a question. I would hope if we are getting to an end of this discussion, which has been on the floor now for the last 4 hours, we can move forward in some orderly fashion with respect to the consideration of other amendments here on this Thursday before I know people have to leave.

So it would be my request to the chairman of the committee that we try to come up with some arrangement that will allow those Senators who have been waiting in the wings to come forward and offer amendments, in an orderly process to come forward and offer those amendments in the next few hours.

I would ask a question of the chairman——

Mr. WYDEN. Madam President, reserving the right to object, I do not want to give up the floor quite yet. I think the distinguished Senator from Colorado, through the Chair, has to ask me the question.

Mr. SALAZAR. Through the Chair, I ask permission to ask a question of my colleague from Oregon.

Assuming that in a few minutes or a few hours you give up the floor, which you currently now claim to make the very passionate argument you have been making for the last 4 hours, would it be——

Mr. WYDEN. Five hours.

Mr. SALAZAR. For the last 5 hours, as you have tried to get a vote on this amendment you have offered, would it be in order, then, for us as a Senate to come to some kind of an agreement on how we move forward with the orderly processing of additional amendments that go beyond the amendment you are offering now?

Mr. WYDEN. The distinguished Senator from Colorado has not actually propounded a unanimous consent request, but it is very much my interest in accommodating the Senator from Colorado.

I think, frankly, colleagues, to repeat, for those who are just coming in, after the discussion between Senator REID and the Senator from Mississippi and the objection that was made by the distinguished chairman of the committee, it is evident that it will not be allowed that there be an up-or-down vote on the granddaddy of all of the subsidy programs for the oil industry.

This is the big one. This is the one that counts. And the Senate will not, as a result of the discussion between the Senator from Nevada and the Senator from Mississippi, be allowing a vote on it. I believe that is a bad deal. It is a bad deal for taxpayers. It is a bad deal for our country. I do not believe that is the way the Senate ought to be doing business. But that is the judgment of the Senate. I respect the judgment of the Senate.

And let us now——

Mr. SALAZAR. Madam President, may I ask my colleague from Oregon to yield a minute of time to me while maintaining his right to the floor?

Mr. WYDEN. I certainly want to do that as part of our consent agreement.

I think we are winding down to a close. The Senator from New Mexico is no longer standing, but if he desires to ask a question, I want to give him the opportunity to do it.

Does the Senator from Colorado seek to ask a question?

Mr. SALAZAR. I seek to ask a question and to make a unanimous consent request that following the conclusion of your presentation here that we move forward to the consideration of an amendment I will send to the desk, and to establish also that Senator CONRAD from North Dakota be given the opportunity to send an amendment to the desk and to speak on it, as well as I believe there are Senators on the chairman's side who would also like to offer an amendment, including Senator COBURN. So hopefully we could come up with some kind of arrangement that allows us to move forward in an orderly fashion that can then assure that several other amendments can be considered yet this afternoon.

Mr. COCHRAN addressed the Chair.

Mr. WYDEN. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Oregon still has the floor.

Mr. WYDEN. Thank you, Madam President.

I am very interested in getting on with this. I do want to show deference to my good friend, the chair of the full committee, Senator DOMENICI. So what I would like to do next, before we try to finally work this out, is to, again, consistent with the unanimous consent agreement—if the chair of our full Energy Committee, on which I am proud to serve, would like to be recognized for a question, I would be happy to do that.

Mr. DOMENICI. Madam President, I say to the Senator, I have no question at this point. I thought the Senator was getting close to a point where he was going to withdraw his amendment, after which time I was going to speak. If that is not the case, then we will do something else.

Mr. WYDEN. Reclaiming my time, so the Senate is clear, I have absolutely no intention of withdrawing my amendment. But it is evident, as a result of the discussion between Senator REID and Senator COCHRAN, that there is no inclination or willingness on the part of some in the Senate for us to do what we customarily do, which is to take up these amendments, Senators talk about them, and after a number of them are talked about, we cluster the votes, we inform Senators of both political parties, and the Senate is held accountable.

I see the distinguished Senator from Virginia here, Mr. WARNER, who, again, has seen many more instances of the Senate trying to work its will than I. But I would only say, in the time I have been here, virtually every week the Senate does what I have been seeking, which is that Senators discuss their amendments, they are then clustered, and at some point the Senate has a vote.

I have made it clear I am not interested in being first in line. I am not interested or committed to being part of even the first cluster of votes. That is not asking for special treatment. That is asking that the Senate do what it has done again and again and again. It is the custom of the Senate but apparently will not be the practice that is followed with respect to this sweetheart deal that wastes billions of taxpayer dollars at a crucial time in our country's history.

Mr. DOMENICI. Will the Senator yield for a question?

Mr. WYDEN. I am happy to yield for a question.

Mr. DOMENICI. I say to the Senator, while you have been here many hours, I have been here a few this afternoon. This is a very unusual setting. You speak of your rights. We have rights, too. You have the floor. We cannot debate the issue the way things are. If you would like to debate this, I would like to debate it because you have had some free time here to talk about something that is not so.

I have already asked you once, and I will ask you again—I will ask you whether or not—I will ask it a different way: How much do you think the Congressional Budget Office says your amendment—this great amendment that is going to stop all of this thievery—can you tell us how much it is going to yield to the taxpayers of the United States? I will tell you the answer. The Congressional Budget Office says zero.

You understand, this great amendment that has been spoken of, this process that he has—I don't know what it is. It is an amendment that sets a threshold. It sets a threshold that is higher than the threshold that exists that was already established by the Secretary of the Interior.

I don't know how in the world, I ask the distinguished Senator, that is going to yield anything to the people of this country. Maybe you can explain it to us. I believe it is going to yield zero because the amendment is meaningless the way it is drawn. It is not a program. It is not a process. It is an amendment that sets a new threshold, I say to Senator SALAZAR, a threshold that is not even needed because the Secretary has already set a threshold that does more for the taxpayer than his amendment.

So I don't know what we are down here arguing about. I have been waiting my turn until I cannot wait any longer.

So I have just violated the rules. I didn't ask a question, I gave a speech. I hope you listened. The speech is: The Congressional Budget Office says this grandiose amendment that is going to stop the grandfather of all thievery is going to yield zero dollars to the Treasury of the United States. I assume that means that it is not effective, it does nothing. It does nothing because—I just told you why it does nothing. It sets a threshold that is higher than the existing threshold; therefore, it yields nothing. I don't know what else we can do. Why should we let you have a vote on that? I am going to offer an amendment to that, a second-degree amendment that is very simple. I ask unanimous consent that I be allowed to offer a second-degree amendment.

Mr. WYDEN. Reserving the right to object——

Mr. DOMENICI. I withdraw the request and yield the floor.

The PRESIDING OFFICER. The Senator from Oregon has the floor.

Mr. WYDEN. Madam President, I would like to respond briefly to the Senator from New Mexico, who I thought was going to ask a question. I see he is leaving the floor, but I would first say that if the distinguished Senator from New Mexico thinks what I am proposing is meaningless, I can't figure out why so many people have spent so much time and so much effort trying to avoid a vote on it. I don't get that. If this is so meaningless and so useless, it would seem to me we could have disposed of it about 10:15 in the morning.

It is clear that the reason there has been all this opposition to the amendment is because it really does address a key kind of question, and that is saving taxpayers money. If it were meaningless, we could have gone to a vote hours and hours ago. The people who have pushed the hardest for this program have always tried to do it in the shadows. This program was expanded after midnight in the energy conference committee. The distinguished Senator from New Mexico has left the floor, which is unfortunate because I would like to engage him in a dialog.

All that I have sought, as demonstrated through Senator REID, is an opportunity to vote on this issue.

To once again deal with the key point the Senator from New Mexico has made, nothing in this amendment says the threshold couldn't be lower for dispensing this money. It simply says we should set an upper level that reflects what the President of the United States has said. If this amendment is as meaningless as the distinguished Senator from New Mexico has said, let's go to a vote. Let's vote on it and save taxpayers money.

The General Accounting Office says this program is going to cost a minimum of $20 billion. If the litigation is successful, it will be $80 billion. While I have great respect for the Senator from New Mexico, his argument that all of this never costs or saves anything is what we have been hearing for years. We were told in the energy conference agreement between the House and the Senate that this program costs taxpayers nothing. Backers of this program in the debate between the House and the Senate said with a straight face that royalty relief costs taxpayers nothing. Now we have heard an argument that an effort to rein in the cost of this program is meaningless as well. I guess because, once again, we are

hearing that none of this costs money. It doesn't save any money. I guess this program just happens by osmosis.

That is not what the General Accounting Office says. If the litigation involving this Royalty Relief Program is successful and taxpayers are out $80 billion, the people of this country are going to remember this day. They are going to say that the Senate had a chance on a bipartisan basis to do something sensible, and that is to reconfigure this program to ensure that there is royalty relief when it is needed. The legislation says the President can run the Royalty Relief Program if there is any evidence that it would disrupt supply. The amendment says that if the price goes down, of course, the original rationale for this program, royalty relief could be paid.

This amendment puts in place the kinds of safeguards we need for a changing environment in the energy field. What it doesn't do is continue to write blank checks to a handful of special interests who even the author of the program has now described as getting something and being part of a program that was different than what he intended. This is not somebody who is hostile to the program; this is somebody who wrote the law and said this is not what was intended.

Mr. REID. Will the Senator yield for a question?

Mr. WYDEN. I am happy to yield. I thank the distinguished Senator from Nevada for coming to the floor earlier and trying to get the opportunity for a vote on my amendment.

Mr. REID. Madam President, the Senator from Oregon has clearly established that he will not get a vote on this most important amendment. I am disappointed. There are many disappointed Senators. I am sure there are millions of disappointed Americans. There are a number of Senators here who wish to offer amendments. For lack of a better way of describing this, I reflect back on a time when I was doing something similar to the Senator from Oregon, and Senator BYRD was the leader of the Democrats at the time.

He said to me: Would the Senator yield? And I said yes. He said: How much longer are you going to talk? So I reflect back on those days. I told him I had a goal that I wanted to make. He said: Fine. Shortly thereafter, we went on to other matters.

I am wondering, because we have other Senators on both sides of the aisle to either offer amendments or do some voting, does the Senator have an idea how much longer he has a right to maintain the floor?

Mr. WYDEN. I appreciate the Senator's question, particularly in deference to colleagues on both sides of the aisle and all the help the distinguished leader has given me throughout. I would say that I would stay here all night. I would stay here until they literally had to take me off the floor because I couldn't stay here any longer to save taxpayers billions and billions of dollars on what amounts to the biggest giveaway to the oil industry. This is the one which really counts. Various other programs are a small fraction of the cost of it. I would stay here for as long as it took, if I thought the other side was willing at any point in any kind of fashion to allow an up-or-down vote on whether we are going to be on the side of the taxpayers or whether we are going to continue to side with the oil companies and protect a program which all the independent auditors say is a great waste of money.

But what we have seen over the course of the last 5½ hours is that the Senate is not going to be able on this issue to operate the way it customarily does, where you have amendments debated and discussed and then they are clustered for a vote. As summed up by the distinguished Senator from New Mexico, they think something like this, once again, doesn't cost anything, when everybody who has looked at it independently says it is a huge drain of taxpayer money. I want to protect the middle-class folks and the folks who are hurting, whose taxpayer money flows in to Government and then flows out for this program at a time when the President of the United States has said the subsidy is not needed.

I would stay here all through the night if I thought the opponents were ever going to allow a vote. It is clear they are not.

We are going to come back to fight this another day, just as in the conference agreement, where those special interests sweetened the pot.

Mr. REID. Will the Senator yield for another question?

Mr. WYDEN. I am happy to yield.

Mr. REID. I say to my friend from Oregon—an athlete, went to college on a basketball scholarship, certainly he has the stamina to stand as long as necessary—that the point has been made. I, therefore, ask at the end of his speaking for another 3 minutes that we go into a quorum call and when the quorum call is called off, Senator COCHRAN then would be recognized.

Mr. WYDEN. Reserving the right to object, and it is not my desire to object, I think the point has been made. This is a sad day for the taxpayers of this country. When folks pull in to the gas station tonight and in the days ahead and they pay these record prices and they see these record profits, I hope they may have heard a little bit of the discussion here today, that while they are getting clobbered at the pump, the taxpayers are spending needlessly billions and billions of dollars, billions of dollars that are being wasted, not by my determination but by independent auditors. I wish that today we could have done right by all those middle-class folks and our citizens who pull up to the gas station. This is the big one, folks, in terms of energy subsidies. This is the one with the most money. This is the one there is no logical case for when oil is $70 a barrel. I am going to be back making this fight again and again, if the people of Oregon are willing.

Madam President, in deference to my colleagues who have been extraordinarily patient in the course of the day, while I do not withdraw my amendment, I yield the floor.

Mr. REID. Would the Chair rule on the unanimous consent request?

The PRESIDING OFFICER. Would the Senator restate the request?

Mr. REID. That we go into a 5-minute quorum call, after which Senator COCHRAN would be recognized.

The PRESIDING OFFICER. The Senator can seek consent for the Senator to be recognized after the quorum call has been called off. He cannot limit the length of the quorum call.

Mr. REID. I ask unanimous consent that after the quorum call is terminated, Senator COCHRAN be recognized.

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

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

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

The order was to recognize the Senator from Mississippi.

Mr. COCHRAN. Madam President, I appreciate the fact that we are now prepared, I assume, to proceed with consideration of other amendments on the emergency supplemental bill, H.R. 4939. For the information of Senators who would like to know what the status is, we have over 20 amendments that have been filed and are pending before the Senate. A number of those have been offered by the Senator from Oklahoma, Mr. COBURN, who divided amendment No. 3641 into 19 divisions. As I understand the parliamentary situation, each one of these divisions is considered under our procedures as a separate amendment and a separate vote could occur on each.

I am further advised that the Senator from Oklahoma would like to call up some of these amendments and have them debated and disposed of.

There are other amendments. For example, last night there were four filed by the Senator from Louisiana, Mr. VITTER, which remain pending. The Senator from Arizona, Mr. MCCAIN, likewise has four amendments pending. Senator WARNER of Virginia has two amendments pending. The Senator from Iowa, Mr. HARKIN, has an amendment that is pending. The Senator from Pennsylvania, Mr. SANTORUM, has an amendment. The Senator from Oregon, Mr. WYDEN, has debated and discussed his amendment at length today. These are amendments which are already pending. It is my hope that we can dispose of some of those amendments before proceeding to consider

other amendments. That is my suggestion for an orderly procedure that the Senate should follow.

I know the Senator from Colorado has been on the floor from time to time today indicating that he has an amendment he would like to offer. I don't want to stand in the way of his offering that amendment, but I say this to the Senate just to give everyone equal information and knowledge of the status of the bill. We need to proceed to get these amendments disposed of—agreed to or defeated or amended and agreed to or whatever is the pleasure of the Senate. I don't intend to try to limit Senators in how long they can speak, but I hope we will not abuse the rules of the Senate to make arguments that prolong the debate on the supplemental appropriations bill. That is the subject before the Senate. I hope we can stick to the subject.

Having said that, I am happy to yield the floor, and we will be glad to work with other Senators to either work out agreements on amendments, have votes on amendments, vote to table amendments, or whatever the pleasure of the Senate may be.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr. SALAZAR. Madam President, I ask unanimous consent that the pending business be set aside.

The PRESIDING OFFICER. Is there objection?

Mr. COBURN. Madam President, reserving the right to object, I have been on the floor for 4 hours today. I filed amendments, brought them up before anybody else brought an amendment up here, other than four prior ones that I brought up.

I don't want to stop anybody from offering amendments, but the way we clear them is to debate the ones already on line. Those of us who have amendments that have been out and offered, I suggest that the regular order ought to go forward, and as we finish those—nobody is planning on cutting that off or trying to limit anybody. With that, I believe the proper thing for us to do would be to go to the regular order.

The PRESIDING OFFICER. Does the Senator object?

Mr. SALAZAR. Madam President, reserving the right to object, I, likewise, have been in this Chamber for many hours just like the Senator, waiting to get back to the regular order and to allow amendments to come forward and to debate those amendments. I don't intend to speak long in offering my amendment.

I ask unanimous consent that I may offer my amendment, speak on it for no more than 5 minutes, and then following my presentation, the Senator from Oklahoma be recognized.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Colorado is recognized.

AMENDMENT NO. 3645

Mr. SALAZAR. Madam President, I call up amendment No. 3645.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Colorado [Mr. SALAZAR] proposes an amendment numbered 3645.

Madam President, I ask unanimous consent that further reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To provide funding for critical hazardous fuels and forest health projects to reduce the risk of catastrophic fires and mitigate the effects of widespread insect infestations)

On page 246, between lines 8 and 9, insert the following:

HAZARDOUS FUELS AND FOREST HEALTH PROJECTS

SEC. _____. In addition to any other funds made available by this Act, there is appropriated to the Secretary of Agriculture, acting through the Chief of the Forest Service, Wildland Fire Management, $30,000,000 for hazardous fuels and forest health projects focused on reducing the risk of catastrophic fires and mitigating the effects of widespread insect infestations: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

Mr. SALAZAR. Madam President, I rise today to offer a very straightforward amendment to the emergency supplemental appropriations bill before us. I offer this amendment because we in the United States, especially in the western part of the country, are looking at a great fire disaster emergency that requires this Senate in a last chance to address the issue and do something about the fires that will rage across the West in the summer. The emergency is created by the extreme threat of wildfires as a result of the great droughts we have had as well as widespread insect infestations that make massive fires a reality across the West. I am pleased to be joined in this amendment by Senator MAX BAUCUS.

In the West, the seasonal wildfire potential outlook map shows above-normal fire danger in the Western United States. Arizona, New Mexico, Colorado, Utah, Nevada, and Idaho have increased fire dangers to contend with, as well as the State of Montana. The outlook also shows Texas, Louisiana, Alabama, Mississippi, Georgia, and Florida to have increased fire risks. While the Southeast United States may not have as much Forest Service land as the West, that region has its hands full cleaning up from the hurricanes. I support the supplemental bill for that purpose, as well as to support our troops in Iraq and Afghanistan and other places.

At the same time, many western forests are facing a force that is leaving thousands upon thousands of acres of our forests subject to fire in local community after local community. It is something I believe the Senate must act on now that we have the opportunity. Montana and northern Idaho, for example, are experiencing the largest mountain pine beetle infestation in 20 years, with nearly 1.1 million acres infested in 2005, compared to 675,000 in 2004. The State of Washington is reporting a mountain pine beetle epidemic, and 554,000 acres are now infected, which is a 28-percent increase from the previous year. Meanwhile, my State of Colorado has over 1.5 million acres that have been infested by bark beetles. After these infestations come through a forest, they leave behind entire stands of trees—sometimes thousands of acres—that are more susceptible to fire due to the dried-out conditions and increased fuel loads in those forests.

I believe we must consider this situation from the point of view of our rural communities throughout the West. Many of these communities are surrounded by already dry forests. These communities are now contending with insect infestations that are further increasing the fire danger. When you combine these factors, I believe the local communities are very right to be alarmed and concerned that the ingredients are here for catastrophic fires in the coming fire season.

Just this week, an article in USA Today noted that Federal forecasters predict the wildfire potential this spring and summer is ''significantly higher than normal'' and that the areas at risk, from Alaska to the east coast, ''are so far-flung that the Federal Government's more than 20,000 firefighters and fleets of ground and air support could be spread thin if fire danger lingers long in any area.''

The Forest Service annually conducts hazardous fuels and forest health projects. However, the funding available to the Forest Service is not living up to the commitments made by Congress in the Healthy Forests Restoration Act. Healthy Forests authorizes $760 million a year for hazardous fuels projects, and Congress has appropriated less than $500 million of those funds per year. The funding is simply not keeping up with the increasing needs that today have been estimated at over $1 billion per year.

My amendment will provide the U.S. Forest Service with an additional $30 million to conduct critical hazardous fuels and forest health projects to reduce the risk of catastrophic fires and to mitigate the effects of widespread insect infestations.

Private land owners and local governments are doing all they can to combat this problem. They are using chainsaws to protect their homes, they are spraying trees, and they are devising protection plans. They wonder, however, if they are not alone in this fight. They wonder if the Federal Government is asleep at the wheel in the face of this potential disaster.

This year, we know, could be worse than other years in the West. We must provide emergency funding so that the Forest Service can conduct hazardous fuels and forest health projects that are already approved and are sitting on the shelf.

I agree with many colleagues who have raised legitimate concerns about adding spending to this bill that is not really intended to address an emergency situation. But that is not the case with this amendment. This amendment addresses a real imminent threat, and the situation is urgent. We must take action now. I am reminded by the reports of spring fires in Colorado, where we have seen 13 firefighters killed in a fire at Storm King, 135,000 acres of land burned in what was called the Hayman Fire, which consumed a large part of four counties of the State of Colorado.

I urge my colleagues to support this amendment.

I ask unanimous consent that Senator MCCAIN and Senator WARNER and Senator LEVIN be added as cosponsors to the fallen hero amendment, which I have offered. It is No. 3643.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. SALAZAR. Madam President, I ask unanimous consent that Senator BINGAMAN be added as a cosponsor to my amendment on improvised explosive device training. It is No. 3644.

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

Mr. SALAZAR. Madam President, my colleague from Oklahoma is seeking recognition. I appreciate his courtesy, and I look forward to his debate on this amendment.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

AMENDMENT NO. 3641, DIVISION II

Mr. COBURN. Madam President, I ask that division II of my amendment No. 3641 be in order at this time.

The PRESIDING OFFICER. The Senator has a right to ask for the regular order with respect to his amendment. Division II is pending.

Mr. COBURN. Madam President, I thank the chairman for protecting my right to be back on the floor in regular order. But I want to go through again with the American people what is supposed to be an emergency bill by our own rules: It is a bill that is necessary, essential, and vital; sudden, quickly coming into being, not building up over time; it is an urgent, pressing, and compelling need requiring immediate action; it is unforeseen, unpredictable, unanticipated, and not permanent but temporary only in nature.

This second division of my amendment is an amendment that removes $15 million. It is simple. In this bill is $15 million for the promotion of seafood. Seafood consumption in this country is at an all-time high. If you look around the country, look on television, look at magazines—the beef producers do this, but they get no Federal money. The pork producers do this, but they get no Federal money. The poultry producers do this, but they get no Federal money. The milk producers do this, but they get no Federal money in terms of their promotion. They pay individually to have a promotional sequence. As a matter of fact, there is a Louisiana Seafood already in existence.

So what we are going to do is take and give $15 million to a private entity of the seafood producers to spend to increase demand for seafood. That may be all right, but that is certainly not an emergency. It is certainly not something that should be in an emergency bill that isn't going to be paid for by us but by our children and grandchildren.

I am not objecting to the fact that we want to try to increase the demand for seafood, but if you look at the facts, the real problem our fisheries are having, especially with shrimp and those kinds of things, is with foreign competition. As you look at the problems associated with it, there are more in terms of competition than there are in terms of lack of supply.

This is real simple. Why should we be subsidizing for one industry what we don't subsidize for any other industry? The National Oceanic and Atmospheric Administration is where this money is going to go. There is nothing in the bill to tell them what to do with it. According to them, ''We have no plans for how to spend this money.'' That is what NOAA said. They have no plans. It is not in the report language or in the bill. So what will happen is the committee will tell them how to spend the money. We won't know how it is; it is not published now. If we don't make a decision, we are not going to know.

Is there going to be oversight? Is somebody going to take a million-dollar salary out of this $15 million? We don't know. We don't have a mechanism in place to manage it. That is the problem. If this had come through an authorizing committee, studied by our peers, and they said this is something in the long-term best interests of our country, then I probably would not be raising this issue. But I don't think that is what has happened here.

Mr. INHOFE. Will the Senator yield?

Mr. COBURN. I will be happy to yield.

Mr. INHOFE. Madam President, I appreciate the Senator yielding. My fellow Senator from Oklahoma has done a yeoman's job of trying to remind people that this is supposed to be an emergency supplemental. In every case about which he has spoken, there is nothing emergency about them.

I appreciate the fact that he talks about going through the authorization process. We have a process that has been working for some time that has a lot of checks and balances. I happen to chair the Environment and Public Works Committee. We go through authorization and the appropriators come along.

I applaud him for reminding people what is an emergency and what is not. Let me remind my fellow Senators that we have a President of the United States who agrees with the Senator from Oklahoma. The President has said he is going to veto this bill on the items that are not emergencies and have nothing to do with national security, defense, or with the emergency Katrina. We already have enough signatures on a letter saying we will sustain that veto. So we are going to end up doing this.

I think a lot of this is an exercise in futility. People cannot resist the opportunity to come forward where they can be seen offering more and more of the taxpayers' money for something that is not an emergency. I only wanted to say I applaud him for doing this. I think he is being overworked. Hopefully, we will have this solution with the President's veto. We should not be in a position where we are having to do that.

I applaud the Senator for what he is doing. That is my question.

Mr. COBURN. Madam President, reclaiming my time, the other point I wish to make is the proponents say this is to create a new niche market to reestablish the shrimp sales of the gulf coast. I want to help the gulf coast. I want to help them recover, but I want to do it in a way that builds a long-term, satisfactory, strong fishing industry down there.

We are at an all-time high in the consumption of seafood. Where our shrimp industry has been hurt is through globalization. The fact is, the real damage done to that industry, besides what has happened as a result of the hurricane, is they are getting beat in the world market.

I ask the Members of this body to think: Do we want to start this, and should we be doing it when cattle prices are down and producing more beef? Should we do it for the beef producers? Should we do it for the chicken farmers? In other words, should they not participate in paying for this rather than everybody else in America paying for it?

I would portend this is something that is not what we should be doing and it is not just about not wanting to help those people. I want to help them, but I don't believe this is the way to do it. This is a small amount of money in this $104 billion-plus bill, but it is a principle as we walk down the line: how do we say no to all these other agricultural interests when we have said yes to one.

I am very worried with the wording in the report language that requires the committee to run this rather than requires the bureaucracy to run it when there is no instruction for the bureaucracy, which means it is not going to have sunshine and it is not going to have oversight. I think that is part of our problems with spending as well.

I see the distinguished Senator from Alabama is here. I will be happy to yield time to him for debate on this issue.

The PRESIDING OFFICER (Mr. CHAFEE). The Senator from Alabama.

Mr. SHELBY. Mr. President, today we continue to debate the provisions of H.R. 4939, the bill providing additional 2006 supplemental appropriations for

the war in Iraq and recovery from Hurricane Katrina.

Other supplemental appropriations bills have been previously signed into law dealing with the war in Iraq and Hurricane Katrina, but none of those bills directly support the needs of the devastated fishing industry in the Gulf of Mexico.

The Senate's funding recommendations affecting the gulf coast fishing industry were developed by the States Fisheries Commission and the Gulf of Mexico Fishery Management Council to meet local needs in cooperation with Federal partners, including NOAA's National Marine Fisheries Service.

The Gulf of Mexico is home to a significant share of the U.S. fishing industry, representing almost 20 percent of commercial landings and roughly 30 percent of saltwater recreational fishing trips. The 2005 hurricane season had a major impact on both of these maritime sectors, but it also devastated their shore-based infrastructure, ports, and facilities that commercial harvesters and fishermen rely on, such as docks, wharves, processing plants, distribution centers, and marinas.

Offshore, the hurricanes annihilated entire oyster beds along the gulf coast which has an immediate and long-term impact to the oyster harvesting industry. Considering that it will take years for many of the oyster beds to rebound, the current economic impacts are only part of the assessment.

Throughout the gulf coast, over 2,300 vessels were federally permitted for shrimping. The Presiding Officer, coming from Alaska, knows a lot about fishing boats. The exact number of shrimp vessels damaged or destroyed by the 2005 hurricanes is still largely unknown. However, one only needs to visit coastal communities such as Bayou La Batre, Gulfport-Biloxi, and Empire-Venice to see the overwhelming effects these hurricanes had on the entire fishing-based communities along the gulf coast. With their boats gone and shoreside facilities destroyed, many businesses are having to rebuild literally from the ground up.

It is logical to presume that the damage from last year's hurricanes, coupled with the rise of diesel fuel costs, could result in the increase in the percentage of fishermen filing for bankruptcy. This bill will stabilize the number of vessels in the fishery and rebuild fishing facilities, allowing fishermen the opportunity to harvest a greater proportion of the annual fish crop and increase their economic returns.

Finally, I want to touch on the funding that has been included in this bill for seafood marketing efforts because it has been the target of much criticism on the floor. I believe this funding is extremely important to the overall effort to restore this industry. We cannot deny the fact that many consumers became increasingly wary of gulf coast seafood following Hurricane Katrina. That is natural. To that end, I believe it is imperative that we restore consumer confidence. All the work that has been done and all that we propose to do with the additional spending in this bill will be wasted if no one purchases the seafood that comes from the gulf. Therefore, marketing efforts to reassure consumers that the seafood is safe are not wasteful but, rather, essential to the efforts to restore this industry.

The 2006 supplemental appropriations bill, as reported by the Senate Appropriations Committee, contains significant funding to address many needs of the devastated fishing industry in the gulf coast. I encourage my colleagues to support the bill as reported and oppose any amendments that might propose to strike funding provided for fisheries assistance.

I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. VITTER. Mr. President, I, too, rise in strong support of the fisheries and seafood provisions in this supplemental appropriations bill to help a very important industry simply begin to get back on its feet on the gulf coast. This is a vitally important industry, not just for the gulf coast but for all of America.

I am very proud of Louisiana and our coastline and our fisheries. We are the largest producer of fisheries in the lower 48 States, second only in the country to the home State, of course, of the Presiding Officer. So it is a true national priority in terms of the service and the food we yield to the country.

With two hurricanes, our nationally important fisheries sustained huge damage. Individual fishermen and their families sustained huge damage. Vessels, equipment, offloading and processing facilities, and oyster farms will take years to recover. Because of this damage of truly historic proportions, the administration, through the Department of Commerce, made a disaster declaration, which is appropriate under the law, for fisheries specifically. However, for the first time in history, they did not follow up that disaster declaration with a request for certain emergency funding to meet that disaster.

The work of the full committee in the Senate, led by Senator COCHRAN, fills that gap by producing an important section of this bill devoted for fisheries. I personally thank Senator COCHRAN for filling that gap because, again, it is a very real gap.

We had a disaster declaration, the highest ever in terms of fisheries losses and devastation in the United States, but we had no corresponding funding request from the administration in light of that disaster emergency declaration. This section of the bill, again, is enormously important to meet those needs.

I want to turn specifically to the seafood marketing section which has been a particular target of several Members, led by Senator COBURN, and they have brought up some very good points.

First, I begin by complimenting Senator COBURN on his work on many fiscal reform matters. I applaud it. I not only applaud it, because talk is cheap, I support it in the vast majority of cases. Earmark reform, for instance, is something we desperately need in Congress, and I strongly supported those efforts a few weeks ago when they were before us, and I continue to strongly support those efforts.

I have no problem with the light of day being shone on all of these issues and our having to justify all specific spending items. So I compliment him on his work in general.

But it is in that spirit that I stand to proudly defend this seafood marketing issue and to completely rebut some notion that it has nothing to do with the hurricanes and nothing to do with an emergency situation.

Really, what the argument comes down to is two words, two words that we heard on television over and over again for weeks after the storm. And the two words are ''toxic soup.''

I have to tell my colleagues that the media coverage after the storm really frustrated me. I grew up in New Orleans, LA. I was there in Louisiana. Obviously, I represent Louisiana now in the Senate. I was living through the devastation and the challenges, and we had a lot of devastation, we had a lot of challenges, we had a lot of screw-ups by all levels of government, certainly including State and local.

But the media coverage got a few things wrong, too. One of the things they got very wrong was the constant, unrelenting for weeks repetition of this term ''toxic soup.'' To listen to the national media and the way they portrayed the situation, all of the city of New Orleans was covered with toxins that would leave it virtually uninhabitable for decades to come, and because of the toppling of rigs and other localized events which did occur in the gulf, there was a toxic soup spreading throughout many areas of the gulf and coastal Louisiana.

There were serious and real environmental issues. There were many environmental issues, dozens, hundreds of localized events, but they were addressed as quickly and completely as possible by the good national servants of the Coast Guard and many other agencies. Although these events were real and serious, they did not create, they did not amount to this toxic soup we heard about over and over through the national media.

Again, the impression that was clearly left over and over was that all of New Orleans and much of the gulf and much of the gulf coast where fisheries were harvested was a toxic soup with life-threatening toxins that would be in the area and seep into the water and seep into the ground and be factors for literally decades to come.

When we have that sort of national media coverage 24 hours a day, dwelling on this theme over and over for

weeks, one can begin to imagine what it might do to the gulf coast seafood industry. It killed it. What Katrina and Rita hadn't devastated, that media coverage absolutely did. And that is why an informational campaign addressing, among other issues, that ''toxic soup'' claim and the fact that it is just pure fiction, has no basis in science, is very necessary for the immediate health of this industry, and is directly related to the emergency situation stemming from the hurricanes.

I want to compliment several agencies such as NOAA that have done important environmental testing and other work since the hurricanes and which certified that after thousands of tests and sampling of water and seafood from the Gulf of Mexico, that the seafood is absolutely safe to eat. The States of Alabama and Mississippi and Louisiana, along with the U.S. Food and Drug Administration, EPA, NOAA and others, have again analyzed hundreds of samples of fish and shellfish from the waters. All of this testing across the board also proves that there is no broad-based toxic soup; there is absolutely no danger in terms of that seafood from the gulf.

But as many thousands of these tests have been performed, guess what. Hardly a single U.S. consumer has heard about it. Hardly a single U.S. consumer knows about it. So in terms of the viability of the industry, it really doesn't matter, all of these tests being done, because it is not common knowledge, and the word has not gotten out. That is the biggest reason we absolutely need this informational campaign, this promotional campaign, again, that is directly related to the emergency situation produced by Hurricanes Katrina and Rita.

I would welcome Senator COBURN to put back up on his easel the definition of emergency, the definition that we are supposed to be following for true emergency measures. That definition applies here because of the phenomenon I am talking about. That definition is absolutely applicable here because we have an emergency situation for the immediate future of our gulf coast fisheries industry, again, that were devastated by the hurricanes, and much of the fisheries section of this bill goes to that, trying to get processing plants and boats and docks and essential equipment back and repaired, back up and running, and that is important. But just as important is the enormous harm that was caused after the storm by very flawed national media coverage and a lot of misinformation summarized by those two words, ''toxic soup.'' That is why this informational campaign, this promotional campaign is an emergency situation and is directly related to the hurricanes and absolutely meets every one of the definitions Senator COBURN rightly says we must be guided by.

With that, Mr. President, I will close. But in doing so, I urge all of my colleagues to please support the very important fishery provisions in the bill. They are emergency measures. They are all directly related to the hurricanes, including the promotional campaign.

AMENDMENT NO. 3626, AS MODIFIED

Mr. President, I quickly would like to address a small bit of housekeeping, which is to ask unanimous consent to modify language to an amendment I already have at the desk, No. 3626, to take care of a technical matter, and the new language will be delivered to the desk.

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

The amendment, as modified, is as follows:

On page 166, line 12, insert before the colon the following: '', and may be equal to not more than 50 percent of the annual operating budget of the local government in any case in which that local government has suffered a loss of 25 percent or more in tax revenues due to Hurricane Katrina or Hurricane Rita of 2005''.

Mr. VITTER. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. LOTT. Mr President, the Gulf States from Texas to Florida have all been dealt serious blows this past hurricane season by Hurricanes Katrina, Rita, Wilma, and Dennis. The needs are tremendous across the entire Gulf Coast in the fishing communities which were hit hardest and first. Before these hurricanes, the gulf produced about 15 percent of the Nation's domestic wild-caught seafood by weight and about 20 percent by value.

According to a National Oceanic and Atmospheric Administration report, these hurricanes shut down, damaged, or destroyed 90–100 percent of the commercial docking facilities, repair shops, ice houses, offloading facilities, net makers, recreational marinas, bait and tackle shops, and seafood restaurants and retail markets in eastern Louisiana, with similar, if somewhat reduced, impacts in Mississippi and Alabama. Most of these facilities remain closed today, 9 months later.

On September 9, 2005, Secretary of Commerce Gutierrez declared a fisheries disaster for the Gulf of Mexico under the Magnuson-Stevens Act, which authorizes fisheries disaster assistance in such situations. Of the almost $90 billion in disaster funding appropriated by the Congress since these hurricanes, none has been directed at these fishing communities.

On top of the difficulty that gulf fishermen are experiencing in rebuilding their ability to catch and process gulf seafood, they are also faced with the hurdle of getting that catch into the national marketplace.

One issue that continues to hurt Gulf of Mexico fisheries products is the labeling of the coastal Gulf of Mexico waters by the media as ''toxic soup'' during the first few months after Katrina. For example, Anderson Cooper of CNN led a Katrina follow-up story with the chairman of the Louisiana Seafood Promotion and Marketing Board by asking him about the ''toxic soup'' in which Gulf of Mexico fish are growing.

We need to put this issue to rest and rebuild seafood markets lost due to these storms. This is critical to the recovery process. The five Gulf States estimate that their fishing industries have suffered hundreds of millions of dollars in lost sales since these hurricanes. They will not be able to recover unless they get help in getting this industry back on its feet and getting back into the marketplace.

The key issue that the five Gulf State seafood promotion boards face is that once the continuity of product has been lost in any marketplace, sales often are lost permanently to substitute products and reclaiming those markets is a long term challenge. Add the ''toxic soup'' concerns to the mix and the need for marketing is greater than ever at a time when the state seafood board budgets are dwindling or expended.

I will be brief because I know my colleague from Mississippi, and Senator SHELBY from Alabama, who was the author of this portion of the supplemental, have already covered these issues, and Mr. VITTER did a very good job. Maybe I can contribute to the debate just by summing up how critical this is and why this particular amendment, even though it involves only $15 million, should be defeated. It is an important part of what is going on here.

First, let me emphasize, again, that from Texas to Florida, throughout the Gulf of Mexico, Hurricanes Katrina, Rita, Wilma, and Dennis have devastated the fishing communities. They are an important part of our communities, our economy, and our culture. It is not just because we like to see the shrimp boats sail off into the sunset or see the oystermen out there tonging for oysters; it is because it is an important part of the economy. Fifteen percent of the Nation's domestic wild-caught seafood by weight and 20 percent of the value comes from the gulf area. It is an area that makes an important economic contribution. It is an important part of the seafood industry nationally, and it has never been properly marketed or exploited in the terms that it should be. We have already had problems with imports being flooded into the country in a way that undermines the industry, and now we have been hit by these hurricanes.

I emphasize this, too: that while we have passed some $90 billion—in excess of that—for disaster funding as a result of these hurricanes, none of it, zero, has gone to these fishermen and to the fishing industry, for a variety of reasons.

First of all, it takes time to ascertain what the damages are. But when you lose it all, when you lose the processing plants, the boats, the whole industry, it takes time to assess what we have lost and how we are going to repair it, and how do we recover from the

fact that we lost this business. Even NOAA has indicated that these hurricanes shut down, damaged, or destroyed 90 to 100 percent of the commercial docking facilities, repair shops, ice houses, offloading facilities, netmakers, the whole thing.

Once you lose that market, it is difficult to get it back—maybe impossible—but we have to make that effort. This is an important food, it is an important resource. It is an important value for the people. And the only way we are going to get it back is we are going to have to help them repair their vessels and to recover the losses they have had.

A lot of these, by the way, are minorities. In Biloxi, MS, a lot of these fishermen are Vietnamese or Slovonians or Frenchmen, but a lot of them are Vietnamese who lost their house, their truck, their boat, their livelihood. It would make you cry to see these people. This is clearly an area where we should provide this help.

So what this particular part would do would be to focus on us regaining the markets we lost. It is an important part of the recovery process. The five gulf States estimate that their fishing industries have suffered hundreds of millions of dollars in lost sales since the hurricanes. The key issue that the five gulf States' seafood promotion boards face is that once the continuity of the product is broken, getting it back takes effort and time. And then we add to that the bad publicity of the so-called ''toxic soup,'' which was an exaggeration from the beginning, by the way, we have to overcome that.

As a matter of fact, we find that the catch that is possible out there could be very good. The problem is we don't have the boats to get them. We don't have the plants to deal with them when they come in.

So I urge my colleagues, if there is anyplace that we ought to be providing some help, it is the fisheries industry. It is absolutely a part of the critical recovery, just as much or more so than being able to have a way to rebuild your home or repair your home. You have to have a job. For these people, there are not many other options for jobs. So I urge the defeat of the amendment. I commend Senator SHELBY and Senator COCHRAN for including this language in the bill.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I come in support of the amendment. I know that we don't have too much time since the distinguished managers would like to get this bill moving, but let me just say that this is $15 million to be used, and I quote from the bill: ''Seafood promotion strategy,'' which is Congress's attempt to sell consumers pork masquerading as a fish.

Similar to other appropriations in this bill, this $15 million is not limited to marketing seafood from the gulf coast region or other areas that were affected by Hurricane Katrina.

For example, the Alaska Fisheries Marketing Board likely anticipates a payout from these appropriations. We have come a long way from an emergency supplemental. The board has received—this Alaska Fisheries Marketing Board—has received over $30 million from the Federal Government since 2003 from similar provisions in appropriations bills. Last year, this board used a half million dollars to pay Alaska Airlines to paint a giant salmon on a 737. We called it the ''salmon-30-salmon,'' proving that fish do fly, thanks to the American taxpayer.

According to a recent survey by Harris Interactive, 73 percent of all Americans say they eat seafood at least once a month, and 47 percent of all Americans consume more seafood now than they did 5 years ago. These record consumption levels were achieved without a pricey marketing campaign financed by American taxpayers. It appears that Charlie the Tuna and the Chicken of the Sea mermaid are doing their jobs just fine, without any help from the Federal Government.

Additionally, a recent CRS report states:

> The marketability of catch from the gulf coast appears little affected by contamination from storm runoff or consumers' concerns.

Mr. President, let me save the American taxpayers $15 million right now by telling all Americans now to eat seafood. Eat seafood. It is good for you. There we go. C–SPAN has millions of viewers, and they have heard the message. So the marketing campaign is complete. With the Federal budget deficit forecasted to reach $477 billion this year, I doubt the American taxpayer would approve of Congress spending $15 million to promote the consumption of seafood when Americans are already consuming record amounts of seafood.

Lastly, the CRS report also found that prior to Hurricane Katrina, the gulf coast commercial shrimpers had been losing market share to ''competition from less expensive foreign imports and domestic harvesters for several years.'' Therefore, this $15 million marketing campaign seems to be targeted more toward stemming the success of less expensive imports than assisting the gulf coast region's economy.

I ask my colleagues to join me in supporting this amendment to strike the fishiest smelling pork in this bill.

Let me just make one additional comment, if I could. It is clear—it is very clear—that what we have here is a broken process. Any defense money that we are taking out should have been part of the normal budgetary process. I want to tell my colleagues that I and others have embarked on an effort to bring the emergency supplemental that pays for the Iraq war into the normal budgetary process. We have been at war for 3 years. This is the fourth year. There is no reason to do business like this. It bypasses the authorization process, it bypasses any scrutiny by the proper committees, we then bring it to the floor, and it is filled with items such as this ridiculous $15 million for a seafood marketing campaign, and it grows and grows and grows.

Today, in the Wall Street Journal, there is a poll. It says: ''Republicans sag in new poll.'' I found it very interesting that in describing the poll, in particular, Americans who don't approve of Congress blame their sour mood on partisan contention and gridlock in Washington. Some 44 percent call themselves tired of Republicans and Democrats fighting each other. Among all Americans, a 39-percent plurality say the single most important thing for Congress to accomplish this year is curtailing budgetary earmarks benefiting only certain constituents.

I want to repeat that, Mr. President. A 39-percent plurality of Americans are sick and tired of the earmarking process that is going on. Now, when are we going to respond to the American people? Everyplace I go, every town hall meeting I attend, my constituents tell me they are sick and tired of this. And, now, according to a Wall Street Journal NBC poll, a 39-percent plurality say the single most important thing for Congress to accomplish this year is curtailing budgetary earmarks benefiting only certain constituents.

This is a graphic example of what the American people are sick and tired of.

By the way, immigration reform ranks behind earmarks in congressional action that is desired by the American people. It concludes by saying:

> Americans take dim views of both parties, giving Democrats a positive rating of just 33 percent and Republicans 35 percent.

We are at an all-time low in the favorable opinion of the American people. This is an example. This $15 million is a very small but compelling example of our need to change the way we do business. If we vote again to keep this in this bill, we are sending the message to the American people that it is business as usual.

I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, it is the responsibility of the National Marine Fisheries Service to assure Americans of the safety and availability of the seafood from U.S. oceans. The service has done extensive environmental testing in the gulf, and it has shown no increase in toxicity. The gulf seafood is just as safe as the seafood from Washington State or New England.

This amendment strikes the funding that could be used for seafood marketing programs that get that information to the consuming public. The Senate should defeat the amendment.

Mr. President, I was going to move to table the amendment, but I understand it is OK to have the vote on a voice vote or show of hands. So I think we are ready to vote.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. Mr. President, I will agree with the chairman we are almost ready. I just wanted to make a couple of points.

Mr. COCHRAN. Wait a minute, I didn't yield the floor. I am standing here. I asked for a vote.

I move to table the amendment, and I ask for the yeas and nays.

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

The question is on agreeing to the motion to table division II of amendment 3641.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. MCCONNELL. The following Senators were necessarily absent: the Senator from Georgia (Mr. ISAKSON) and the Senator from Pennsylvania (Mr. SANTORUM).

Mr DURBIN. I announce that the Senator from Arkansas (Mrs. LINCOLN) and the Senator from West Virginia (Mr. ROCKEFELLER) are necessarily absent.

I also announce that the Senator from Massachusetts (Mr. KERRY) is absent due to family illness.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KERRY), would vote ''yea.''

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

The result was announced—yeas 44, nays 51, as follows:

[Rollcall Vote No. 100 Leg.]

YEAS—44

Akaka	Domenici	Murray
Allard	Durbin	Nelson (FL)
Baucus	Gregg	Pryor
Bennett	Harkin	Reed
Bond	Hatch	Reid
Boxer	Inouye	Sarbanes
Byrd	Kennedy	Schumer
Cantwell	Landrieu	Shelby
Clinton	Lautenberg	Smith
Cochran	Leahy	Snowe
Coleman	Levin	Specter
Collins	Lott	Stevens
Dayton	McConnell	Vitter
Dodd	Mikulski	Wyden
Dole	Murkowski	

NAYS—51

Alexander	DeMint	Lieberman
Allen	DeWine	Lugar
Bayh	Dorgan	Martinez
Biden	Ensign	McCain
Bingaman	Enzi	Menendez
Brownback	Feingold	Nelson (NE)
Bunning	Feinstein	Obama
Burns	Frist	Roberts
Burr	Graham	Salazar
Carper	Grassley	Sessions
Chafee	Hagel	Stabenow
Chambliss	Hutchison	Sununu
Coburn	Inhofe	Talent
Conrad	Jeffords	Thomas
Cornyn	Johnson	Thune
Craig	Kohl	Voinovich
Crapo	Kyl	Warner

NOT VOTING—5

Isakson	Lincoln	Santorum
Kerry	Rockefeller	

The motion was rejected.

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

The Senator from West Virginia.

Mr. BYRD. Mr. President, do I have the floor?

The PRESIDING OFFICER. The Senator from West Virginia has the floor.

Mr. BYRD. I accede to the request of my chairman, but I ask unanimous consent upon the completion of that vote I be recognized to offer an amendment.

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

The question is on agreeing to division II of the Coburn amendment.

Division II of amendment (No. 3641) was agreed to.

The PRESIDING OFFICER (Mr. CORNYN). Under the previous order, the Senator from West Virginia is recognized.

AMENDMENT NO. 3709

Mr. BYRD. Mr. President, just over 3 years ago the Armed Forces of the United States were sent to fight a new war in Iraq. I was against the entry of our country into that war. At that time, many representations were made that this war would be quick and that it would be easy.

On the eve of war, our Nation was already embroiled in a campaign that sought to portray the invasion of Iraq as a quick and cheap way to rid the world of Saddam's regime and his supposed chemical weapons. We were told that the intervention would be as quick as lightning.

We now know that the war plans called for a withdrawal of nearly all American troops from Iraq by September 2003. Yet here we are, 3 years, 1 month, and 2 weeks later and 135,000 American troops are still in Iraq; 2,383 American troops have been killed; more than 17,500 American troops have been wounded. And for what? For what, I ask?

We were told at the time that the reconstruction of Iraq would cost the American taxpayer almost nothing. Former Deputy Defense Secretary Paul Wolfowitz said that we are dealing with a country—that is, Iraq—that can really finance its own reconstruction and we can do that relatively soon.

Yet here we are, and the total bill for Iraqi reconstruction being footed by the American taxpayers is running into the billions of dollars. We were told at the time that the cost of military action would be small. Secretary Rumsfeld claimed on January 19, 2003, that the Office of Management and Budget had come up with a number that is something under $50 billion for the cost of that war. Yet here we are and the cost of military operations in Iraq is climbing beyond $290 billion.

Astoundingly, the cost of the war in Iraq keeps increasing. According to a Congressional Research Service report released this week, the Iraqi war costs $4.4 billion per month. How about that—$4.4 billion per month in fiscal year 2003; $5 billion per month in fiscal year 2004; $6.4 billion per month in fiscal year 2005; and could reach $8.1 billion per month during this fiscal year. That is an 84-percent increase in the cost of the war in just 3 years.

The growing cost of this abominable war in Iraq must come as a shock to Americans who were led to expect a war that could be done on the cheap. But we should pause to ask, at a time when our Government is drowning in red ink, how can it be that spending for the war in Iraq keeps increasing year after year?

Passage of this supplemental appropriations bill will mean that Congress will have appropriated $320 billion for the war in Iraq and the end is not yet in sight; there is no light at the end of the tunnel yet. That is not the end of the story.

The President has requested a $50 billion bridge fund for the next Defense appropriations bill which will inevitably be followed next year by another large emergency supplemental spending request. Mark my words, it won't be too long before spending on the war in Iraq will eclipse 10 times the figure Secretary Rumsfeld estimated in January of 2003. Talk about being off the mark, talk about being wildly off the mark. Some measure of sanity has to be brought to the spiralling cost of the war.

Four times I have offered amendments to defense spending bills to state the sense of the Senate that the President should include a full estimate of the cost of the war. I have talked until I am hoarse about the cost of this war. Four times I have offered amendments through defense spending bills to state the sense of the Senate that the President should include a full estimate of the cost of the war in his annual budget request. And four times the amendments have passed with strong bipartisan support—Republicans and Democrats on that side of the aisle and on this side of the aisle—and four times the amendments have been ignored by the White House.

The administration's failure to budget for the war means that neither the White House nor Congress is making the tough decisions about how to pay for the ongoing wars in Iraq and Afghanistan.

I support the war in Afghanistan. Yes. We were invaded. This country was invaded. This country was attacked, and the enemy was in Afghanistan. I was for going after those guys. But I did not vote for the war in Iraq. I said it was wrong.

There has been no earnest debate about how wartime spending is to fit into the overall budget picture. Instead, the administration has relied overwhelmingly on emergency supplemental appropriations requests to fund the costs of the ongoing wars. These requests are not part of the regular budget debate in Congress, and they are often foisted upon the legislative branch with little in the way of justification, which Congress is then pressed into passing with a minimum of scrutiny.

The reliance on supplemental appropriations bills is one symptom of a disease that has struck Washington, and

that is the scourge of fiscal irresponsibility. According to data from the Congressional Budget Office, since 2001, the White House has requested a total of $515 billion in emergency supplemental appropriations. That is more than half a trillion dollars that simply does not appear in any of the budget plans passed by Congress.

This dependence—this dependence, I say—on supplemental appropriations dwarfs the requests of prior administrations. In fact, the $515 billion of supplemental funding requests in the last 5 years is more than 3½ times—more than 3½ times—greater than all the supplemental spending requests from the 10 years previous to the current administration.

At a time when our country is facing huge deficits as far as the human eye can see, it is simply irresponsible for the administration to continue to short-circuit the budget process with a never-ending series of huge supplemental appropriations bills. There ought to be some fiscal discipline here in Washington, DC, and that means that the President ought to budget for the cost of the wars. The President pretends that his budget reduces the deficit over 5 years, but he fails to include the full cost of the war in Iraq.

Therefore, Mr. President, I offer an amendment, once again, to state the sense of the Senate that the President should include in his next annual budget request a full estimate—a full estimate—of the cost of the ongoing wars in Iraq and Afghanistan. My amendment states that any funds requested by the President should be placed in regular appropriations accounts, and should be accompanied by a detailed justification for those funds.

The Senate must continue to call for responsible budgeting for the cost of the wars in Iraq and Afghanistan. I have appreciated the efforts of the chairman of the Defense Appropriations Subcommittee. I have appreciated that. And I thank Senator STEVENS for his work with me on the previous four times I have offered this amendment. He is an outstanding chairman of a very important subcommittee. I am grateful for his past support of this amendment on this issue.

Now, the Senate—I apologize for my voice. When I was a boy, there came a time when my voice changed. Well, it is changing again, apparently. I guess I cannot claim to be a boy again.

Mrs. BOXER. You are getting young again, I say to the Senator.

Mr. BYRD. I am getting young again, I am told.

The Senate ought to go on the record once again in favor of fiscal responsibility. With the cost of the war in Iraq escalating beyond $320 billion, it is time to bring some sanity to the budget process. So I urge my colleagues to support this amendment to tell the President to budget for the cost of the wars.

Mr. President, I send the amendment to the desk.

The PRESIDING OFFICER. Is the Senator sending the amendment to the desk?

Mr. BYRD. I ask for a vote. I hope we can vote for this amendment. I ask for the yeas and nays.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from West Virginia [Mr. BYRD], for himself, and Mr. CARPER, proposes an amendment numbered 3709.

The amendment is as follows:

(Purpose: To express the sense of the Senate on requests for funds for military operations in Iraq and Afghanistan for fiscal years after fiscal year 2007)

On page 117, between lines 9 and 10, insert the following:

SENSE OF SENATE ON REQUESTS FOR FUNDS FOR MILITARY OPERATIONS IN IRAQ AND AFGHANISTAN FOR FISCAL YEARS AFTER FISCAL YEAR 2007

SEC. 1312. (a) FINDINGS.—The Senate makes the following findings:

(1) Title IX of the Department of Defense Appropriations Act, 2006 (division A of Public Law 109–148) appropriated $50,000,000,000 for the cost of ongoing military operations overseas in fiscal year 2006, although those funds were not requested by the President.

(2) The President on February 16, 2006, submitted to Congress a request for supplemental appropriations in the amount of $67,600,000,000 for ongoing military operations in fiscal year 2006, none of which supplemental appropriations was included in the concurrent resolution on the budget for fiscal year 2006, as agreed to in the Senate on April 28, 2005.

(3) The President on February 6, 2006, included a $50,000,000,000 allowance for ongoing military operations in fiscal year 2007, but did not formally request the funds or provide any detail on how the allowance may be used.

(4) The concurrent resolution on the budget for fiscal year 2007, as agreed to in the Senate on March 16, 2007, anticipates as much as $86,300,000,000 in emergency spending in fiscal year 2007, indicating that the Senate expects to take up another supplemental appropriations bill to fund ongoing military operations during fiscal year 2007.

(b) SENSE OF SENATE.—It is the sense of the Senate that—

(1) any request for funds for a fiscal year after fiscal year 2007 for ongoing military operations in Afghanistan and Iraq should be included in the annual budget of the President for such fiscal year as submitted to Congress under section 1105(a) of title 31, United States Code;

(2) any request for funds for such a fiscal year for ongoing military operations should provide an estimate of all funds required in that fiscal year for such operations;

(3) any request for funds for ongoing military operations should include a detailed justification of the anticipated use of such funds for such operations; and

(4) any funds provided for ongoing military operations overseas should be provided in appropriations Acts for such fiscal year through appropriations to specific accounts set forth in such appropriations Acts.

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. BYRD. Let's vote. We have voted on this four times already.

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

Mr. VITTER. Thank you, Mr. President.

First, a small bit of housekeeping.

AMENDMENT NO. 3628, AS MODIFIED

Mr. President, I ask unanimous consent that language revisions be made to my amendment No. 3628, which is already at the desk. And those revisions, which are largely technical in nature, will be sent up to the desk right now.

Mrs. MURRAY. Mr. President, I reserve the right to object. We want to have a chance to look at those before the Senator sends them to the desk.

Mr. VITTER. That would be fine. This is an amendment that has already been presented to the minority side. This is a language revision of that amendment.

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

The amendment (No. 3628), as modified, is as follows:

On page 253, insert between lines 19 and 20, the following:

ALLOCATION OF HURRICANE DISASTER RELIEF AND RECOVERY FUNDS TO STATES

SEC. 7032. (a) In this section the term ''covered funds'' means any funds that——

(1) are made available to the Department of Justice, the Department of Interior, the Department of Labor, the Department of Education, the Department of Health and Human Services under title II of this Act for hurricane disaster relief and recovery; and

(2) are allocated by that department or agency for use by the States.

(b) Notwithstanding any other provision of law (including title II of this Act)——

(1) before making covered funds available to any State, the head of the department or agency administering such funds shall apply an allocation formula for all States that take into consideration critical need and physical damages to property, equipment, and financial losses; and

(2) not later than 5 days before making such covered funds available to any State, submit a report to the Committees on Appropriations of the Senate and the House of Representatives on the allocation formula that is being used.

AMENDMENT NO. 3668

Mr. VITTER. Mr. President, I also call up and briefly wish to speak on a new amendment, which I will also send to the minority side, amendment No. 3668.

The PRESIDING OFFICER. Is there objection to setting aside the pending amendment?

Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from Louisiana [Mr. VITTER] proposes an amendment numbered 3668.

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

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

The amendment is as follows:

(Purpose: To provide for the treatment of a certain Corps of Engineers project)

On page 253, between lines 19 and 20, insert the following:

LA LOUTRE RIDGE PROJECT

SEC. 7____. For purposes of chapter 3 of title I of division B of the Department of Defense, Emergency Supplemental Appropriations to Address Hurricanes in the Gulf of Mexico, and Pandemic Influenza Act, 2006 (Public Law 109–148; 119 Stat. 2761), the water control structure in the vicinity of La Loutre Ridge shall be considered to be an authorized operations and maintenance activity of the Corps of Engineers.

Mr. VITTER. Mr. President, this amendment does not cost any money. It does not increase the size or expense of the bill whatsoever. It does, however, add significant language regarding an issue that is very important to coastal Louisiana with regard to coastal flooding, and that has to do with the now infamous Mississippi River Gulf Outlet, also known as MRGO.

MRGO is considered by virtually everyone to be a real problem, a conduit of hurricane storm surge and a conduit of saltwater intrusion which has eaten away at our coastal marshland in southeast Louisiana and has produced increased vulnerability to coastal storm surge.

Many eyewitnesses and computer models confirm that MRGO contributed to enormous destruction caused by Hurricane Katrina. Hundreds of thousands of acres of coastal lands have also been lost because of the saltwater intrusion invited by MRGO.

My amendment, again, would not increase the funding in the bill. It would not increase the cost of the bill. It would simply allow for a portion of the funds already appropriated in the last emergency supplemental for hurricane recovery for the restoration of the banks of MRGO to also be used to begin implementation of a water control structure to block hurricane storm surge from rolling up through MRGO to populated areas. Again, there is broad consensus that this needs to be done to battle against this vulnerability.

In closing, I would simply underscore my amendment does not score, does not appropriate any new money.

With that, Mr. President, I yield back my time.

Mr. BYRD. Vote. Let's vote. Vote, Mr. President.

The PRESIDING OFFICER. Is there further debate on the amendment by the Senator from Louisiana?

VOTE ON AMENDMENT NO. 3709

Mr. BYRD. Mr. President, I call for the regular order with respect to my amendment.

The PRESIDING OFFICER. The Senator has that right.

The amendment is now pending.

Mr. BYRD. Let's vote.

Mr. COCHRAN. The yeas and nays have been ordered.

Mr. BYRD. The yeas and nays have been ordered.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. MCCONNELL. The following Senators were necessarily absent: the Senator from Missouri (Mr. BOND), the Senator from South Carolina (Mr. DEMINT), the Senator from Georgia (Mr. ISAKSON), and the Senator from Pennsylvania (Mr. SANTORUM).

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

I also announce that the Senator from Massachusetts (Mr. KERRY) is absent due to family illness.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KERRY) would vote ''yea.''

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

The result was announced—yeas 94, nays 0, as follows:

[Rollcall Vote No. 101 Leg.]

YEAS—94

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

NOT VOTING—6

Bond	Isakson	Rockefeller
DeMint	Kerry	Santorum

The amendment (No. 3709) was agreed to.

Mr. COCHRAN. I move to reconsider the vote.

Mrs. MURRAY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. BURR. I call up my amendment which is at the desk.

The PRESIDING OFFICER. Is there objection to setting aside the pending amendment?

Mr. MENENDEZ. Reserving the right to object, if the Senator from North Carolina will agree, I ask unanimous consent that subsequent to his amendment, I be recognized next in order to offer my amendment, and I will have no objection to setting aside the pending amendment.

The PRESIDING OFFICER (Mr. CHAFEE). Is there objection?

Mr. COBURN. Reserving the right to object, I have 3 minutes' worth of housekeeping that I would like to get done on amendments that will make the process move faster and offer amendments without debate so they can get in the queue. I would like to do that after Senator BURR, if that is OK with the Senator from New Jersey.

Mr. BURR. Mr. President, if it helps my colleagues, it will take me 20 seconds to offer this amendment.

Mr. CHAMBLISS. Mr. President, reserving the right to object, I ask the Senator from New Jersey how long does he anticipate speaking on his amendment?

Mr. MENENDEZ. About 10 to 12 minutes.

Mr. CHAMBLISS. Mr. President, I ask unanimous consent that after Senator BURR, Senator COBURN be recognized, then Senator MENENDEZ, and then I be recognized for up to 7 minutes.

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

The Senator from North Carolina.

AMENDMENT NO. 3713

Mr. BURR. Mr. President, I ask unanimous consent to set the pending amendment, and I call up my amendment, which is at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from North Carolina [Mr. BURR] proposes an amendment numbered 3713.

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

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

The amendment is as follows:

(Purpose: To allocate funds to the Smithsonian Institution for research on avian influenza)

On page 238, line 23, strike ''Control and Prevention, and'' and insert ''Control and Prevention, $5,000,000 shall be for the Smithsonian Institution to carry out global and domestic disease surveillance, and''.

Mr. BURR. I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

AMENDMENT NO. 3641, DIVISION III, WITHDRAWN

Mr. COBURN. Mr. President, I call up amendment No. 3641, division III, and ask unanimous consent for its withdrawal.

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

AMENDMENTS NOS. 3693, 3694, 3695, AND 3697, EN BLOC

Mr. COBURN. Mr. President, I call up four amendments to place them in the queue. They are the Barak Obama-Coburn transparency amendments, four in order. I ask they be called up.

The PRESIDING OFFICER. Without objection, the amendments will be called up en bloc, and the clerk will report.

The legislative clerk read as follows:

The Senator from Oklahoma [Mr. COBURN], for Mr. OBAMA, for himself, proposes amendments numbered 3693, 3694, 3695, and 3697, en bloc.

Mr. COBURN. Mr. President, I ask unanimous consent that the reading of the amendments be dispensed with.

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

The amendments are as follows:

AMENDMENT NO. 3693

(Purpose: To reduce wasteful spending by limiting to the reasonable industry standard the spending for administrative overhead allowable under Federal contracts and subcontracts)

On page 253, between lines 19 and 20, insert the following:

LIMITS ON ADMINISTRATIVE COSTS UNDER FEDERAL CONTRACTS

SEC. 7032. None of the funds appropriated by this Act may be used by an executive agency to enter into any Federal contract (including any subcontract or follow-on contract) for which the administrative overhead and contract management expenses exceed the reasonable industry standard as published by the Director of the Office of Management and Budget unless, not later than 3 days before entering into the contract, the head of the executive agency provides to the chair and ranking member of the relevant oversight committees of the Senate and the House of Representatives a copy of the contract, any other documentation requested by Congress, and a justification for excessive overhead expense.

AMENDMENT NO. 3694

(Purpose: To improve accountability for competitive contracting in hurricane recovery by requiring the Director of the Office of Management and Budget to approve contracts awarded without competitive procedures)

On page 253, between lines 19 and 20, insert the following:

ACCOUNTABILITY IN HURRICANE RECOVERY CONTRACTING

SEC. 7032. None of the funds appropriated by this Act that are made available for relief and recovery efforts related to Hurricane Katrina and the other hurricanes of the 2005 season may be used by an executive agency to enter into any Federal contract (including any follow-on contract) exceeding $1,000,000 through the use of procedures other than competitive procedures as required by the Federal Acquisition Regulation and, as applicable, section 303(a) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253(a)) or section 2304(a) of title 10, United States Code, unless the Director of the Office of Management and Budget specifically approves the use of such procedures for such contract, and not later than 7 days after entering into the contract, the executive agency provides to the chair and ranking member of the relevant oversight committees of the Senate and the House of Representatives a copy of the contract, the justification for the procedures used, the date when the contract will end, and the steps being taken to ensure that any future contracts for the product or service or with the same vendor will follow the appropriate competitive procedures.

AMENDMENT NO. 3695

(Purpose: To improve financial transparency in hurricane recovery by requiring the Director of the Office of Management and Budget to make information about Federal contracts publicly available)

On page 253, between lines 19 and 20, insert the following:

FINANCIAL TRANSPARENCY IN HURRICANE RECOVERY CONTRACTING

SEC. 7032. None of the funds appropriated by this Act that are made available for relief and recovery efforts related to Hurricane Katrina and other hurricanes of the 2005 season may be used by an executive agency to enter into any Federal contract (including any follow-on contract) exceeding $250,000 unless the Director of the Office of Management and Budget publishes on an accessible Federal Internet website an electronically searchable monthly report that includes an electronic mail address and phone number that can be used to report waste, fraud, or abuse, the number and outcome of fraud investigations related to such recovery efforts conducted by executive agencies, and for each entity that has received more than $250,000 in amounts appropriated or otherwise made available by this Act, the name of the entity and a unique identifier, the total amount of Federal funds that the entity has received since August 25, 2005, the geographic location and official tax domicile of the entity and the primary location of performance of contracts paid for with such amounts, and an itemized breakdown of each contract exceeding $100,000 that specifies the funding agency, program source, contract type, number of bids received, and a description of the purpose of the contract.

AMENDMENT NO. 3697

(Purpose: To improve transparency and accountability by establishing a Chief Financial Officer to oversee hurricane relief and recovery efforts)

On page 253, between lines 19 and 20, insert the following:

TITLE VII—EMERGENCY RECOVERY SPENDING OVERSIGHT

SEC. 8001. SHORT TITLE.

This title may be cited as the ''Oversight of Vital Emergency Recovery Spending Enhancement and Enforcement Act of 2006''.

SEC. 8002. DEFINITIONS.

(a) CHIEF FINANCIAL OFFICER.—The term ''Chief Financial Officer'' means the Hurricane Katrina Recovery Chief Financial Officer.

(b) OFFICE.—The term ''Office'' means the Office of the Hurricane Katrina Recovery Chief Financial Officer.

SEC. 8003. ESTABLISHMENT AND FUNCTIONS.

(a) ESTABLISHMENT.—There is established within the Executive Office of the President, the Office of the Hurricane Katrina Recovery Chief Financial Officer.

(b) CHIEF FINANCIAL OFFICER.—

(1) APPOINTMENT.—The Hurricane Katrina Recovery Chief Financial Officer shall be the head of the Office. The Chief Financial Officer shall be appointed by the President, by and with the advice and consent of the Senate.

(2) QUALIFICATIONS.—The Chief Financial Officer shall—

(A) have the qualifications required under section 901(a)(3) of title 31, United States Code; and

(B) have knowledge of Federal contracting and policymaking functions.

(c) AUTHORITIES AND FUNCTIONS.—

(1) IN GENERAL.—The Chief Financial Officer shall—

(A) be responsible for the efficient and effective use of Federal funds in all activities relating to the recovery from Hurricane Katrina;

(B) strive to ensure that—

(i) priority in the distribution of Federal relief funds is given to individuals and organizations most in need of financial assistance; and

(ii) priority in the distribution of Federal reconstruction funds is given to business entities that are based in Louisiana, Mississippi, Alabama, or Florida or business entities that hire workers who resided in those States on August 24, 2005;

(C) perform risk assessments of all programs and operations related to recovery from Hurricane Katrina and implement internal controls and program oversight based on risk of waste, fraud, or abuse;

(D) oversee all financial management activities relating to the programs and operations of the Hurricane Katrina recovery effort;

(E) develop and maintain an integrated accounting and financial management system, including financial reporting and internal controls, which—

(i) complies with applicable accounting principles, standards, and requirements, and internal control standards;

(ii) complies with such policies and requirements as may be prescribed by the Director of the Office of Management and Budget;

(iii) complies with any other requirements applicable to such systems; and

(iv) provides for—

(I) complete, reliable, consistent, and timely information which is prepared on a uniform basis and which is responsive to the financial information needs of the Office;

(II) the development and reporting of cost information;

(III) the integration of accounting and budgeting information; and

(IV) the systematic measurement of performance;

(F) monitor the financial execution of the budget of Federal agencies relating to recovery from Hurricane Katrina in relation to actual expenditures;

(G) have access to all records, reports, audits, reviews, documents, papers, recommendations, or other material which are the property of Federal agencies or which are available to the agencies, and which relate to programs and operations with respect to which the Chief Financial Officer has responsibilities;

(H) request such information or assistance as may be necessary for carrying out the duties and responsibilities provided by this section from any Federal, State, or local governmental entity, including any Chief Financial Officer under section 902 of title 31, United States Code, and, upon receiving such request, insofar as is practicable and not in contravention of any existing law, any such Federal Governmental entity or Chief Financial Officer under section 902 shall cooperate and furnish such requested information or assistance;

(I) to the extent and in such amounts as may be provided in advance by appropriations Acts, be authorized to—

(i) enter into contracts and other arrangements with public agencies and with private persons for the preparation of financial statements, studies, analyses, and other services; and

(ii) make such payments as may be necessary to carry out the provisions of this section;

(J) for purposes of the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note), perform, in consultation with the Office of Management and Budget, the functions of the head of an agency for any activity relating to the recovery from Hurricane Katrina that is not currently the responsibility of the head of an agency under that Act; and

(K) transmit a report, on a quarterly basis, regarding any program or activity identified by the Chief Financial Officer as susceptible to significant improper payments under section 2(a) of the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note) to the appropriate inspector general.

(2) ACCESS.—Except as provided in paragraph (1)(H), this subsection does not provide to the Chief Financial Officer any access greater than permitted under any other law to records, reports, audits, reviews, documents, papers, recommendations, or other material of any Office of Inspector General established under the Inspector General Act of 1978 (5 U.S.C. App.).

(3) COORDINATION OF AGENCIES.—In the performance of the authorities and functions under paragraph (1) by the Chief Financial Officer the President (or the President's designee) shall act as the head of the Office and the Chief Financial Officer shall have management and oversight of all agencies performing activities relating to the recovery from Hurricane Katrina.

(4) REGULAR REPORTS.—

(A) IN GENERAL.—Every month the Chief Financial Officer shall submit a financial report on the activities for which the Chief Financial Officer has management and oversight responsibilities to—

(i) the Committee on Homeland Security and Governmental Affairs of the Senate;

(ii) the Committee on Homeland Security of the House of Representatives;

(iii) the Committees on Appropriations of the Senate and House of Representatives; and

(iv) the Committee on Government Reform of the House of Representatives.

(B) CONTENTS.—Each report under this paragraph shall include—

(i) the extent to which Federal relief funds have been given to individuals and organizations most in need of financial assistance;

(ii) the extent to which Federal reconstruction funds have been made available to business entities that are based in Louisiana, Mississippi, Alabama, or Florida or business entities that hire workers who resided in those States on August 24, 2005;

(iii) the extent to which Federal agencies have made use of sole source, no-bid or cost-plus contracts; and

(iv) an assessment of the financial execution of the budget of Federal agencies relating to recovery from Hurricane Katrina in relation to actual expenditures.

(C) FIRST REPORT.—The first report under this paragraph shall be submitted for the first full month for which a Chief Financial Officer has been appointed.

(d) RESPONSIBILITIES OF CHIEF FINANCIAL OFFICERS.—Nothing in this Act shall be construed to relieve the responsibilities of any Chief Financial Officer under section 902 of title 31, United States Code.

(e) AVAILABILITY OF RECORDS.—Upon request to the Chief Financial Officer, the Office shall make the records of the Office available to the Inspector General of any Federal agency performing recovery activities relating to Hurricane Katrina, or to any Special Inspector General designated to investigate such activities, for the purpose of performing the duties of that Inspector General under the Inspector General Act of 1978 (5 U.S.C. App.).

SEC. 8004. REPORTS OF THE GOVERNMENT ACCOUNTABILITY OFFICE.

The Government Accountability Office shall provide quarterly reports to the committees described under section 8003(c)(4)(A) relating to all activities and expenditures overseen by the Office, including—

(1) the accuracy of reports submitted by the Chief Financial Officer to Congress;

(2) the extent to which agencies performing activities relating to the recovery from Hurricane Katrina have made use of sole source, no-bid or cost-plus contracts;

(3) whether Federal funds expended by State and local government agencies were spent for their intended use;

(4) the extent to which Federal relief funds have been distributed to individuals and organizations most affected by Hurricane Katrina and Federal reconstruction funds have been made available to business entities that are based in Louisiana, Mississippi, Alabama, or Florida or business entities that hire workers who resided in those States on August 24, 2005; and

(5) the extent to which internal controls to prevent waste, fraud, or abuse exist in the use of Federal funds relating to the recovery from Hurricane Katrina.

SEC. 8005. ADMINISTRATIVE AND SUPPORT SERVICES.

(a) IN GENERAL.—The President shall provide administrative and support services (including office space) for the Office and the Chief Financial Officer.

(b) PERSONNEL.—The President shall provide for personnel for the Office through the detail of Federal employees. Any Federal employee may be detailed to the Office without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

SEC. 8006. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as necessary to carry out this title.

SEC. 8007. TERMINATION OF OFFICE.

(a) IN GENERAL.—The Office and position of Chief Financial Officer shall terminate 1 year after the date of the enactment of this Act.

(b) EXTENSION.—The President may extend the date of termination annually under subsection (a) to any date occurring before 5 years after the date of the enactment of this Act.

(c) NOTIFICATION.—The President shall notify the committees described under section 8003(c)(4)(A) 60 days before any extension of the date of termination under this section.

Mr. COBURN. I yield the floor.

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

AMENDMENT NO. 3675

Mr. MENENDEZ. Mr. President, I call up amendment No. 3675 and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the pending amendments are set aside, and the clerk will report.

The legislative clerk read as follows:

The Senator from New Jersey [Mr. MENENDEZ], for himself, Mr. LAUTENBERG, Mr. INOUYE, Mrs. CLINTON, and Mr. LIEBERMAN, proposes an amendment numbered 3675.

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

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

The amendment is as follows:

(Purpose: To provide additional appropriations for research, development, acquisition, and operations by the Domestic Nuclear Detection Office, for the purchase of container inspection equipment for developing countries, for the implementation of the Transportation Worker Identification Credential program, and for the training of Customs and Border Protection officials on the use of new technologies)

On page 237, between lines 6 and 7, insert the following:

For an additional amount for the training of employees of the Bureau of Customs and Border Protection, $10,000,000, to remain available until September 30, 2007: *Provided,* That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

On page 237, between lines 10 and 11, insert the following:

For an additional amount for the purchase of new container inspection technology at ports in developing countries and the training of local authorities, pursuant to section 70109 of title 46, United States Code, on the use of such technology, $50,000,000, to remain available until September 30, 2007: *Provided,* That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

For an additional amount for the implementation of section 70105 of title 46, United States Code, $12,000,000, to remain available until September 30, 2007: *Provided,* That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

TRANSPORTATION SECURITY ADMINISTRATION

TRANSPORTATION VETTING AND CREDENTIALING

For an additional amount for the implementation of section 70105 of title 46, United States Code, $13,000,000, to remain available until September 30, 2007, of which $250,000 shall be made available for the Secretary of Homeland Security's preparation and submission to Congress of a plan, not later than September 30, 2006, with specific annual benchmarks, to inspect 100 percent of the cargo containers destined for the United States: *Provided,* That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

On page 237, line 25, strike ''$132,000,000'' and insert ''$232,000,000'': *Provided,* That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

Mr. MENENDEZ. Mr. President, when Congress adjourned on its 2-week recess, I heard from many of my constituents back home in New Jersey that they were somewhat shocked to find out that one of the most critical elements of our security, the ports in the Nation, still were subject to such vulnerability.

Just this weekend, we received a vivid reminder of the threat that still exists when Osama bin Laden released yet another tape threatening to kill innocent Americans.

We often talk tough, but then sometimes we act weak. And nowhere is that concern more urgent than at our ports where 4½ years after September 11, we still don't know what is contained in 95 percent of all of the containers entering this country. That is a colossal failure, and we are here to make sure that Congress takes steps to reverse it.

In the collapse of the Dubai Ports World deal, the eyes of the Nation were riveted on this problem. Most Americans were shocked to discover that only 5 percent—5 percent—of the containers passing through our ports are

inspected, and they demanded improvement.

In the wake of that deal, the Senate responded by approving our plan that added nearly $1 billion to the budget to fund port security, and that was a good first step. But as we said at the time, the proof will be if Congress actually steps forward to follow through with the funding.

The 9/11 Commission told us that to prevent a future terrorist attack, we had to think outside the box. But at our ports, we actually need to think inside the container because we need to know what is in the containers that enter the country through our ports every day.

The bottom line is that we need to get on the road to 100 percent scanning and inspections of the containers coming into this country, and we need to get there sooner rather than later. That is why this amendment requires the administration to provide Congress and the American people with a clear plan, with specific yearly benchmarks to achieve 100 percent inspections of containers.

The Appropriations Committee took a big step forward by approving Senator BYRD's amendment to spend $648 million to strengthen inspections, fund new radiation portals and cargo container systems, and add money for local port security grants. That is a dramatic improvement over the other body's bill which did nothing to add additional funding for port security.

But I believe we need to do more. To protect our ports at home, we have to inspect containers abroad, before they arrive in our ports, our towns, and our cities. We must also ensure that foreign ports, especially those ports in less prosperous countries, are safe and secure because this cargo comes to our ports as well.

The amendment, therefore, provides $50 million to help those countries that may not have the wherewithal to achieve the latest cargo scanning technologies because without that kind of support, those ports could remain the weakest link in our international port security chain. We have to make sure they do not become the easy targets for terrorists looking for lax security practices.

I listened a lot to those in the shipping industry, and officials have stated that the Container Security Initiative operated by Customs and the Border Patrol is highly dependent on the willingness of a foreign port to participate in the program and to effectively implement security measures. But even if a foreign port is prepared to participate and to implement security measures, they may lack the funding to procure the technologies and to hire and train adequate personnel to do so.

In compounding this potential security gap, the shipping industry has noted there is inconsistency among U.S. ports in the way they operate. So if there are already operational inconsistencies among U.S. ports, one can only imagine how security measures are implemented at foreign ports of origins shipping goods to the United States.

The additional funding I am calling for will help redress some of those inconsistencies by providing some of the state-of-the-art scanning technologies used at U.S. ports in countries abroad.

While we are on the subject of technologies, I have heard from a number of Federal, State, and local officials working at the port in my home State, Port Elizabeth in Newark, who have emphasized the critical need of deployment of the most current detection and scanning technologies at U.S. ports. They are currently using first-generation detection technologies, older technologies noted to be insufficient to combat newer and more complex security threats.

Cargo volume at that port alone is expected to double by 2020. Space at most ports is at a premium. Access to freight is extremely difficult. Cargo containers are often stacked end to end and door to door. We have to give Federal, State, and local law enforcement and Homeland Security officials near-term access to technologies that make their jobs feasible. We cannot send them out to fight a war with sticks and stones.

The complexity and vulnerability of the cargo container transport process only makes the need for robust technologies that much more important. My amendment, therefore, also provides $100 million for Domestic Nuclear Detection Office research and development. We have not sufficiently focused on creating second-generation technologies for nonintrusive inspections which the private sector is unlikely to develop. It is time for that to change.

Our technologies are only as good as the people operating them. That is why we also have included $10 million for CBP training. That amendment would provide $10 million to train CBP officers so they can utilize new technologies and processes to improve port security.

It actually takes six such officers alone to safely operate one vehicle and cargo inspection unit. Right now at Port Elizabeth in Newark, they operate four of those mobile units and two stationary ones. That is 36 officers dedicated solely to operating one scanning technology. Those officers need to be trained before they can operate those units.

Cargo volume is forecast to increase. We want to see that in the context of our trade and economy, but terminal operators are extending commercial hours to accommodate that increased cargo volume. We have to make sure it moves quickly and safely. Doing so not only requires effective modern technologies but also a sufficient number of well-trained staff to operate the scanning and detection equipment. That is going to require additional officers to be on the job for extended hours and even on the weekends.

Once we have the right technologies and a sufficient number of well-trained CBP and Coast Guard officers with the tools to do their jobs, we need to make sure that port workers who come in and out of the ports, particularly into sensitive areas, are properly screened.

This is not about randomly excluding people we don't like from coming in. This is about ensuring that the men and women who are in essential parts of the cargo supply chain cannot be compromised by interests seeking to harm our Nation's port. That is where the Transport Worker Identification Program comes in.

The Maritime Transportation Security Act, MTSA, enacted in 2002 requires DHS to supply a worker identification card that uses biometrics, such as fingerprints, to control access to secure areas of ports or ships. The TSA was supposed to issue those credentials to more than 6 million maritime workers in August of 2004. It is April of 2006 and nearly 2 years down the line, and there is still no nationwide port worker credential program.

If this was such a priority, such a critical part of our security, why hasn't it happened? The GAO report back at the end of 2004 said that TSA didn't have a plan for managing this project. Guess what else they said would happen without that plan. Failure to develop such a plan places the program at higher risks of cost overruns, missed deadlines, underperformance. Missed deadlines—that obviously has happened. Cost overruns, I wouldn't doubt it. And I suppose the jury is still out on ''underperformance.'' They concluded that each delay of the program to develop a credential card postpones enhancements to port security and complicates port stakeholders' efforts to make the appropriate investment decisions regarding security infrastructure.

Just this week, Homeland Security Secretary Chertoff announced that DHS will finally begin background checks on port workers as a precursor to a nationwide rollout of this long-awaited port worker credential program by the fall of 2006. I am glad they are finally getting around to doing this.

But there is one problem, and that is that they lack fiscal 2006 funding to implement the rollout. So we better hope that DHS has put some money away in its coffers to pay for this big event. It is probably not wise to bank on a timely passage of the 2007 spending bill in time to provide DHS with the funds they need for that rollout. We can certainly hope that is the case, but I wouldn't want to jeopardize a rollout of a critical program by banking on something that may or may not happen in time.

That is why this amendment also allows DHS to have the funds necessary on an urgent, near-term basis, so that we can finally, 2 years later, get to where we need to be.

Let me close by reminding us all that strengthening security at our ports is

not going to be cheap. Given the budgetary challenges we face, we understand it is a difficult choice. But an attack on one of our ports would not only cause a tremendous toll in loss of life, but it would also shut down a port and all of the economic activity it generates.

Just in my home State of New Jersey alone, with the third largest port in the country, the mega port of the east coast, 200,000 jobs, $25 billion of economic activity, that is what is at stake, in addition to the lives.

If we could roll back the clock 10 years and spend a few billion dollars to raise the levees in New Orleans to be able to withstand a category 5 hurricane, we could have saved hundreds of lives, as well as the billions of dollars more that it would take to rebuild that city. I don't want our country to look back in hindsight a few years from now with the realization that had we spent the necessary dollars now to improve the security at our ports, we could have prevented a major terrorist attack.

Who among us would be satisfied in the aftermath of an attack that we did not take the steps that we could have in order to prevent such an attack because we were unwilling to make the commitment to do so? That is the choice the Congress faces for the security of our country. It is an essential one that we need to make right now, and this amendment offers that opportunity.

Mr. President, I yield the floor.

Mr. LAUTENBERG. Mr. President, I rise in support of the Menendez amendment to adequately fund port and container security.

Our ports are vulnerable to a terrorist attack. We know this.

We only inspect about 5 percent of the shipping containers that enter our country.

Terrorists could smuggle themselves, traditional weapons, and nuclear or chemical weapons into a harbor.

From there, they could potentially launch an attack even more devastating than 9/11.

In my home State of New Jersey—where we lost some 700 victims on 9/11—Federal officials have identified the 2-mile stretch between Port Newark and Newark Liberty International Airport as the most dangerous target in the United States for terrorism.

But port security is not just a local concern. Our ports are essential to the flow of goods and commodities in our national economy, and vital to our military; 95 percent of all goods imported into this country arrive by ship.

Mr. President, this administration's mishandling of the Dubai Ports deal has highlighted the fact that our ports are still vulnerable.

We need a way to ensure that 100 percent of the containers coming into our country are WMD-free.

The Bush administration has said that we can't check all containers coming into the U.S. for WMD's.

But we check every airline passenger for weapons. We do not just look at an airline passenger's ticket and say ''OK, on paper, this guy looks fine.''

That is the Bush administration's current idea of port security—just a simple look at the paperwork.

Mr. President, we need to check containers for WMDs. The amendment of my friend, Senator MENENDEZ, will give us the tools we need to do this. It will adequately protect our ports, our economy and our lives.

I urge my colleagues to support the Menendez amendment.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. CHAMBLISS. I yield to the Senator from Washington.

Mrs. MURRAY. I appreciate that. Mr. President, I rise to ask for a unanimous consent agreement so we can set in order the speakers that we have left on our side. I see you have several on your side as well, so perhaps we can work together to do this. But we have remaining Senator CONRAD, who would like 7 minutes; Senator LEVIN who would like 2 minutes; Senator SCHUMER would like 5 minutes, and I would like 1 minute to offer an amendment on behalf of Senator HARKIN. If we could set in order a time on those, we would be happy to go back and forth with the Members on your side who would like to speak.

Mr. ALLARD. Mr. President, if the Senator from Washington will yield, I would ask that on this side, following the Democratic speaker, whoever that is, that I be allowed to speak, and then following me would be Senator CORNYN, and that there be an intervening—since we are switching sides back and forth, I assume that you would have somebody to put in the queue. So I would ask that you modify your unanimous consent request.

Mrs. MURRAY. Mr. President, I would be happy to modify my unanimous consent request to say that following the Senator from Georgia, Senator CONRAD be recognized for 7 minutes, that Senator ALLARD then be recognized, Senator LEVIN for 2 minutes, Senator CORNYN for whatever time he asks for, Senator SCHUMER for 5 minutes, and then Senator BYRD.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mrs. MURRAY. Mr. President, if my colleagues would advise how much time they have so we can let our Senators know when to be on the floor so we can move things along more quickly. Can the Senators from Texas and Colorado tell us how much time they want?

Mr. ALLARD. I want 1 minute to offer an amendment and then another one I want to call up. I think I can get that accomplished within 7 minutes, so I request 7 minutes.

Mr. CORNYN. Mr. President, I need about 20 minutes, but I would be willing to work with the other side if there are short-time speakers, to try to make sure people would not have to wait. So I am sure we can work something out.

Mrs. MURRAY. Mr. President, I amend my unanimous consent request, and I would ask for 1 minute for myself in the intervening time.

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

Mr. CHAMBLISS. Mr. President, what is the pending business?

The PRESIDING OFFICER. The pending amendment is the Menendez amendment.

AMENDMENT NO. 3702

Mr. CHAMBLISS. Mr. President, I ask unanimous consent that the Menendez amendment be set aside and that I be allowed to call up amendment No. 3702.

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

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Georgia [Mr. CHAMBLISS], for himself and Mr. ISAKSON, proposes an amendment numbered 3702.

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

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

The amendment is as follows:

(Purpose: Relating to the comprehensive review of the procedures of the Department of Defense on mortuary affairs)

On page 253, between lines 19 and 20, insert the following:

COMPREHENSIVE REVIEW ON PROCEDURES OF THE DEPARTMENT OF DEFENSE ON MORTUARY AFFAIRS

SEC. 7032. (a) REPORT.—As soon as practicable after the completion of the comprehensive review of the procedures of the Department of Defense on mortuary affairs, the Secretary of Defense shall submit to the congressional defense committees a report on the review.

(b) ADDITIONAL ELEMENTS.—In conducting the comprehensive review described in subsection (a), the Secretary shall also address, in addition to any other matters covered by the review, the following:

(1) The utilization of additional or increased refrigeration (including icing) in combat theaters in order to enhance preservation of remains.

(2) The relocation of refrigeration assets further forward in the field.

(3) Specific time standards for the movement of remains from combat units.

(4) The forward location of autopsy and embalming operations.

(5) Any other matters that the Secretary considers appropriate in order to speed the return of remains to the United States in a non-decomposed state.

(c) ADDITIONAL ELEMENT OF POLICY ON CASUALTY ASSISTANCE TO SURVIVORS OF MILITARY DECEDENTS.—Section 562(b) of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3267; 10 U.S.C. 1475 note) is amended by adding at the end the following new paragraph:

''(12) The process by which the Department of Defense, upon request, briefs survivors of military decedents on the cause of, and any investigation into, the death of such military decedents and on the disposition and transportation of the remains of such decedents, which process shall—

''(A) provide for the provision of such briefings by fully qualified Department personnel;

''(B) ensure briefings take place as soon as possible after death and updates are provided in a timely manner when new information becomes available;

''(C) ensure that—

''(i) such briefings and updates relate the most complete and accurate information available at the time of such briefings or updates, as the case may be; and

''(ii) incomplete or unverified information is identified as such during the course of such briefings or updates; and

''(D) include procedures by which such survivors shall, upon request, receive updates or supplemental information on such briefings or updates from qualified Department personnel.''.

Mr. CHAMBLISS. Mr. President, this bill that we are debating today will appropriate somewhere in the neighborhood of $70 billion for ongoing operations in Iraq, Afghanistan, and the War on Terrorism. This money is important to ensure that our military has the resources necessary to win this war and continue to be the best equipped, best trained, and best led military in the world. However, there is another side to this war on terrorism that doesn't deal with money. It deals with something more important than money, and that is people.

We are sending our young men and women overseas to faraway places to fight and win this war. These men and women are the most important part of this war—more important than any tank, any humvee, any airplane, or any ship that we will buy with the money that we will appropriate through the bill that we are debating today.

I have been to visit our young men and women fighting in Iraq on four different occasions. I have gone on these trips with the intention of seeing firsthand what is happening in the theater and to say thank you to the men and women, with their boots on the ground, with the hope of encouraging our servicemembers who are on the front lines in this global war on terrorism. But as all of us who have gone to visit our soldiers overseas find, we are the ones who wind up being encouraged and inspired by them. We are encouraged by their professionalism, their maturity, their commitment, and their courage to do the job that our country has asked them to do.

However, we all know that some of these brave men and women do not return. Some of our soldiers, sailors, airmen, and marines have given their lives in this global war on terrorism. These men and women are, in the fullest sense of the words, fallen heroes who have given the greatest sacrifice possible so that we in this country, as well as the Iraqi people, the Afghan people, and people in less fortunate parts of the world than the United States, can live in a world that is safe and free from terror.

SGT Paul Saylor was one of these heroes. Sergeant Saylor was from Bremen, Georgia, and was a member of the Georgia National Guard's 48th Brigade, assigned to the 1st Battalion, 108th Armor Regiment, serving in Iraq last summer. Sergeant Saylor's humvee was part of a six-vehicle convoy and ran off the road into a canal early on the morning of August 15, 2005, near Mahmudiyah, Iraq, and Sergeant Saylor drowned along with two of his fellow soldiers.

Due to several factors, Sergeant Saylor's body reached an advanced state of decomposition before it was returned to the United States, and the Saylor family was unable to view Sergeant Saylor's remains at his funeral. I think we can all understand the extent to which this added to the grief of the Saylor family and can sympathize with them and any other family in this situation and commit ourselves to doing our absolute best to ensure that this does not happen again.

The process and policies related to how we treat the remains of our fallen heroes and how we communicate and interact with their survivors deserves the absolute highest priority that we can give. It is extremely unfortunate that survivors are ever unable to view the remains of their family members and, therefore, unable to say their final goodbye and obtain the sense of closure that we all know is so important in these situations. It is also the case that on occasion, survivors have been given incomplete or inaccurate information relative to what happened to their family members and how their remains were handled after they died. This is also extremely unfortunate and adds grief to an already grieving family.

The amendment that Senator ISAKSON and I have proposed calls on the Department of Defense to improve their current policy related to mortuary affairs, how the remains of servicemembers are handled, and how the military communicates with survivors relative to their deceased family members. This amendment will ensure that we are doing absolutely everything we can to ensure the remains of our fallen heroes receive the respect and care they deserve, and that their family receives the best treatment, as well as the most timely, accurate information possible.

Specifically, this amendment calls on the Department of Defense to improve policies related to refrigeration of remains in theater, the specific time standards for movement of remains, as well as examine the feasibility of forward locating autopsy and embalming operations from the continental United States to theater, and modify any other factors that could possibly shorten the time line for returning soldiers in a nondecomposed state.

This amendment also calls on the Department to improve their policies for communicating with family members to ensure family members are briefed by fully qualified Department of Defense personnel, that any partial or unverified information that families are provided is identified as such, and ensures that the Department provides updates to the family whenever new information becomes available.

Mr. President, the unimaginable grief and sorrow that a family experiences when their soldier makes the ultimate sacrifice should not be made even more distressing by not allowing the family an opportunity to say their final goodbye. I strongly commend the Saylor family for their courage and strength in sharing their family's experience and their comments relative to this process with us so that we in the U.S. Congress can work to ensure that other military families do not have to go through the same thing.

Mr. President, I urge my colleagues to support the amendment.

AMENDMENT NO. 3714

Mrs. MURRAY. Mr. President, I ask unanimous consent to set aside the pending amendment in order to call up HARKIN amendment No. 3714.

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

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Washington [Mrs. MURRAY], for Mr. HARKIN, proposes an amendment numbered 3714.

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

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

The amendment is as follows:

(Purpose: To increase by $8,500,000 the amount appropriated for Economic Support Fund assistance, to provide that such funds shall be made available to the United States Institute of Peace for programs in Iraq and Afghanistan, and to provide an offset)

On page 126, between lines 12 and 13, insert the following:

UNITED STATES INSTITUTE OF PEACE PROGRAMS IN IRAQ AND AFGHANISTAN

SEC. 1406. (a) The amount appropriated by this chapter for other bilateral assistance under the heading ''ECONOMIC SUPPORT FUND'' is hereby increased by $8,500,000.

(b) Of the amount appropriated by this chapter for other bilateral assistance under the heading ''ECONOMIC SUPPORT FUND'', as increased by subsection (a), $8,500,000 shall be made available to the United States Institute of Peace for programs in Iraq and Afghanistan.

(c) Of the funds made available by chapter 2 of title II of division A of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief, 2005'' (Public Law 109–13) for military assistance under the heading ''PEACEKEEPING OPERATIONS'' and available for the Coalition Solidarity Initiative, $8,500,000 is rescinded.

AMENDMENT NO. 3621

Mr. WARNER. Mr. President, I understand from the managers that amendment No. 3621 has been agreed to on both sides. First, let me describe this amendment.

Mr. President, today we are holding expectations that a new unity in government in Iraq will soon be completed. It has been long awaited. I have just completed. I think, my seventh

trip there with Senator LEVIN and other Members of the Senate. We had a delegation of six.

During the course of our inspection visit, it was repeatedly brought to our attention that there was a desperate need for additional civilians from the Department of Energy to work on the power systems, the oil, and from the Department of Justice to work on the civil justice system; from the Department of Health, Education and Welfare to work on the health situations. And I have been working with members of the administration, and, indeed, the President himself on two occasions has stressed the importance of encouraging more civilians within our civil structure to go over and help this government fully establish itself, exercise the responsibilities of sovereignty, and to move forward.

There need to be modest corrections made to the existing law to enable the Secretaries and heads of the agencies to provide certain benefits, inducements, and other situations with their respective individual employees in the hopes that they can quickly give up the security of their neighborhoods and life today and join the brave men and women of the Armed Forces in, hopefully, completing in a shorter period of time this task to provide for full sovereignty in Iraq.

Many civilian agencies and departments already have provisions to provide pay, allowances, benefits, and gratuities in danger zones. However, others do not. This amendment applies to those currently without such authorities.

Over the past few months, the President has explained candidly and frankly, what is at stake in Iraq and Afghanistan. The free nations of the world must be steadfast in helping the people of these nations to attain a level of democracy and freedom of their own choosing.

It is vital to the security of the American people that we help them succeed such that their lands never again become the breeding ground or haven for terrorism as was Afghanistan for Osama bin Laden and Al Qaeda.

We have seen how terrorists and insurgents in Iraq have failed to stop Iraq's democratic progress.

They tried to stop the transfer of sovereignty in June 2004;

They tried to stop millions from voting in the January 2005 elections;

They tried to stop Sunnis from participating in the October 2005 constitutional referendum;

They tried to stop millions from voting in the December 2005 elections to form a permanent government under that constitution; and

In each case, they failed.

Just in the past few days, there have been significant, encouraging developments toward forming a unity government in Iraq. Clearly, the efforts of administration officials and congressional members in meetings with Iraqi leaders and parliamentarians have contributed to these developments.

In my view, this represents important forward momentum, which has been long awaited. The new leadership in Iraq is making commitments to complete cabinet selection and take other actions to stand up a unity government. This is a pivotal moment in that critical period many of us spoke about after the December elections. We must be steadfast and demonstrate a strong show of support for Iraq's emerging government.

For 3 years now the coalition of military forces have, from the beginning, performed with the highest degree of professionalism, and they and their families have borne the brunt of the loss of life, injury, and separation.

In hearings of the Armed Services Committee this year, with a distinguished group of witnesses, and based on two—and I say this most respectfully and humbly—personal conversations I have had with the President of the United States and, indeed, the Secretary of State, I very forcefully said to each of them that we need to get the entirety of our Federal Government engaged to a greater degree.

The Department of Defense concurs. I was struck by the 2006 QDR which so aptly states that:

> Success requires unified statecraft: The ability of the U.S. Government to bring to bear all elements of national power at home and to work in close cooperation with allies and partners abroad.

I would add that General Abizaid, when he appeared before our committee this year, stated in his posture statement:

> We need significantly more non-military personnel * * * with expertise in areas such as economic development, civil affairs, agriculture, and law.

I fully agree. I along with 5 other Senators heard the same sentiments from our field commanders and diplomatic officials during at trip to Iraq and Afghanistan last month.

The United States has a talented and magnificent Federal work force whose skills and expertise are in urgent need in Iraq and Afghanistan. We must provide our agency heads with the tools they need to harness these elements of national power at this critical time.

I have spoken about this publicly on previous occasions. I have written to each cabinet secretary asking for a review of their current and future programs to support out Nation's goals and objectives in Iraq and Afghanistan, and I have spoken to the President about this.

The aim of this bill is to assist the United States Government in recruiting personnel to serve in Iraq and Afghanistan, and to avoid inequities in allowances, benefits, and gratuities among similarly-situated United States Government civilian personnel. It is essential that the heads of all agencies that have personnel serving in Iraq and Afghanistan have this authority with respect to allowances, benefits, and gratuities for such personnel.

In my conversations with President Bush and the cabinet officers and others, there seems to be total support.

The administration, at their initiative, asked OMB to draw up the legislation, which I submit today in the form of an amendment.

I hope this will garner support across the aisle—Senator CLINTON has certainly been active in this area, as have others—and that we can include this on the supplemental appropriations bill.

The urgency is now, absolutely now.

Every day it becomes more and more critical that the message of 11 million Iraqi voters in December not be silenced. We want a government, a unified government stood up and operating. To do that, this emerging Iraqi Government, will utilize such assets as we can provide them from across the entire spectrum of our Government. Our troops have done their job with the coalition forces.

Now it is time for others in our Federal work force to step forward and add their considerable devotion and expertise to make the peace secure in those nations so the lands of Iraq and Afghanistan do not revert to havens for terrorism and destruction. I know many in our exceptional civilian workforce will answer this noble call in the name of free people everywhere.

I have sent a letter to the Chief of Staff at the White House in this regard on March 15, and I ask unanimous consent it be printed in the RECORD.

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

UNITED STATES SENATE,
COMMITTEE ON ARMED SERVICES,
Washington, DC, March 15, 2006.

Mr. ANDREW H. CARD, Jr.,
Chief of Staff, The White House,
Washington, DC.

DEAR MR. CARD: Over the past few months, the President has candidly and frankly explained what is at stake in Iraq. I firmly believe that the success or failure of our efforts in Iraq may ultimately lie at how well the next Iraqi government is prepared to govern. For the past 3 years, the United States and our coalition partners have helped the Iraqi people prepare for this historic moment of self-governance.

Our mission in Iraq and Afghanistan requires coordinated and integrated action among all federal departments and agencies of our government. This mission has revealed that our government is not adequately organized to conduct interagency operations. I am concerned about the slow pace of organizational reform within our civilian departments and agencies to strengthen our interagency process and build operational readiness.

In recent months, General Peter Pace, USMC, Chairman, Joint Chiefs of Staff, and General John Abizaid, USA, Commander, United States Central Command, have emphasized the importance of interagency coordination in Iraq and Afghanistan. General Abizai stated in his 2006 posture statement to the Senate Armed Services Committee that ''we need significantly more non-military personnel * * * with expertise in areas such as economic development, civil affairs, agriculture, and law.''

Strengthening interagency operations has become the foundation for the current Quadrennial Defense Review (QDR). The QDR so aptly states that ''success requires unified statecraft: the ability of the U.S. Government to bring to bear all elements of national power at home and to work in close

cooperation with allies and partners abroad.'' In the years since passage of the Goldwater-Nichols Act of 1986, ''jointness'' has promoted more unified direction and action of our Armed Forces, I now believe the time has come for similar changes to take place elsewhere in our federal government.

I commend the President for his leadership in issuing a directive to improve our interagency coordination by signing the National Security Presidential Directive–44, titled ''Management of Interagency Efforts Concerning Reconstruction and Stabilization,'' dated December 7, 2005. I applaud each of the heads of departments and agencies for working together to develop this important and timely directive.

I have sent letters to nearly all cabinet-level officials asking for their personal review of the level of support being provided by their respective department or agency in support of our Nation's objectives in Iraq and Afghanistan. Following this review, I requested that they submit a report to me no later than April 10, 2006, on their current and projected activities in both theaters of operations, as well as their efforts in implementing the directive and what additional authorities or resources might be necessary to carry out the responsibilities contained in the directive.

I believe it is imperative that we leverage the resident expertise in all federal departments and agencies of our government to address the complex problems facing the emerging democracies in Iraq and Afghanistan. I am prepared to work with the executive branch to sponsor legislation, if necessary, to overcome challenges posed by our current organizational structures and processes that prevent an integrated national response.

I look forward to continued consultation on this important subject.

With kind regards, I am

Sincerely,

JOHN WARNER,
Chairman.

Mr. WARNER. My understanding is the amendment was introduced by myself, I think 2 days ago. There was some debate at that time. I know of no opposition to it.

Therefore, I ask the pending amendment be laid aside and that the Senate consider this amendment.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Is there further debate on the amendment? The question is on agreeing to the amendment.

The amendment (No. 3621) was agreed to.

Mr. WARNER. Mr. President, I move to reconsider the vote and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3620

Mr. WARNER. Mr. President, I wish to bring up a second amendment. It relates to the Carrier John F. Kennedy. I ask I be permitted here momentarily to have this amendment called up.

The department of defense has submitted its report to the Congress on the Quadrennial Defense Review for 2005 and, as we are all well aware, in the 4 years since the previous Quadrennial Defense Review the global war on terror has dramatically broadened the demands on our naval combat forces. In response, the Navy has implemented fundamental changes to fleet deployment practices that have increased total force availability, and it has fielded advances in ship systems, aircraft, and precision weapons that have provided appreciably greater combat power than 4 years ago.

However, we must consider that the Navy is at its smallest size in decades, and the threat of emerging naval powers superimposed upon the Navy's broader mission of maintaining global maritime security, requires that we modernize and expand our Navy.

The longer view dictated by naval force structure planning requires that we invest today to ensure maritime dominance 15 years and further in the future; investment to modernize our aircraft carrier force, to increase our expeditionary capability, to maintain our undersea superiority, and to develop the ability to penetrate the littorals with the same command we possess today in the open seas.

The 2005 Quadrennial Defense Review impresses these critical requirements against the backdrop of the National Defense strategy and concludes that the Navy must build a larger fleet. This determination is in whole agreement with concerns raised by congress as the rate of shipbuilding declined over the past 15 years. Now we must finance this critical modernization, and in doing so we must strike an affordable balance between existing and future force structure.

The centerpiece of the Navy's force structure is the carrier strike group, and the evaluation of current and future aircraft carrier capabilities by the Quadrennial Defense Review has concluded that 11 aircraft carriers provide the decisively superior combat capability required by the national defense strategy. Carefully considering this conclusion, we must weight the risk of reducing the naval force from 12 to 11 aircraft carriers against the risk of failing to modernize the naval force.

Maintaining 12 aircraft carriers would require extending the service life and continuing to operate the USS *John F. Kennedy*, CV–67.

The compelling reality is that today the 38 year old USS *John F. Kennedy*, CV–67, is not qualified to perform her primary mission of aviation operations, and she is not deployable without a significant investment of resources. Recognizing the great complexity and the risks inherent to naval aviation, there are very real concerns regarding the ability to maintain the *Kennedy* in an operationally safe condition for our sailors at sea.

In the final assessment, the costs to extend the service life and to safely operate and deploy this aging aircraft carrier in the future prove prohibitive when measured against the critical need to invest in modernizing the naval force.

Meanwhile, each month that we delay on this decision costs the Navy $20 million in operations and manpower costs that are sorely needed to support greater priorities, and it levies and untold burden on the lives of the sailors and their families assigned to the *Kennedy*.

We in the Congress have an obligation to ensure that our brave men and women in uniform are armed with the right capability when and where called upon to perform their mission in defense of freedom around the world. Previously, we have questioned the steady decline in naval force structure, raising concerns with regard to long term impacts on operations, force readiness, and the viability of the industrial base that we rely upon to build our Nation's Navy. Accordingly, I am encouraged by and strongly endorse the Navy's vision for a larger, modernized fleet, sized and shaped to remain the world's dominant seapower through the 21st century.

However, to achieve this expansion while managing limited resources, it is necessary to retire the aging conventional carriers that have served this country for so long.

To this end, Mr. President, I offer this amendment which would eliminate the requirement for the naval combat forces of the Navy to include not less than 12 operational aircraft carriers.

I spoke to this amendment 2 days ago. Several colleagues, I know, have an interest in it. But here is the situation. *John F. Kennedy* bears one of the most famous names in naval history. That ship has sailed for 38 years in harm's way to defend the interests of this country. That ship has finally come to its resting place. It is now berthed in Jacksonville, FL. It has been the determination of the Chief of Naval Operations that its present condition—it is a conventionally powered ship—no longer enables that ship to perform its primary mission, namely launching and retrieving aircraft and other associated missions of a carrier. Its systems have finally worn out. Its powerplant has worn out.

At 38 years of age and the enormous investment necessary to bring it back—if in fact they could repair it, and there is some doubt as to whether even with the expenditure of huge sums they could repair it—then the ship would have a limited life.

We have known for about 3 or 4 months about the condition of this ship and the Navy's intention to retire it. A year or so ago, I and others put in a law by which we told the Department of Defense that they must maintain a fleet of 12 carriers. This amendment simply amends that law such that that number is now 11, and thereby allows this ship to be retired.

I would point out to my colleagues, quite apart from the fame of this ship, there are 2,000 sailors in the ship's company. If you added up all the family members of the total naval family of husbands and wives and children associated with that ship, it is probably as high as 5,000 individuals. They must be considered, as to their future. Right now there is no future. They have to

remain aboard that ship until certain steps are taken to begin to fully deactivate it. But not all of them. Most will be transferred to other assignments and their families relocated.

It is costing the taxpayers $20 million a month to maintain that size of crew and this ship in Jacksonville, FL. I think it is the appropriate time the Senate recognize we must entrust to the Chief of Naval Operations, and to others, the decision to retire this ship. This amendment is for that purpose. I am the last one to ever want to retire naval ships, and I have had the experience as a former Secretary of the Navy, but I recognize that time comes. It has come with this famous ship.

I do not want this issue to be used in a way to detract from the extraordinary record of this ship and the proud name it bears. I hope my colleagues will agree to allow this amendment to be called up for consideration.

The PRESIDING OFFICER. Is there objection to laying aside the pending amendment?

Mrs. MURRAY. Mr. President, I have to object at this time.

The PRESIDING OFFICER. Objection is heard.

AMENDMENT NO. 3715

Mr. CONRAD. Mr. President, I ask unanimous consent to set aside the pending amendment and call up amendment No. 3715 and ask for its immediate consideration.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. CONRAD. I also ask unanimous consent Senator CLINTON be included as original cosponsor.

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

The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from North Dakota [Mr. CONRAD], for himself and Mrs. CLINTON, proposes an amendment numbered 3715.

Mr. CONRAD. I ask unanimous consent the reading of the amendment be dispensed with.

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

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

Mr. CONRAD. Mr. President, this is an important amendment. This is an amendment to pay for the war costs that are in the underlying legislation. The alternative is to simply stack the war costs on the debt. I believe these war costs should have been budgeted for and paid for. Instead, we just keep putting it on the charge card.

I want to put in context our overall fiscal condition. This looks back to 2001, when we last had a surplus. Every year the deficits have been up, up, and away. This year they are projecting a deficit of $371 billion. But that is the tip of the iceberg because the fact is the deficit is much smaller than the amount that is being added to the debt. This year we now anticipate the debt will be increased by $654 billion. That is simply unacceptable, to be running up the debt in these record amounts, especially before the baby boomers retire. If the budget that is now stalled between the House and the Senate is adopted, the debt will go up each and every year, $500 billion or $600 billion a year, until we reach a debt of $11.8 trillion.

When this President came into office, the debt was $5.2 trillion. At the end of his first year—we don't hold him responsible for the first year because we were still operating under the policies of the previous administration—we were in surplus. At the end of his first year the debt was $5.8 trillion. At the end of this year it will be $8.6 trillion, headed for almost $12 trillion. It is time we get serious about dealing with the fiscal imbalances in this country.

Here is one of the results of this fiscal policy. It took all these Presidents, 42 of them, 224 years to run up $1 trillion of debt held by foreigners. This President in just 5 years has more than doubled that amount, more than doubled the amount that 42 Presidents ran up in terms of foreign debt.

The Comptroller General of the United States, Mr. Walker, has warned:

Continuing on this unsustainable fiscal path will gradually erode, if not suddenly damage, our economy, our standard of living, and ultimately our national security.

Let's pay for at least the war costs that are in this underlying amendment. We can do that much. The emergency provisions, those things that were unpredictable, maybe we can understand that those things aren't paid for in the underlying amendment. But the war costs? My goodness, we have been at war more than 3 years. These things should have been budgeted for. They should have been paid for. That is what I propose in this amendment. I do it in a way that I think is fiscally responsible.

We provide the same offsets as the Senate-passed tax bill, closing the tax gap by shutting down abusive tax shelters and providing for other reforms. That raises $19 billion. That includes revoking tax benefits for leasing foreign subway and sewer systems. What a scam that is. Companies are buying foreign sewer systems and depreciating it on their U.S. taxes, and then leasing them back to the foreign cities where those sewer systems exist. What a scam. Let's close it down.

We do it by ending loopholes for large oil companies, which raises $5 billion; requiring tax withholding on Government payments to contractors such as Halliburton, withholding that others are asked to do in our society. Why not them? We do it by renewing the Superfund tax so that polluting companies pay for cleaning up toxic waste sites, which raises $9 billion; ending a loophole that rewards U.S. companies that move manufacturing jobs overseas raises $6 billion; repealing the phaseout of limits on personal exemptions and itemized deductions for very high-wealth individuals raises $28 billion; and by closing other tax loopholes and miscellaneous offsets of $1 billion.

This is the legislation, this is the amendment. It pays for the war costs—$74 billion. We are going to see those who are serious about being fiscally responsible and those who just want to talk about it. This is an opportunity to pay for the war costs that should have been budgeted, that should have been paid for in the regular order.

I hope my colleagues will support this amendment. Let's get serious about addressing the explosion of debt and deficits in this country.

I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. ALLARD. Mr. President, what is the regular order?

The PRESIDING OFFICER. The Senator is recognized to offer an amendment.

AMENDMENT NO. 3701

Mr. ALLARD. Mr. President, I call up amendment No. 3701 on behalf of myself, Senator DURBIN, and Senator MIKULSKI, and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the pending amendments are set aside. The clerk will report.

The legislative clerk read as follows:

The Senator from Colorado [Mr. ALLARD] for himself, and Mr. DURBIN, and Ms. MIKULSKI, proposes an amendment numbered 3701.

Mr. ALLARD. I ask unanimous consent the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To provide funding for critical emergency structural repairs to the Capitol Complex utility tunnels)

At the appropriate place, insert the following:

TITLE ___—OTHER MATTERS

LEGISLATIVE BRANCH

ARCHITECT OF THE CAPITOL

CAPITOL POWER PLANT

For an additional amount for ''Capitol Power Plant'', $27,600,000, to remain available until September 30, 2011: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

Mr. ALLARD. Mr. President, this amendment would provide $27.6 million to the Architect of the Capitol to make emergency repairs to utility tunnels that serve the Capitol complex, including asbestos abatement. Unfortunately, this problem has come to our attention recently, and it is a serious crisis that can't wait for the fiscal year 2007 appropriations bill.

About 2 months ago, the Office of Compliance filed a complaint with the Architect of the Capitol due to the conditions of these utility tunnels, including the possibility of tunnel cave-ins, the presence of unsafe levels of asbestos, inadequate means of emergency egress, and inadequate means of communications for those who work in the

utility tunnels. This is the first time the compliance office has filed a complaint—a step up from a citation.

When this issue was brought to our attention, Senator DURBIN and I held oversight hearings with the Architect and demanded a plan to ensure employees who work in the tunnels are protected from unsafe levels of asbestos, fix falling concrete, provide adequate means of egress throughout the tunnels, improve communications for utility workers, secure the tunnels so only authorized employees are given access, and review whether tunnel workers are receiving an appropriate level of environmental or hazardous duty pay.

In response, the Architect sent a preliminary plan for fixing the tunnels with a price tag that could ultimately reach several hundred million dollars. Frankly, I was shocked by the magnitude of this problem and the cost estimate. I was appalled that this problem was identified by the Office of Compliance in a citation 6 years ago, and hasn't been put on a fast track for addressing the health and safety problems until Senator DURBIN and I asked for a plan. These are serious problems and high levels of asbestos have been found.

The amendment I am offering today includes funds to remediate asbestos, remove loose concrete, replace the roof of a section of one of the tunnels, add escape hatches, and improve the communications system.

We have reviewed the funding estimates with the Government Accountability Office. Notwithstanding the fact that some of the estimates are preliminary, they are warranted. I had hoped that we could reprogram funds from within the Architect's budget but the magnitude of the need is far beyond what could be found within the Architect's budget.

I urge the Senate to agree to the amendment. I ask that it be agreed to by a voice vote.

Mr. DURBIN. Mr. President, it was recently brought to our attention by the Office of Compliance that the utility tunnels which carry steam and chilled water throughout the Capitol complex are rapidly deteriorating and are putting the workers who must enter these tunnels in extremely hazardous and potentially life-threatening situations. Falling concrete, the presence of asbestos, inadequate egress routes and a faulty communications system threaten the lives of the utility tunnel employees on a daily basis. Several of these tunnels are on the verge of collapse—not only threatening the lives of the workers in the tunnels, but potentially cutting off steam and chilled water to the entire Capitol complex. The $27.6 million in emergency funding that Senator ALLARD and I are requesting is critical to allow the Architect of the Capitol to expeditiously address the deplorable conditions that exist in these utility tunnels and make the changes necessary to assure that the health and safety of the workers is not jeopardized. This funding will allow the Architect's office to immediately begin critical design work on replacing the ''Y'' tunnel, which is in the worst condition, including structural repair, egress improvements, asbestos abatement, and temperature improvements. The funding will also accelerate work on replacing the roof on the ''R'' tunnel and for other communications, structural repairs, and emergency escape routes. Without this funding, we continue to place these employees in life-threatening working conditions. I urge my colleagues to support this critically needed funding.

Ms. MIKULSKI. Mr. President, I rise tonight along with my colleagues Senator ALLARD and Senator DURBIN to speak in support of an amendment we introduced today to the Emergency Supplemental bill. This amendment provides $27.6 million in Federal funds to repair unsafe working conditions in the tunnels below the Capitol Building. This amendment is needed now because the Architect of the Capitol has failed to ameliorate hazardous conditions that exist in the tunnels beneath the Capitol. These conditions endanger the health of the tunnel workers and their families. Something needs to be done, and it needs to be done now. That is why I am co-sponsoring this amendment.

I first learned of these horrible conditions when I received a letter signed by 10 members of the tunnel shop that detailed the dangerous conditions that exist in the tunnels, and provided information that some of these conditions have existed for at least 6 years. There is no doubt, many of problems in the tunnels have only worsened during that period from neglect and further deterioration. Despite this, no action was taken to make sure the workers were safe on the job. The conditions are so poor that in 2000 the Congressional Office of Compliance issued citations to the Architect of the Capitol. Yet, it appears the Architect of the Capitol ignored the citations and did not make the necessary repairs or take immediate, effective steps to protect these workers. It was clear that these workers came to me only after all other recourse failed them.

In addition, the utility workers informed me that the U.S. Capitol Police as a matter of policy are not allowed to patrol the tunnels; if it is true that U.S. Capitol Police are forbidden from patrolling the tunnels because of the hazardous conditions, then the failure to address these conditions also has created a potentially serious security loophole that could endanger all of us who work in the Capitol and surrounding buildings. This is unacceptable.

I agree with the workers that something needs to be done, and it needs to be done now. I have already demanded that the Architect of the Capitol at a minimum take immediate steps to protect the employees who work in the tunnels, ameliorate all of the conditions for which citations were issued in 2000, obtain a comprehensive and credible safety assessment that specifically addresses all hazardous conditions, and particularly the issues raised by the tunnel employees, develop and implement a plan to remedy the hazardous conditions and maintain a safe working environment, and address the security concerns these tunnels present.

The response I received was that the Architect needs additional funds in order to make the necessary repairs. This amendment would provide the money needed to make sure that these brave men working in tunnels are safe. The tunnel workers should not have to wait another day to be assured of a safe and secure working environment. They already have waited too long.

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

The amendment (No. 3701) was agreed to.

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

Mrs. MURRAY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. ALLARD. Mr. President, I have one other unanimous consent. I ask unanimous consent that notwithstanding the Salazar amendment is now pending I be allowed to send up the second-degree amendment to his amendment No. 3645.

The PRESIDING OFFICER. Is there objection? Is there objection to sending up a second degree?

Mrs. MURRAY. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. ALLARD. Mr. President, I yield the floor.

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

Mr. LEVIN. Mr. President, I thank the Presiding Officer and my dear friend from Washington for helping to organize the amendment sequence.

I ask unanimous consent that the pending amendments be set aside, and I call up No. 3710.

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

AMENDMENT NO. 3710

Mr. LEVIN. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for himself, Ms. COLLINS, and Mr. REED, proposes an amendment numbered 3710.

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

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

The amendment is as follows:

(Purpose: To require reports on policy and political developments in Iraq)

On page 126, between lines 12 and 13, insert the following:

REPORTS ON POLICY AND POLITICAL DEVELOPMENTS IN IRAQ

SEC. 1406. (a) REPORTS REQUIRED.—The President shall, not later than 30 days after the date of the enactment of this Act and every 30 days thereafter until a national unity government has been formed in Iraq and the Iraq Constitution has been amended in a manner that makes it a unifying document, submit to Congress a report on United States policy and political developments in Iraq.

(b) ELEMENTS.—Each report under subsection (a) shall include the following information:

(1) Whether the Administration has told the Iraqi political, religious, and tribal leaders that agreement by the Iraqis on a government of national unity, and subsequent agreement to amendments to the Iraq Constitution to make it more inclusive, within the deadlines that the Iraqis set for themselves in their Constitution, is a condition for the continued presence of United States military forces in Iraq.

(2) The progress that has been made in the formation of a national unity government and the obstacles, if any, that remain.

(3) The progress that has been made in the amendment of the Iraq Constitution to make it more of a unifying document and the obstacles, if any, that remain.

(4) An assessment of the effect that the formation of, or failure to form, a unity government, and the amendment of, or failure to amend, the Iraq Constitution, will have on the ''significant transition to full Iraqi sovereignty, with Iraqi security forces taking the lead for the security of a free and sovereign Iraq, thereby creating the conditions for the phased redeployment of United States forces from Iraq'' as expressed in the United States Policy in Iraq Act (section 1227 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3465; 50 U.S.C. 1541 note)).

(5) The specific conditions on the ground, including the capability and leadership of Iraqi security forces, that would lead to the phased redeployment of United States ground combat forces from Iraq.

Mr. LEVIN. Mr. President, this amendment is proposed on behalf of Senator COLLINS, Senator REED of Rhode Island, and myself, which relates to Iraq. It would require certain reports be filed by the President and the administration relative to political developments that exist in Iraq. We have a new prime minister who has been designated in Iraq. It is an important step. It is a useful step toward hopefully achieving a government of national unity. However, there are some very critical steps that lie ahead, including the completion of that government of national unity so that the Prime Minister-designate can then form a government and have that government approved by the assembly. It is an important step. It involves the Interior Minister, who is in control of the police, the Defense Minister, who is in control of the Army, the Oil Minister, who controls the nation's key resource—oil—as well as the other ministries that are involved in any government of national unity.

It is critically important that the political process succeed in Iraq and that the pressure be kept on the Iraqis to achieve a government of national unity, and as well to consider amendments to its constitution. Their constitution has some deadlines that are imposed by them. It is those deadlines which it is critically important be met. These are not our deadlines. These are not dates we set. These aren't dates which certain things must happen by that we are determining. These are dates that the Iraqi Constitution has set up for the completion of a national government and for consideration of amendments to the Iraqi Constitution.

Our amendment says that the President of the United States should report to the Congress every 30 days on the progress which is being made in terms of the political solution which has to be achieved there, both in terms of a government of national unity as well as consideration of amendments to the Constitution. It would ask the President to report to us as to whether he has informed the Iraqis that the continued presence of the United States military forces depends upon their meeting the deadlines which they have set for themselves.

It also requires an assessment of the effect which the formation of or the failure to form a unity government and the amendment or failure to amend the Iraqi constitution would have on the significant transition to full Iraqi sovereignty and to the Iraqi forces taking the lead in support of a free and sovereign Iraq, thereby creating the conditions for the phased redeployment of United States forces from Iraq as expressed in our law.

That policy was adopted by this Senate last year. Also in the reports that are required, it would mandate that the conditions on the ground be set forth by the President and whether those conditions would lead to the phased redeployment of our ground combat force. It is a reporting requirement.

In conclusion, this is not the amendment which we referred to last week because there is no reference in this reporting amendment anymore to a sense-of-the-Senate resolution. The original form of this amendment had a reference to a sense-of-the-Senate resolution. That was ruled not to be in order by the Parliamentarian. We have, therefore, dropped the sense-of-the-Senate reference. This is now exclusively a reporting amendment. We hope the Senate will adopt this at the appropriate time.

Again, I thank the Chair and I thank our friends who are trying to keep this sequence and are managing this bill. We appreciate their courtesies.

I yield the floor.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Mr. President, I ask unanimous consent to lay aside the pending amendments.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

AMENDMENTS NOS. 3723 AND 3724, EN BLOC

Mr. SCHUMER. Mr. President, I send two amendments to the desk en bloc.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New York [Mr. SCHUMER] proposes amendments numbered 3723 and 3724.

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

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

The amendments are as follows:

AMENDMENT NO. 3723

(Purpose: To appropriate funds to address price gouging and market manipulation and to provide for a report on oil industry mergers)

At the appropriate place, insert the following:

SEC. ____. MEASURES TO ADDRESS PRICE GOUGING AND MARKET MANIPULATION.

(a) FEDERAL TRADE COMMISSION.—

(1) ADDITIONAL AMOUNT.—For an additional amount for ''FEDERAL TRADE COMMISSION SALARIES AND EXPENSES'' under the heading ''RELATED AGENCIES'' of title V of the Science, State, Justice, Commerce, and Related Agencies Appropriations Act, 2006 (Public Law 109–108), $10,000,000.

(2) USE.—Of the amount appropriated for ''FEDERAL TRADE COMMISSION SALARIES AND EXPENSES'', as increased by paragraph (1), $10,000,000 shall be available to investigate and enforce price gouging complaints and other market manipulation activities by companies engaged in the wholesale and retail sales of gasoline and petroleum distillates.

(b) COMMODITY FUTURES TRADING COMMISSION.—

(1) ADDITIONAL AMOUNT.—For an additional amount for ''COMMODITY FUTURES TRADING COMMISSION'' under the heading ''RELATED AGENCIES AND FOOD AND DRUG ADMINISTRATION'' of title VI of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2006 (Public Law 109–97), $10,000,000.

(2) USE.—Of the amount appropriated for ''COMMODITY FUTURES TRADING COMMISSION'', as increased by paragraph (1), $10,000,000 shall be available for activities—

(A) to enhance investigation of energy derivatives markets;

(B) to ensure that speculation in those markets is appropriate and reasonable; and

(C) for data systems and reporting programs that can uncover real-time market manipulation activities.

(c) SECURITIES AND EXCHANGE COMMISSION.—

(1) ADDITIONAL AMOUNT.—For an additional amount for ''SECURITIES AND EXCHANGE COMMISSION SALARIES AND EXPENSES '' under the heading ''RELATED AGENCIES'' of title V of the Science, State, Justice, Commerce, and Related Agencies Appropriations Act, 2006 (Public Law 109–108), $5,000,000.

(2) USE.—Of the amount appropriated for ''SECURITIES AND EXCHANGE COMMISSION SALARIES AND EXPENSES'', as increased by paragraph (1), $5,000,000 shall be available for review and analysis of major integrated oil and gas company reports and filings for compliance with disclosure, corporate governance, and related requirements.

(d) ENERGY INFORMATION ADMINISTRATION.—

(1) ADDITIONAL AMOUNT.—For an additional amount for ''ENERGY INFORMATION ADMINISTRATION'' under the heading ''DEPARTMENT OF ENERGY'' of title III of the Energy and Water Development Appropriations Act, 2006 (Public Law 109–103), $10,000,000.

(2) USE.—Of the amount appropriated for ''ENERGY INFORMATION ADMINISTRATION'', as increased by paragraph (1), $10,000,000 shall be available for activities to ensure real-time and accurate gasoline and energy price and supply data collection.

(e) ENERGY SUPPLY AND CONSERVATION.—

(1) ADDITIONAL AMOUNT.—For an additional amount for ''ENERGY SUPPLY AND CONSERVATION'' under the heading ''DEPARTMENT OF ENERGY'' of title III of the Energy and Water Development Appropriations Act, 2006 (Public Law 109–103), $315,000,000.

(2) USE.—Of the amount appropriated for ''ENERGY SUPPLY AND CONSERVATION'', as increased by paragraph (1), $315,000,000 shall be available to provide grants to State energy offices for—

(A) the development and deployment of real-time information systems for energy price and supply data collection and publication;

(B) programs and systems to help discover energy price gouging and market manipulation;

(C) critical energy infrastructure protection;

(D) clean distributed energy projects that promote energy security; and

(E) programs to encourage the adoption and implementation of energy conservation and efficiency technologies and standards.

(f) GOVERNMENT ACCOUNTABILITY OFFICE.—

(1) ADDITIONAL AMOUNT.—For an additional amount for ''SALARIES AND EXPENSES'' under the heading ''GOVERNMENT ACCOUNTABILITY OFFICE'' of title I of the Legislative Branch Appropriations Act, 2006 (Public Law 109–55), $50,000.

(2) USE.—Of the amount appropriated for ''SALARIES AND EXPENSES'', as increased by paragraph (1), $50,000 shall be available to the Government Accountability for the preparation of a report, to be submitted to the appropriate committees of Congress not later than 90 days after the date of enactment of this Act, that includes—

(A) a review of the mergers between Exxon and Mobil, Chevron and Texaco, and Conoco and Phillips, and other mergers of significant or comparable scale in the oil industry that have occurred since 1990, including an assessment of the impact of the mergers on—

(i) market concentration;

(ii) the ability of the companies to exercise market power;

(iii) wholesale prices of petroleum products; and

(iv) the retail prices of petroleum products;

(B) an assessment of the impact that vitiating the mergers reviewed under subparagraph (A) would have on each of the matters described in clauses (i) through (iv) of subparagraph (A);

(C) an assessment of the impact of prohibiting any 1 company from simultaneously owning assets in each of the oil industry sectors of exploration, refining and distribution, and retail on each of the matters described in clauses (i) through (iv) of subparagraph (A); and

(D) an assessment of—

(i) the effectiveness of divestitures ordered by the Federal Trade Commission in preventing market concentration as a result of oil industry mergers approved since 1995; and

(ii) the effectiveness of the Federal Trade Commission in identifying and preventing—

(I) market manipulation;

(II) commodity withholding;

(III) collusion; and

(IV) other forms of market power abuse in the oil industry.

(g) EMERGENCY DESIGNATION.—The amounts provided under this section are designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

AMENDMENT NO. 3724

(Purpose: To improve maritime container security)

At the appropriate place, insert the following:

SEC. ___. MARITIME CONTAINER SECURITY.

(a) MARITIME CONTAINER INSPECTIONS.—

(1) IN GENERAL.—Beginning on the date on which regulations are issued under subsection (d), a maritime cargo container may not be shipped to the United States from any port participating in the Container Security Initiative (CSI) unless—

(A) the container has passed through a radiation detection device;

(B) the container has been scanned using gamma-ray, x-ray, or another internal imaging system;

(C) the container has been tagged and catalogued using an on-container label, radio frequency identification, or global positioning system tracking device; and

(D) the images created by the scans required under subparagraph (B) have been reviewed and approved by the Office of Container Evaluation and Enforcement established under subsection (b).

(2) MODEL.—

(A) IN GENERAL.—Except as provided under subparagraph (B), the Secretary of Homeland Security shall model the inspection system described in paragraph (1) after the Integrated Container Inspection System established at the Port of Hong Kong.

(B) NEW TECHNOLOGY.—The Secretary is not required to use the same companies or specific technologies installed at the Port of Hong Kong if a more advanced technology is available.

(b) CONTAINER EVALUATION AND ENFORCEMENT UNIT.—

(1) ESTABLISHMENT.—There is established, within Bureau of Customs and Border Protection of the Department of Homeland Security, the Office of Container Evaluation and Enforcement, which shall receive and process images of maritime cargo containers received from CSI ports.

(2) AUTHORIZATION OF APPROPRIATIONS.—There are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2006, $5,000,000, to remain available until expended, to hire and train customs inspectors to carry out the responsibilities described in paragraph (1). The amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

(c) PORT SECURITY SUMMIT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Homeland Security shall convene a port security summit with representatives from the major international shipping companies to address—

(1) gaps in port security; and

(2) the means to implement the provisions of this section.

(d) RULEMAKING.—

(1) DRAFT REGULATIONS.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Homeland Security shall submit, to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Homeland Security of the House of Representatives, draft regulations to carry out subsection (a) and a detailed plan to implement such regulations.

(2) FINAL REGULATIONS.—Not later than 3 years after the date of the enactment of this Act, the Secretary of Homeland Security shall issue final regulations to carry out subsection (a).

Mr. SCHUMER. Mr. President, I will be brief and explain the amendments. I thank my friend from Texas and others for allowing me to go ahead.

AMENDMENT NO. 3723

The first amendment is a very simple one. It asks the GAO for a report that includes a review of the mergers between ExxonMobil, ChevronTexaco, ConocoPhillips, and other significant mergers in the oil industry that have occurred since 1990, to look at the impact that vitiating the mergers would have on market concentration, market power, wholesale and retail petroleum prices, and an assessment of the impact of prohibiting any one company from simultaneously owning assets in each of the oil industry sectors: exploration, refining, and distribution.

To me, very simply put, one of the problems—not the only one—we have is we have allowed the oil industry to become too concentrated, letting the No. 1 and No. 2 companies merge because there was a lull in the market at a given time, and then letting No. 3 and No. 4 merge. The second largest foreign company, which I think is the sixth largest American company, all created too much concentration. I think it is one of the reasons that these days we see the price as high as it is.

The prices are sticking. When the spot market goes up, the price immediately goes up; when the spot market goes down, the price takes a long time to go down. When Katrina affected Tennessee, Kentucky, Ohio, and Illinois, and they get most of their oil from the gulf, the price goes up the same amount in California.

I think it is high time that we reviewed these mergers. I don't know if they can be undone. I don't know what the effect would be, but to sit here and shrug our shoulders at this recent phenomenon of mergers doesn't make much sense. This amendment asks that a review be done.

The amendment would also provide more funding to the Energy Information Agency to assure accurate, real-time collection of price and data supply. I think we are not getting that kind of accurate information.

The big oil companies like to be shielded behind the wall of conflicting data and interesting jargon. It is too easy for them to pull the wool over consumers' eyes. The EIA is a nonpartisan governmental agency. This amendment would allow better information to come forward and make sure that we do the right thing.

AMENDMENT NO. 3724

The second amendment deals with port security. I know my colleague from New Jersey has offered one. I have been involved in this issue for a long time, as has he. When I went with my friend from South Carolina, Senator GRAHAM, to Hong Kong to visit the ports there, I was utterly amazed at the port security system they have. It showed that we could have speed both in commerce and security. Their checking of containers for nuclear and

other types of devices, checking in a variety of different ways, and having computers crossmatch those ways is incredible.

My amendment would require that the system we saw—not the specific system but what the system does that we saw—be implemented at all container security initiative ports around the world within 3 years. There are 43 CSI ports. They account for 80 percent of worldwide container traffic. It would be a huge boon to preventing the worst that could befall our country, and that is a nuclear weapon be smuggled into our ports.

The amendment mandates that every container pass through the same type of layered screening system, as at the terminal port in Hong Kong. Every container must pass through an advanced radiation portal, internal imaging system, be tagged and cataloged with a label, an RRFI, or a GPS device. It would make us far more secure.

The second amendment also requires that Homeland Security send to Congress within 180 days a detailed plan on how to deploy this system.

Those are the two amendments. I look forward to debating them as we move forward.

I thank my colleagues from Mississippi, Washington, and Texas for their courtesy.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, I ask unanimous consent that the pending amendments be set aside in order that I may call up the Kennedy amendments numbered 3716 and 3688.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

AMENDMENTS NOS. 3716 AND 3688 EN BLOC

Mrs. MURRAY. Mr. President, I send the amendments to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Washington [Mrs. MURRAY], for Mr. KENNEDY, proposes amendments numbered 3716 and 3688 en bloc.

Mrs. MURRAY. Mr. President, I ask unanimous consent that reading of the amendments be dispensed with.

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

The amendments are as follows:

AMENDMENT NO. 3716

(Purpose: To provide funds to promote democracy in Iraq)

On page 126, between lines 12 and 13, insert the following:

UNITED STATES STRATEGY TO PROMOTE DEMOCRACY IN IRAQ

SEC. 1406. (a) Of the funds provided in this chapter for the Economic Support Fund, not less than $96,000,000 should be made available through the Bureau of Democracy, Human Rights, and Labor of the Department of State, in coordination with the United States Agency for International Development where appropriate, to United States nongovernmental organizations for the purpose of supporting broad-based democracy assistance programs in Iraq that promote the long term development of civil society, political parties, election processes, and parliament in that country.

AMENDMENT NO. 3688

(Purpose: To provide funding for the covered countermeasures process fund program)

At the appropriate place, insert the following:

SEC. ___. FUNDING FOR THE COVERED COUNTERMEASURES PROCESS FUND.

For an additional amount for funding the Covered Countermeasures Process Fund under section 319F-4 of the Public Health Service Act (42 U.S.C. 247d-6e), $289,000,000: *Provided*, That the amounts provided for under this section shall be designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress): *Provided further*, That amounts provided for under this section shall remain available until expended.

Mr. KENNEDY. Mr. President, this amendment No. 3716 provides $96 million for American non-governmental organizations helping Iraqis to create the essential building blocks of democracy. It also requires the Secretary of State to provide Congress with its short and long-term plans to strengthen democracy at the regional, provincial, and national levels in Iraq.

Last year, Iraq passed several important milestones on the long road to democracy. However, as important as the two elections and the referendum on the constitution were, they were not decisive, and it is far from clear that democracy is being firmly established in Iraq.

The process of building democratic institutions is different and requires patience in developing effective governmental structures, a genuine rule of law, political parties committed to peaceful means, an active civil society, and a free press. Constructive international engagement is essential as well in the case of Iraq. For a country as heavily repressed as long as Iraq, democracy will take even longer to take root.

It is far from clear, however, that the Bush administration has a long-term strategy—or even a short-term strategy—to solidify and continue the democratic gains that have been made so far.

American non-governmental organizations such as the National Democratic Institute, the International Republican Institute, the National Endowment for Democracy, IFES, formerly known as the International Foundation for Election Systems, the International Research and Exchanges Board and America's Development Foundation are well respected in Iraq and throughout the world. Each has substantial operations in Iraq, and their work is essential to the administration's goal of building a stable democracy in Iraq.

Yet despite their success so far in helping to promote democracy and the enormous risks their employees take by working in the war zone, the administration has made no long-term commitment to provide funding for their work in Iraq. Each organization operates on pins and needles, never knowing when their funding for Iraq operations will dry up.

The American non-governmental organization IFES has been in Iraq since October 2003. It has provided technical assistance in each of Iraq's elections so far, and it has been asked to provide such assistance for regional and provincial elections scheduled for April 2007.

It is also preparing for a possible second referendum on the constitution, and is assisting as well in the enactment and implementation of legislation governing the operations, of a new election council for local elections.

Inexplicably, funding will run out in June, and the administration has not yet committed any additional funds. None of the funds in this supplemental spending bill are set-aside for it, and none of the meager $63 million requested in the fiscal year 2007 budget for democracy-building is intended for IFES either. Our amendment would provide $20 million to sustain its democracy work in Iraq for the next 18 months, through the end of fiscal year 2007.

An independent media is also essential to a successful democracy. A U.S. non-governmental organization, the International Research and Exchanges Board, IREX, is working in Iraq to see that the Iraqi people have independent, professional, high quality news and public affairs information. To create an environment in which a free press can flourish, it is also seeking to establish a legal, regulatory, and policy environment that supports independent media.

IREX's funding for these important programs is also running out, and it will be forced to close its operations this summer, which would pull the rug out from under many struggling new press organizations in Iraq. Our amendment would provide $6 million to sustain IREX's democracy work in Iraq for the next 18 months.

In addition, the non-governmental organization America's Development Foundation provides essential aid to support and sustain civil society in Iraq. ADF and its partner civil society organizations in Iraq have provided training and assistance to thousands of Iraqi government officials at the national, regional, and local levels on issues such as anti-corruption, transparency, accountability, fiscal responsibility, whistleblower protection, and the development of non-government organizations.

ADF wants to continue its work, but its funding will end in June. USAID supports this work and has a contract pending, but it doesn't have the resources to do so. Our amendment provides $16 million to sustain its work over the next 18 months.

Similarly, the National Endowment for Democracy has no clear sense of what the future holds for them in Iraq.

Two of the endowment's core grantees—the Center for International Private Enterprise and the Labor Solidarity Center in Iraq—have important democracy promotion functions.

Since opening a regional office in Baghdad in October 2003, the Center for International Private Enterprise has worked to build capacity for market oriented democratic reform in Iraq. It has provided training and grant support to approximately 22 Iraqi business associations and chambers of commerce.

The Labor Solidarity Center works directly with Iraqi trade unions to develop skills in strengthening independent and democratic trade unions.

In addition, the endowment partners with 32 local organizations on the ground in Iraq to promote and sustain civil society projects on political development, raising awareness of women's rights, and encouraging the free flow of information to Iraqi citizens.

The endowment wants to continue working directly with the Iraqi people and be able to guarantee continuity in its democracy grants to Iraqi organizations. But no funding is set aside in this bill or in the fiscal year 2007 budget for its programs.

Our amendment provides $10 million to sustain the democracy programs of the Center for International Private Enterprise, the Labor Solidarity Center, and the Endowment for Democracy's local partners for 18 months.

Similarly, the International Republican Institute and the National Democratic institute are doing truly impressive work in Iraq under extraordinarily difficult circumstances.

The International Republican Institute programs in Iraq have focused on three principal goals: development of an issue-based political party system; establishment of the foundation for a more transparent and responsive government; and the emergence of an active and politically involved civil society.

The National Democratic Institute supports a number of democracy programs in Iraq as well, with emphasis on political parties, governance, civil society and women's rights. It has four offices in Iraq to promote these essential building blocks of strong democracy, and it works directly with Iraqi partners and hundreds of local civic organization.

Both IRI and NDI want to continue to build these essential links between the government and political parties, in order to enable the government to become more responsive and effective in addressing the needs of Iraq's people.

Despite the impressive contribution of these two Institutes to democracy in Iraq, neither is guaranteed future funding for its programs. The administration's budget provides only $7.5 million for each Institute—enough for just two months of operating expenses. Our amendment provides an additional $22 million for each institute's essential democracy programs in Iraq for the next 18 months.

Thousands of Iraqis are working hard, often at great risk to themselves, to develop civic groups, participate in political parties and election, and run for and serve in political office. The dramatic pictures of Iraqis waving their purple fingers after voting in past elections remind us of the enormous stakes.

Progress to avoid civil war and defeat the insurgency is directly related to progress on democracy-building, and ongoing work on this all-important issue must be a top priority.

We must be clear in our commitment to stand by these organizations that are working on the front lines in the struggle for democracy in Iraq every day. We also need to demonstrate to Iraqis and others that we are committed to Iraq's long-term democratic development. We need a long-term plan and a long-term strategy that is backed by appropriate resources.

President Bush has called for patience in Iraq. He should heed his own advice. He can't speak about having patience for democracy in Iraq, and then cut funding for the groups who are assisting so capably in its development.

Our financial commitment to the organizations at the forefront of the democracy effort must be strong and unambiguous. By failure to guarantee continuity for their programs, we send a confusing signal that can only be harmful for this very important effort.

We are now spending more than $1 billion a week for military operations for the war in Iraq. At this rate, it would take the military less than 1 day to spend the $96 million provided in this amendment for democracy promotion. Surely, we can commit this level of funding for democracy programs over the next 18 months.

Regardless of whether we supported or opposed the war, we all agree that the work of building democracy requires patience, skill, guaranteed continuity, and adequate resources.

It makes no sense to shortchange Iraq's political development. We need a long-term political strategy, and we must back up that strategy with the needed resources, if we truly hope to achieve a stable, peaceful and democratic Iraq.

Our amendment provides the resources necessary to ensure continuity in these democracy programs in Iraq, and I urge my colleagues to support it.

AMENDMENT NO. 3600

Mrs. MURRAY. Mr. President, I ask unanimous consent that those amendments be set aside and I ask for the regular order to consider Harkin amendment No. 3600.

The PRESIDING OFFICER. Without objection, it is so ordered. The amendment is now pending.

Mrs. MURRAY. There is no further debate on the amendment.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment.

The amendment (No. 3600) was agreed to.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. Mr. President, I ask unanimous consent that the pending amendments be set aside.

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

AMENDMENTS NOS. 3722, 3699, AND 3672 EN BLOC

Mr. CORNYN. Mr. President, I call up three amendments, 3722, 3699, 3672.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Texas [Mr. CORNYN] proposes amendments numbered 3722, 3699, and 3672 en bloc.

Mr. CORNYN. Mr. President, I ask unanimous consent that reading of the amendments be dispensed with.

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

The amendments are as follows:

AMENDMENT NO. 3722

(Purpose: To provide for immigration injunction reform)

On page 253, between lines 19 and 20, insert the following:

TITLE VIII—IMMIGRATION INJUNCTION REFORM

SEC. 8001. SHORT TITLE.

This title may be cited as the ''Fairness in Immigration Litigation Act of 2006''.

SEC. 8002. APPROPRIATE REMEDIES FOR IMMIGRATION LEGISLATION.

(a) REQUIREMENTS FOR AN ORDER GRANTING PROSPECTIVE RELIEF AGAINST THE GOVERNMENT.—

(1) IN GENERAL.—If a court determines that prospective relief should be ordered against the Government in any civil action pertaining to the administration or enforcement of the immigration laws of the United States, the court shall—

(A) limit the relief to the minimum necessary to correct the violation of law;

(B) adopt the least intrusive means to correct the violation of law;

(C) minimize, to the greatest extent practicable, the adverse impact on national security, border security, immigration administration and enforcement, and public safety, and

(D) provide for the expiration of the relief on a specific date, which is not later than the earliest date necessary for the Government to remedy the violation.

(2) WRITTEN EXPLANATION.—The requirements described in paragraph (1) shall be discussed and explained in writing in the order granting prospective relief and must be sufficiently detailed to allow review by another court.

(3) EXPIRATION OF PRELIMINARY INJUNCTIVE RELIEF.—Preliminary injunctive relief shall automatically expire on the date that is 90 days after the date on which such relief is entered, unless the court—

(A) makes the findings required under paragraph (1) for the entry of permanent prospective relief; and

(B) makes the order final before expiration of such 90-day period.

(4) REQUIREMENTS FOR ORDER DENYING MOTION.—This subsection shall apply to any order denying the Government's motion to vacate, modify, dissolve or otherwise terminate an order granting prospective relief in any civil action pertaining to the administration or enforcement of the immigration laws of the United States.

(b) PROCEDURE FOR MOTION AFFECTING ORDER GRANTING PROSPECTIVE RELIEF AGAINST THE GOVERNMENT.—

(1) IN GENERAL.—A court shall promptly rule on the Government's motion to vacate, modify, dissolve or otherwise terminate an order granting prospective relief in any civil action pertaining to the administration or enforcement of the immigration laws of the United States.

(2) AUTOMATIC STAYS.—

(A) IN GENERAL.—The Government's motion to vacate, modify, dissolve, or otherwise terminate an order granting prospective relief made in any civil action pertaining to the administration or enforcement of the immigration laws of the United States shall automatically, and without further order of the court, stay the order granting prospective relief on the date that is 15 days after the date on which such motion is filed unless the court previously has granted or denied the Government's motion.

(B) DURATION OF AUTOMATIC STAY.—An automatic stay under subparagraph (A) shall continue until the court enters an order granting or denying the Government's motion.

(C) POSTPONEMENT.—The court, for good cause, may postpone an automatic stay under subparagraph (A) for not longer than 15 days.

(D) ORDERS BLOCKING AUTOMATIC STAYS.—Any order staying, suspending, delaying, or otherwise barring the effective date of the automatic stay described in subparagraph (A), other than an order to postpone the effective date of the automatic stay for not longer than 15 days under subparagraph (C), shall be—

(i) treated as an order refusing to vacate, modify, dissolve or otherwise terminate an injunction; and

(ii) immediately appealable under section 1292(a)(1) of title 28, United States Code.

(c) SETTLEMENTS.—

(1) CONSENT DECREES.—In any civil action pertaining to the administration or enforcement of the immigration laws of the United States, the court may not enter, approve, or continue a consent decree that does not comply with subsection (a).

(2) PRIVATE SETTLEMENT AGREEMENTS.—Nothing in this section shall preclude parties from entering into a private settlement agreement that does not comply with subsection (a) if the terms of that agreement are not subject to court enforcement other than reinstatement of the civil proceedings that the agreement settled.

(d) EXPEDITED PROCEEDINGS.—It shall be the duty of every court to advance on the docket and to expedite the disposition of any civil action or motion considered under this section.

(e) DEFINITIONS.—In this section:

(1) CONSENT DECREE.—The term ''consent decree''—

(A) means any relief entered by the court that is based in whole or in part on the consent or acquiescence of the parties; and

(B) does not include private settlements.

(2) GOOD CAUSE.—The term ''good cause'' does not include discovery or congestion of the court's calendar.

(3) GOVERNMENT.—The term ''Government'' means the United States, any Federal department or agency, or any Federal agent or official acting within the scope of official duties.

(4) PERMANENT RELIEF.—The term ''permanent relief'' means relief issued in connection with a final decision of a court.

(5) PRIVATE SETTLEMENT AGREEMENT.—The term ''private settlement agreement'' means an agreement entered into among the parties that is not subject to judicial enforcement other than the reinstatement of the civil action that the agreement settled.

(6) PROSPECTIVE RELIEF.—The term ''prospective relief'' means temporary, preliminary, or permanent relief other than compensatory monetary damages.

SEC. 8003. EFFECTIVE DATE.

(a) IN GENERAL.—This title shall apply with respect to all orders granting prospective relief in any civil action pertaining to the administration or enforcement of the immigration laws of the United States, whether such relief was ordered before, on, or after the date of the enactment of this Act.

(b) PENDING MOTIONS.—Every motion to vacate, modify, dissolve or otherwise terminate an order granting prospective relief in any such action, which motion is pending on the date of the enactment of this Act, shall be treated as if it had been filed on such date of enactment.

(c) AUTOMATIC STAY FOR PENDING MOTIONS.—

(1) IN GENERAL.—An automatic stay with respect to the prospective relief that is the subject of a motion described in subsection (b) shall take effect without further order of the court on the date which is 10 days after the date of the enactment of this Act if the motion—

(A) was pending for 45 days as of the date of the enactment of this Act; and

(B) is still pending on the date which is 10 days after such date of enactment.

(2) DURATION OF AUTOMATIC STAY.—An automatic stay that takes effect under paragraph (1) shall continue until the court enters an order granting or denying the Government's motion under section 8002(b). There shall be no further postponement of the automatic stay with respect to any such pending motion under section 8002(b)(2). Any order, staying, suspending, delaying or otherwise barring the effective date of this automatic stay with respect to pending motions described in subsection (b) shall be an order blocking an automatic stay subject to immediate appeal under section 8002(b)(2)(D).

AMENDMENT NO. 3699

(Purpose: To establish a floor to ensure that States that contain areas that were adversely affected as a result of damage from the 2005 hurricane season receive at least 3.5 percent of funds set aside for the CDBG program)

On page 200, line 21, insert ''Provided further, That as long as $5,200,000,000 is provided under this heading no State shall be allocated less than 3.5 percent of the amount provided under this heading:'' after ''impacted areas:''.

AMENDMENT NO. 3672

(Purpose: To require that the Secretary of Labor give priority for national emergency grants to States that assist individuals displaced by Hurricane Katrina or Rita)

At the end of chapter 7 of title II, insert the following:

NATIONAL EMERGENCY GRANTS

SEC. ____. In distributing unobligated funds described in section 132(a)(2)(A) of the Workforce Investment Act of 1998 (29 U.S.C. 2862(a)(2)(A)) and appropriated for fiscal year 2006 for national emergency grants under section 173 of such Act (29 U.S.C. 2918) (not including funds available for Community-Based Job Training Grants under section 171(d) of such Act (29 U.S.C. 2916(d)), the Secretary shall give priority to States that—

(1) received national emergency grants under such section 173 to assist—

(A) individuals displaced by Hurricane Katrina; or

(B) individuals displaced by Hurricane Rita;

(2) continue to assist individuals described in subparagraph (A), or individuals described in subparagraph (B), of paragraph (1); and

(3) can demonstrate an ongoing need for funds to assist individuals described in subparagraph (A), or individuals described in subparagraph (B), of paragraph (1).

Mr. CORNYN. Mr. President, on amendment 3722, I ask unanimous consent that Senator KYL be added as a cosponsor.

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

Mr. CORNYN. Mr. President, I know the hour is getting late, but I appreciate the opportunity to talk a little bit about the impact of Hurricanes Katrina and Rita on the State of Texas.

As a member of the Committee on the Budget, I am keenly aware of our fiscal challenges. During the consideration of the budget resolution, I had offered an amendment which would slow the growth of mandatory spending, hopefully to allow a little bit more flexibility so we can fund our Nation's priorities while we also manage our fiscal house.

The amendments I have offered that I wish to talk about at this time are No. 3699 and No. 3672. These amendments aim to make Texas whole from the 2005 hurricanes, and it won't cost the Federal Treasury a single dime more. They are specifically tailored to deal with the needs that are true emergencies in every sense of the word.

I need to set the record straight about some misperceptions with regard to the state of my State; in particular, the impact these two natural disasters, the worst storms in our Nation's history, Hurricanes Rita and Katrina, had on the State of Texas.

Although the State was not hit directly by Hurricane Katrina, it was significantly affected by that storm. It came in a flood of evacuees fleeing New Orleans after Hurricane Katrina. In a matter of days, the Texas population grew by roughly the size of an average U.S. city, some half a million people, many of whom you see pictured to my right in a picture of the Astrodome floor where the evacuees were housed temporarily. It is estimated that at one point, there were 17,500 people housed at the Astrodome. It was only one of four megasites in Houston to house evacuees. Another 4,000 were housed at Reliant Arena and 2,300 at Reliant Center. The George R. Brown Convention Center in downtown Houston took the remaining people, about 2,800 evacuees.

I have shown a picture of the city of Houston, but this is just one large concentration of the evacuees of Hurricane Katrina. We can show similar pictures of evacuation sites and housing sites all around the State. It was obviously no small feat to take care of the needs of these people who just had their homes and their lives taken away from them as they previously knew them.

I remember shortly after this occurred there were many people who would stop me here in the Senate, in the hallways of the Senate office buildings, around Washington, DC, and elsewhere and tell me how thankful and grateful they were that the people of

Texas were so willing to take in their neighbors at a time of need.

The fact is, a large number of the people who have come to Texas in the wake of Hurricane Katrina are those with some of the greatest needs. That was true where they lived previously—many of them in Louisiana—and among the people were those with the greatest needs in our country in general. This shows thousands of people in Houston and elsewhere who were in wheelchairs. This man has a cane, and many of these individuals had special needs. They were not necessarily able-bodied when they came to the State. This obviously has put an incredible strain on Texas's local support systems in the midst of this flood, a flood of humanity.

This hurricane and the subsequent hurricane, Hurricane Rita, went straight up the Sabine River between Texas and Louisiana. I still remember talking to one of the computer scientists who had actually modeled the potential impact on the State if Hurricane Rita had not taken a right-hand turn and gone up right through southeast Texas. He said that if a category 4 hurricane hit Houston, there would be a minimum of $80 billion in additional property damage. Thank goodness that did not happen, and thank goodness there was no loss of life on a massive scale. But that was primarily because of the evacuation of the city of Houston and the fact that Mother Nature decided to spare Houston a direct hit while it took a right-hand turn straight up the Sabine River between Texas and Louisiana.

The coast, private property, critical infrastructure, and millions of lives were devastated by the storm. As this picture indicates—and I am sure the Senator from Mississippi and other Senators from other States directly affected can identify with the devastation we see here—this is just one example of the devastation in southeast Texas caused by Hurricane Rita.

In light of these two unprecedented events, Texas counties that were most seriously affected need help, like the other affected regions of our country that are more visible. I am sorry to say, notwithstanding all of the good work that has been done by the Federal Government, the reimbursements now range in the hundreds of thousands of dollars, but Texas has not been made completely whole as a result of these hurricanes.

I am deeply troubled by reports I have received from some that there is a widespread perception that Texas is doing just fine and that we somehow managed to absorb half a million people, including their needs for housing, food, security, health care, education, and employment, just to name a few, and that somehow some people still believe that Texas should have no special need for additional Federal assistance, no need to make the State whole or to have restored to us a reasonable portion of the resources we willingly gave and continue to give to our neighbors in need.

Consider that the parishes of western Louisiana that were most directly affected by Hurricane Rita—not Katrina—were granted a much more favorable Federal-State cost-sharing ratio of 90 percent Federal to 10 percent State versus the 75/25 that was granted to Texas. The counties in southeastern Texas were denied that same benefit, even though their damage was similar and they suffered a similar impact. The only difference we are talking about here is on which side of the Sabine River these counties were located.

I am in no way minimizing the devastation and destruction that affected places such as New Orleans and Mississippi, Alabama, and elsewhere. They have suffered tremendously. But the people of Texas have experienced their share of destruction, as well. So I take this opportunity for a few moments to provide my colleagues with a summary, a snapshot of the current situation in Texas nearly 9 months after half a million evacuees flooded our State.

Based on FEMA registrations, an estimated 450,000 to 490,000 Katrina evacuees currently remain in Texas. Approximately 5,900 are individuals with essential needs that I mentioned a moment ago, those who are mentally or physically disabled, frail, or otherwise require special care. Approximately 286,000 of the evacuees are still housed in Texas hotels. Approximately 130,000 of them are in rental housing. Only 27,000 housing units are now even available to the Texas Department of Housing and Community Affairs.

Many Texas communities were hit with a one-two punch: first, providing shelter to half a million Katrina evacuees and then suffering enormous devastation from Hurricane Rita themselves. Funds are needed to provide housing assistance to Texas residents whose homes were damaged by Hurricane Rita and to assist the nearly 400,000 residents of Louisiana, Mississippi, and Alabama who continue to reside in Texas, albeit on a temporary basis.

Unfortunately, Texas only received $74.5 million of the $11.5 billion made available in the community development block grants in last year's Defense appropriations bill. The Department of Housing and Urban Development has estimated that more than 27,000 homes in southeast Texas and 75,000 homes throughout the State were damaged or destroyed while thousands of businesses suffered heavy damage resulting in more than $1 billion in loss. I have offered an amendment that ensures Texas and all other States affected by hurricane devastation receive no less than 3.5 percent of the $5.2 billion included in the bill for CDBG.

I note that Senator LANDRIEU, from Louisiana, is one of the consponsors of that amendment.

Considering Texas has taken in almost half a million evacuees, it seems reasonable we would receive a modest 3.5 percent of the funds allocated for housing.

With regard to jobs and welfare, currently about 62,000 evacuees are receiving food stamps from the State of Texas allotment. Of these, 97 percent are from Louisiana. Sixty-one percent of the food stamp recipients stated in a poll that they expected to return to their State within 3 months. Yet notwithstanding their response to the poll, they remain in Texas, and we must provide for them. Texas Workforce Commission has worked diligently to process more than 60,000 unemployment claims from Louisiana. Yet there are thousands more who will need employment training skills as they remain in our State.

One of the amendments I have offered directs the Secretary of Labor to prioritize States that have taken in Hurricane Katrina and Rita evacuees when distributing the remainder of fiscal year 2006 national emergency grants.

I note that Senator HUTCHISON has joined me as cosponsor. I ask unanimous consent that she be added as a cosponsor to that amendment.

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

Mr. CORNYN. With regard to health care to help accommodate the large influx of people to Texas, my State was given a waiver by the Centers for Medicare and Medicaid Services that allows the State to reimburse providers who incurred costs for uncompensated health care. Evacuees at any income level who did not have insurance coverage were provided medically necessary health care through this waiver. Texas provided evacuees health care, long-term care, prescription medicines, and medical transportation through two programs, Medicaid and the Uncompensated Care Program. Those not eligible for the Medicaid Program but who had incomes below a certain cutoff were provided coverage under the Uncompensated Care Program.

I next will talk about education. This chart depicts an evacuee, a young lady who is showing up for elementary school. There were 45,099 Katrina evacuees enrolled in Texas on October 13. Today, there are still about 36,000 Katrina children in our public schools alone. The photo next to me depicts one of the many such centers that were quickly established at conference centers and temporary shelters to register children who had evacuated to our State. Each of these children represents a cost of about $7,500 a year for the State of Texas to educate.

Furthermore, approximately 5,000 Katrina evacuees are currently enrolled in Texas public universities and colleges. I give special credit to Texas institutions of higher education that took in students and faculty from other States with limited reimbursement.

This massive evacuation, this wave of humanity, also has had an impact on

crime in our State. According to a recent news article, evacuees have been victims of or accused of committing 39 of the 235 murders in Houston since last September, according to Houston's police chief, Harold Hurtt. In the month of January, Houston saw a 34-percent rise in felonies over the previous year. This city had 800 officers retire in the past 2 years; it recently moved 100 officers working in city jails to high-crime areas while also significantly increasing overtime. It is no small thing to reallocate those resources which are already stretched thin.

Texas has given generously of its resources to our neighbors during a time of need. That is something we will continue to do and that we are enormously proud of. I have made a commitment to the people of my State that I will do all I can to ensure that the affected communities are reimbursed for the cost of providing care to victims of Katrina and that those affected by Hurricane Rita will receive fair treatment as they also face the daunting task of rebuilding their lives.

This shown here is another picture. Here again, I am sure the Senator from Mississippi recognizes this kind of devastation, with cars turned on end as a result of the force of the storm in southeast Texas. I am talking now about Hurricane Rita again.

When the good people of my State signed up for helping their neighbors, they were in it for the long haul. We will continue to support the evacuees who come to our State, even as we work to recover ourselves from Hurricane Rita. But I am here to make sure we have the tools and the resources necessary to do the job right.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. ALLEN). The Senator from Washington.

AMENDMENT NO. 3599

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

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

Mrs. MURRAY. Mr. President, I call up amendment No. 3599 and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will please report.

The legislative clerk read as follows:

The Senator from Washington [Mrs. MURRAY], for Mr. LUGAR, for himself, Mr. OBAMA, Mr. DOMENICI, Mr. LEVIN, Mr. HAGEL, Mr. REED, Mr. CHAFEE, Mr. DODD, Mr. ALLEN, Mr. BAYH, Mrs. BOXER, Mr. AKAKA, Mr. LAUTENBERG, and Mr. DURBIN, proposes an amendment numbered 3599.

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

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

The amendment is as follows:

(Purpose: To increase by $8,000,000 and deposit in the Former Soviet Union Threat Reduction Account the amount appropriated for Cooperative Threat Reduction)

On page 117, between lines 9 and 10, insert the following:

SEC. 1312. (a) The amount appropriated by this chapter under the heading ''OPERATION AND MAINTENANCE, DEFENSE-WIDE'' and available for Cooperative Threat Reduction is increased by $8,000,000.

(b) Of the amount appropriated by this chapter under the heading ''OPERATION AND MAINTENANCE, DEFENSE-WIDE'' and available for Cooperative Threat Reduction, as increased by subsection (a), $44,500,000 shall be deposited in the Former Soviet Union Threat Reduction Account and shall remain available until September 30, 2008.

(c) The amount made available under subsection (a) is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

Mrs. MURRAY. Mr. President, this amendment, which is offered by Senator LUGAR and Senator OBAMA, restores full funding for the President's supplemental request for the Nunn-Lugar programs, at a total cost of $8 million. This amendment will allow upgrades to Russian nuclear warhead storage facilities to be completed on time.

The House-passed bill contained full funding for the Nunn-Lugar programs. This amendment would square us with the House level.

This amendment has 34 cosponsors—10 Republicans, 23 Democrats, and 1 Independent.

My understanding is that this amendment has been cleared on both sides of the aisle. I ask that it be considered by voice vote and adopted at this time.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, the amendment has the support of this side of the aisle, and we join in the request of the Senator from Washington.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment.

The amendment (No. 3599) was agreed to.

Mrs. MURRAY. I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3708

Mrs. MURRAY. Mr. President, on behalf of Senator BYRD, I call up amendment No. 3708 and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Washington [Mrs. MURRAY], for Mr. BYRD, proposes an amendment numbered 3708.

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

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

The amendment is as follows:

(Purpose: To provide additional amounts for emergency management performance grants, and for other purposes)

At the appropriate place, insert the following:

TITLE ——

DISASTER MANAGEMENT AND MITIGATION

EMERGENCY MANAGEMENT PERFORMANCE GRANTS

For an additional amount for necessary expenses for ''Emergency Management Performance Grants'', as authorized by the National Flood Insurance Act of 1968 and the Flood Disaster Protection Act of 1973 (42 U.S.C. 4001 et seq.), the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), the Earthquake Hazards Reductions Act of 1977 (42 U.S.C. 7701 et seq.), and Reorganization Plan No. 3 of 1978 (5 U.S.C. App.), $130,000,000, to remain available until expended: *Provided*, That the total costs in administering such grants shall not exceed 3 percent of the amounts provided in this heading: *Provided further*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the current resolution on the budget for fiscal year 2006.

FLOOD MAP MODERNIZATION FUND

For an additional amount for ''Flood Map Modernization Fund'' for necessary expenses pursuant to section 1360 of the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.), $50,000,000, and such additional sums as may be provided by State and local governments or other political subdivisions for cost-shared mapping activities under section 1360(f)(2) of such Act, to remain available until expended: *Provided*, That the total costs in administering such funds shall not exceed 3 percent of the amounts provided in this heading: *Provided further*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the current resolution on the budget for fiscal year 2006.

NATIONAL PREDISASTER MITIGATION FUND

For an additional amount for ''National Predisaster Mitigation Fund'' for the pre-disaster mitigation grant program pursuant to title II of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5131 et seq.), $100,000,000, to remain available until expended: *Provided*, That grants made for pre-disaster mitigation shall be awarded on a competitive basis subject to the criteria in section 203(g) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5133(g)), and notwithstanding section 203(f) of such Act, shall be made without reference to State allocations, quotas, or other formula-based allocation of funds: *Provided further*, That the total costs in administering such funds shall not exceed 3 percent of the amounts provided in this heading: *Provided further*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the current resolution on the budget for fiscal year 2006.

SEC. —001. Notwithstanding any other provision of this Act, the amount provided for ''Diplomatic and Consular Programs'' shall be $1,172,600,000.

Mrs. MURRAY. Mr. President, I believe we have no other amendments Senators want to offer on our side tonight.

I ask our colleagues on the other side if they have any further amendments to offer tonight.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, let me thank all Senators for the cooperation

we received during today's consideration of amendments to H.R. 4939, the emergency supplemental appropriations bill. We have taken up a lot of amendments to the bill, and we have heard a lot of debate. We know this will continue probably on into next week before we complete action on the bill. But we look forward to considering any suggestions that Senators have for improving the legislation. We would just as soon they did not spend a lot of time finding ways to improve the bill. But we think we made good progress today.

We thank all Senators and especially Senator MURRAY for her help in managing the bill today. Senator BYRD, the ranking Democrat, the senior Democrat, on the committee, has been a friend for a long time, and I have appreciated his help and counsel and advice and assistance as well.

I know of nothing further to come before the Senate, so we will await the advice of the leader before any further action is taken.

Mr. NELSON of Florida. Mr. President, Florida was hit by four hurricanes in 2005, a devastating year for killer storms. Starting with Delmis in July, followed by Katrina in August, Rita in September, and finishing with Wilma in October, when the hurricane season finally ended, 39 of Florida's 67 counties had been declared Federal disaster areas. In the aftermath, 40,000 roofs were repaired by the Army Corps; ''Blue Roof' program and approximately 3,000 temporary trailers were used as housing for Floridians left homeless by the storms.

While I am emely appreciative of the assistance extended to Florida by this body, today I joined Senators CORNYN and HUTCHISON of Texas and Senator LANDRIEU of Louisiana on an amendment to H.R. 4939, the supplemental appropriations bill, which ensures no State will receive an allocation ofless than 3.5 percent of the $5.2 billion included in this bill for disaster Community Development Block Grant funds. This is extremely important to the panhandle of Florida because the last suppemental appropriation bill of fiscal year 2006 did not include Hurricane Dennis.

After Dennis made landfall, 27 percent or over 12,000 homes were damaged in Santa Rosa County the same region decimated by Hurricane Ivan in 2004, Escambia County suffered $73.8 million in damages from Dennis. Franklin County's oyster beds and processing plant were nearly destroyed. Parts of Wakulla County were left under water by storm surges of more than 10 feet. I have not forgotten Dennis' victims and want them to know I am fighting for them.

South Florida will also benefit greatly from additional CDBG dollars. With total insured losses of $8 billion, Wilma is ranked the second most expensive hurricane among the eight to strike Florida during 2004 and 2005.

I thank the committee for crafting language in the bill we are now considering which would make communities impacted by Dennis eligible for relief. Further, I note the House did not include similar language and urge my colleagues in the Florida delegation to fight to keep the Senate provision intact during conference.

Mr. BURNS. Mr. President, I wish to take a moment this afternoon and discuss this supplemental and the need to restore some fiscal responsibility to this body. America has had some big challenges thrown at it over the last 5 years 9/11, the war on terror, and Hurricane Katrina and those challenges have required some commitment from the Federal Treasury. I accept that. But Congress can not continue to spend without restraint, and this administration can not continue to rely on the use of emergency supplementals to circumvent the congressional budget process.

When the President sent his budget request for fiscal year 2007 up to Congress, the administration indicated that Congress should expect some emergency supplemental requests as well. On February 16, the administration asked for $92.2 billion in emergency funding for the war on terror and hurricane recovery. I think we need to ask some tough questions about budget processes and emergency funding requests. Do all of these dollars truly belong outside the normal budget and appropriations debate? I support the war on terror, and I am sympathetic to the devastation caused by the hurricanes, but neither of those events justifies a blank check from Congress.

The President has asked for $92.2 billion, and I think that—at a minimum—we need to work our way back to that number in conference. We need to take a careful look at all of the President's requests, as well as the priorities that other Senators have, and make a decision as to whether these provisions are truly emergency needs.

I realize that some of my colleagues might take exception to these comments, since I have pushed for agricultural disaster assistance. I believe the most important component of that package is the energy assistance payments, to help farmers manage unprecedented increases in the cost of fuel and fertilizer price increases that were caused in large part by the hurricanes. Congress has been generous in addressing gulf coast recovery, but we cannot address some of the impact while leaving others to absorb the full impact of an unforeseeable disaster. Producers have waited and waited, watching one supplemental after another go by without their legitimate concerns being addressed.

Budgets are about priorities—allocating the right amount of money to the right places at the right time for the right reasons. We have limited resources, and we need to allocate them wisely. I am confident that, working in good faith with our colleagues in the House and the administration, we can bring the overall dollar figure down, while still addressing the truly pressing needs that are out there.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. FRIST. Mr. President, I had hoped we could have made further progress on the emergency supplemental bill. Unfortunately, today we were only able to dispose of two amendments with rollcall votes—only two amendments. I am disappointed that the Senator from Oregon prevented us from voting on some of the amendments that had been in the queue, in line, and ready for votes.

Having said that, we know this is an emergency bill, supplemental emergency spending. Time is of the essence. Tomorrow there is a retreat on the other side of the aisle, and therefore we will not be able to make further progress. For that reason, I will send a cloture motion to the desk to ensure we can finish this emergency bill at a reasonable time next week.

CLOTURE MOTION

I now send that cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on Calendar No. 391, H.R. 4939, the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006.

Bill Frist, Thad Cochran, Judd Gregg, Lamar Alexander, Wayne Allard, Johnny Isakson, Mitch McConnell, Mel Martinez, Orrin Hatch, Kay Bailey Hutchison, George Allen, Norm Coleman, Pat Roberts, Richard Shelby, Larry Craig, Richard Burr, Robert F. Bennett.

Mr. FRIST. Mr. President, I ask unanimous consent that the live quorum be waived.

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

MORNING BUSINESS

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

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

CONGRATULATING CRAIG WILLIAMS

Mr. MCCONNELL. Mr. President, I rise today to congratulate a distinguished Kentuckian who has been honored with a very distinguished award. I

understand that philanthropist Richard Goldman got the inspiration for the Goldman Environmental Prize after reading about the winners of the Nobel Prize, and wondering why there was no equivalent for extraordinary efforts to conserve our natural environment.

Now, less than two decades since its inception, the Goldman Environmental Prize has risen to rival the Nobel as a marker of achievement. Every one of this year's winners fought to protect the environment in a way that affected the lives of thousands, if not millions, of others, often alone and at great personal cost. All of them have my admiration. And I am grateful the Goldman Environmental Prize will continue to recognize and reward conservationists who protect the land, and promote the well-being of the people who use it.

All of that said, I speak today for one reason. Craig Williams has been a friend for over 20 years, and an inspiration. Craig won this award because he dared to speak out against an immovable, hidebound bureaucracy—the Department of Defense—and he won. He is proof that, sometimes, David really can slay Goliath. This year, he has been honored as the North American recipient of the Goldman Environmental Prize.

For 20 years, Craig's vigilance has proven invaluable in ongoing efforts to ensure the Department of Defense destroys its hundreds of tons of chemical weapons as safely and efficiently as possible. These deadly materials are stored at Blue Grass Army Depot, which is near Craig's home in Berea, KY, and at several other locations across the United States. Thanks to his activism, we are closer than we ever have been to taking tangible steps towards removing these heinous weapons from the face of the Earth once and for all.

Craig's biggest fans are his neighbors, the people of Madison County, KY. To them, Craig is an absolute hero. Imagine if you lived just a short distance away from over 500 tons of the deadliest materials ever conceived by man, VX nerve agent. As little as 10 milligrams of VX will kill a human being. That is about the mass of 10 grains of sand. If inhaled, death is immediate.

Too many people have lived for too long with that mortal threat hanging over them. Thanks to Craig, they can see light at the end of the tunnel.

Obviously, Craig is very effective. But let me explain why he is so effective. First of all, he is tenacious. After 20 years of commitment to this cause—with little or no pay or recognition—he and the nationwide group of concerned citizens he founded, the Chemical Weapons Working Group, are more active than ever.

A lot of people come to Congress every day with dire warnings about this or that issue. And a lot of them turn out to be Chicken Littles, warning about a sky that never falls. Craig is no Chicken Little. He is credible, because he knows what he is talking about. I listen to Craig, as do my Senate colleagues, because he is so often right.

The work Craig and I have done together is a perfect model for how government can and ought to work with the people it serves. Too often, collaboration between lawmakers and informed citizens—also known as lobbyists, please excuse my language, I know that is a dirty word—is portrayed as unethical or sleazy.

The truth is that the vast majority of people who come to Congress for help are people like Craig Williams. They have a lot of passion, a lot of knowledge, and want to persuade the government to use its power for their cause.

Craig's cause is just, and his advocacy is persuasive. When Craig tells me something, I know it is worthy of consideration, and I will be inclined to move the levers of government to get the results he and I want. For 20 years I have been happy to do just that. Government works because of people like Craig Williams.

I ask my colleagues to join me in congratulating Craig Williams on this well-deserved honor.

A TRIBUTE TO THE NEPALI PEOPLE

Mr. LEAHY. Mr. President, I want to speak briefly about recent events in Nepal.

As Senators are aware, last February 1 King Gyanendra seized absolute power, dissolved the multiparty government, and imprisoned his political opponents. He justified his power grab as necessary to bring peace and democracy to that impoverished Himalayan nation that has been in the throes of a bloody conflict with Maoist insurgents for a decade.

Yet, as many predicted, in the past year the Maoists have gained strength while Nepal's fledgling democratic institutions have been badly weakened. Finally recognizing that the King's real purpose was to consolidate his own power and take the country back to the feudal days of his father, the people lost patience.

Over the past few weeks, hundreds of thousands of Nepali citizens took to the streets in a show of defiance and braved bullets, clubs, and tear gas to force the King to back down.

Tomorrow, Nepal's Parliament will reconvene and it is expected to begin discussion of a date for the election of a constituent assembly to draft a new constitution. Among the key issues to be addressed is what role, if any, the monarchy will have in Nepal's democratic future. Another necessary step will be to guarantee the army's subservience to civilian authority.

I wish to pay tribute to the people of Nepal. They have suffered for generations from poverty, discrimination, corruption, and repression. Yet through it all they have persevered, and they have shown that not even the most recalcitrant despot who uses the national army as his own palace guard can withstand the will of the people when they are prepared to risk their lives for freedom.

Today, Nepal begins a new chapter in its history. The future is far from certain and the road ahead is filled with potential pitfalls. But no one can doubt the opportunity that this moment offers, nor the importance of what is at stake for Nepal.

It is up to Nepal's political parties, whose leaders have too often put their own personal ambitions ahead of the good of the country, to show that they have a practical vision for the future and that they can govern. In a democracy that means dialogue, it means tolerance, it means compromise, it means acting in good faith as representatives of the people, it means keeping one's commitments, and it means being willing to step aside for the next generation when it is their turn.

The Maoists must also recognize that the Nepali people's foremost desire is peace. The Maoists have announced another cease-fire, which is welcome, but there is no justification for any return to violence. Too many innocent people have died and too many Nepali families have suffered needlessly. It is time for the Maoists to renounce violence and join in a national dialogue to restore democracy and develop a strategy to address the root causes of the conflict.

The international community, particularly India, the United States, Great Britain, China, and the United Nations, also have an important role to play in supporting Nepal at this critical time. Like Afghanistan, East Timor, and other unstable countries emerging from years of conflict, Nepal will need technical assistance for the election of a constituent assembly and the drafting of a new constitution. It will need international monitors of the cease-fire and of the observance of human rights by both Maoists and the army. It will need resources to help build the institutions of democracy and to hold accountable those on both sides of the conflict who are responsible for atrocities.

During the 5 years of his troubled rein, King Gyanendra took Nepal to the brink of disaster. He stubbornly ignored the pleas of Nepal's friends. He shamelessly used the army to trample on the people's cherished rights. He squandered his opportunity to continue on the path of his predecessor to nurture democracy and help guide Nepal into the 21st century.

The Nepali people, 15 of whom gave their lives in the protests, want nothing less than a democratic future. They want a government that respects the worth of every Nepali, regardless of the family they come from, their ethnicity, religion, gender or profession. It is time for Nepal's leaders to show that they are worthy of the Nepali people's confidence and support.

SEVEN YEARS AFTER COLUMBINE

Mr. LEVIN. Mr. President, last Thursday marked the seventh anniversary of the tragic Columbine High School shooting. None of us will forget the sight of hundreds of terrified students running out of their high school while police and S.W.A.T. team members frantically searched for 2 young gunmen who, before taking their own lives, had murdered 12 innocent children, a teacher, and wounded 2 dozen other students.

In the aftermath of the Columbine tragedy, I said I would try to make a statement each week on the issue of commonsense gun safety to help draw attention to an issue that, unfortunately, continues to go unaddressed. Heidi Yewman, who graduated from Columbine High School 13 years before the shooting, wrote about her frustrations and the lack of congressional attention to this issue in a recent newspaper editorial. As she put it, ''This summer I will attend my 20-year high school reunion, and Topic A will be as it has been for the past seven years the massacre and what hasn't happened since.'' I will ask that the text of Ms. Yewman's editorial be printed in the RECORD.

One of the things mentioned by Ms. Yewman that hasn't happened since the Columbine High School shootings is a Federal requirement of a background check on the sale of all firearms, including those that are sold at gun shows. Under current law, when an individual buys a firearm from a licensed dealer, there are Federal requirements for a background check to insure that the purchaser is not prohibited by law from purchasing or possessing a gun. However, this is not the case for all gun purchases. For example, when an individual wants to buy a firearm from another private citizen who is not a licensed gun dealer, there is no Federal requirement that the seller ensure the purchaser is not in a prohibited category. This creates a loophole in the law, making it easy for criminals, terrorists, and other prohibited buyers to evade background checks and buy guns from private citizens. This loophole creates a gateway to the illegal market because criminals know they will not be subject to a background check when purchasing from another private citizen even at a gun show.

During the 108th Congress, I cosponsored an amendment that passed the Senate which would have required background checks on all firearms sold at gun shows. However, when the Senate passed the amendment, the National Rifle Association and its allies in the Senate then removed their support for the underlying bill and it was defeated. Unfortunately, the Senate has failed to address this important gun safety issue since.

In the years since the Columbine High School shootings, Congress has also failed to renew the 1994 assault weapons ban. On September 13, 2004, this legislation was allowed to expire, allowing 19 previously banned assault weapons, including the TEC–9 handgun used by the Columbine shooters, and other firearms with military style features to be legally sold again.

I have cosponsored legislation to reauthorize and strengthen the assault weapons ban. Last Congress, the Senate adopted an amendment to reauthorize the assault weapons ban for 10 years. However, like the amendment to close the gun show loophole, the bill to which the amendment was attached was later defeated, and despite the fact that a bipartisan majority of Senators voted to support reauthorizing the ban on assault weapons, the Republican leadership has refused to schedule another vote on the issue.

Mr. President, the threat of gun violence in our schools and communities has not diminished. Last week alone, as families and friends remembered those who were lost in the Columbine shootings, law enforcement officials apparently thwarted planned Columbine-style school shootings in Kansas, Alaska, Mississippi, and Washington. According to published reports, students in at least two of these small towns had already acquired the guns and ammunition necessary to carry out such an attack.

Were it not for the courage of the students who stepped forward to report violent threats from their fellow students and the investigative work by law enforcement officials that followed, another community might well have had to face the horror that the residents of Littleton, CO, faced 7 years ago. Congress must take up and pass common sense gun safety legislation to help prevent such tragedies from occurring in the future.

I ask unanimous consent that the before-mentioned editorial be printed in the RECORD.

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

[From the Columbian, Apr. 16, 2006]

LOCAL VIEW: GUN ADVOCATES IGNORE LESSONS OF COLUMBINE

(By Heidi Yewman)

This summer I will attend my 20-year high school reunion, and Topic A will be as it has been for the past seven years—the massacre and what hasn't happened since.

Seven years ago, this Thursday (April 20), two teenage gunmen massacred 12 students and one teacher at my school, Columbine High in Colorado. That teacher, my high school basketball coach Dave Sanders, bled to death after being shot in the chest; 24 other people were injured.

It was a terrible, sad day that sparked massive debate regarding guns and gun laws in the United States. Much discussion also centered on the nature of high school cliques and bullying, violent movies and video games, but mostly on guns like the two shotguns, the assault rifle, and the TEC–9 assault pistol that the two troubled kids at Columbine used to shoot their victims before killing themselves.

So what exactly has changed as a result of all that despair, discussion and debate?

Virtually nothing.

Colorado and Oregon immediately passed initiatives requiring background checks at gun shows. Today 32 states still do not require background checks on gun purchases at gun shows including Washington.

The Federal Assault Weapons Ban expired in 1994 and was not renewed, putting guns like Tec–9s back on the streets.

In 2005 Congress passed and the president signed into law a measure that, astonishingly, provides immunity from prosecution for gun manufacturers and sellers.

The National Rifle Association is pushing hard to pass ''take-your-guns-to-work'' laws in all 50 states that would turn companies into criminals if they barred guns on their private property. So far the legislation has been introduced in 11 states.

Seven states have passed legislation that eliminates a citizen's duty to avoid a threat, and allow the use of deadly force before other options when a gun user simply feels threatened.

You've got to give the NRA credit. It is an effective lobbying organization that fights hard for its beliefs and has enjoyed remarkable success in the past seven years. But at what price? If only common sense had lobbyists.

A MASSACRE EVERY DAY

Since the Columbine tragedy, 210,000 people have died in America due to gun violence, and school shootings continue to occur without much notice. Can you even remember the names of the schools where kids were shot and killed in the past seven years? It's become routine news, sandwiched between the latest from Iraq and the weather.

Since 9/11, America has monitored library cards, listened in on cell phone calls, tracked fertilizer purchases, and made us take our shoes off before boarding an airplane, but it has done almost nothing to make it harder for either terrorists or criminals to buy guns. We continue to put the right to own a Tec–9 over common sense precautions to protect our nation and our kids. I find such inaction inexcusable.

Columbine did mobilize millions of moms across the nation, and a small, vocal minority is railing against this country's gun culture. In March, 32 states received grades of D's or F's in the Brady Campaign's 2005 annual report card. Washington state earned a D-plus and Oregon got a C-minus because they haven't passed common sense gun laws that protect our children and families. Do we perhaps think that, because our memories have faded, the threat is any less real? Don't we know that 10 of the 19 school shootings since Columbine happened in the spring? Didn't Benjamin Franklin say that the definition of insanity is doing the same thing over and over and expecting different results?

On April 20, 1999 I saw my high school turned into a morgue for innocent teenagers. I truly thought the carnage would prompt some meaningful change.

I was wrong.

I guess we're all just hoping that our child, our school isn't next. But wishing won't make it so. What we can do is call on our legislators to pass a law requiring background checks at gun shows in 2007, legislation that we have been trying to pass in Washington since Columbine.

I wonder if at my 30-year reunion the massacre at Columbine High School will still be ''the worst school shooting in U.S. history.''

Sadly, I doubt it.

WELCOMING HIS EXCELLENCY ILHAM ALIYEV, THE PRESIDENT OF AZERBAIJAN

Mr. BROWNBACK. Mr. President, the Senate recognizes Azerbaijan as a key

ally in a region of significant importance and a valued partner to the United States. Under President Ilham Aliyev's leadership, Azerbaijan has made important contributions in Iraq, Afghanistan, and Kosovo. He supports efforts to combat terrorism, speed integration of Azerbaijan into Western institutions, and is committed to working with the United States in developing democracy and civil institutions in Azerbaijan.

President Aliyev is in Washington this week to meet with President Bush, senior Administration officials, and key congressional leaders to discuss the promotion of democracy, regional cooperation, energy security and diversification, and our Nations' commitment to working closely together to advance freedom, security, and economic independence.

Specifically, the Senate welcomes the fact that Azerbaijan is rapidly developing its national economy, growing at a rate of about 26 percent annually since 2004, which contributes to the alleviation of poverty and reaching the millennium development goals; is completing the one mbpd Baku-Ceyhan, BTC, oil pipeline and Baku-Erzerum, SCP, natural gas pipeline, set to increase energy exports and availability for the United States and its allies; and welcomes encouragement by the United States to assist the people of Azerbaijan in establishing a fully free and open democratic system, a prosperous free market economy, and its rightful place in European and Euro-Atlantic institutions, including the North Atlantic Treaty Organization, NATO, and World Trade Organization, WTO.

The Senate welcomes President Ilham Aliyev upon his first official visit to Washington and thanks him for coming.

NORTH KOREA FREEDOM DAY

Mr. BROWNBACK. Mr. President, this week the North Korean Freedom Coalition, a bipartisan coalition of NGOs and individuals, will be organizing a rally on Capitol Hill at noon on Friday, April 28, 2006, in recognition of North Korea Freedom Day.

Largely through the persistent efforts of the coalition and many others across the country, there has been an upsurge of interest in North Korea with Americans and particularly the faith communities. Members of Congress, North Korean defectors, NGO leaders from the USA, South Korea, and Japan have been holding rallies, testifying before Congress, and personally sharing their stories with others and the press to help support the plight of North Koreans and, in particular, the refugees in China and elsewhere. Thousands will gather to stand up for the freedom, human rights, and dignity of the North Korean people.

Since the Stalinist country disclosed several years ago that it had renewed efforts to develop nuclear weapons, not a single day goes by without Pyongyang carrying out more reckless deeds to escalate the crisis or exchanging hostile threats with Washington, DC. With the six-party talks dissolving without any progress, the current nuclear standoff seems poised to continue, if not deteriorate. Many people point out, and correctly so, the need for more scholarship on the nuclear threat that North Korea poses not only to East Asia but also to the world.

The sad truth, however, is that amid the discussion of regional security and nuclear nonproliferation for South Korea, Japan, and China, as well as the war against terrorism for the United States, a central part of this issue has been neglected: the human rights of North Koreans.

It is hard to imagine a country whose citizens endure a worse or more pervasive abuse of every human right. The Government prohibits freedoms of speech, press, assembly, association, religion, movement, and more. The draconian penal code stipulates capital punishment and confiscation of assets for a wide variety of ''crimes against revolution,'' including defection, attempted defection, slander of the policies of the state, listening to foreign broadcasts, and possessing ''reactionary'' printed matter.

Those who escaped political concentration camps tell stories of horror beyond imagination. Prison guards kill newborn babies in front of their mothers. A female prisoner dies after being beaten by prison guards like a soccer ball, with her wounds filled with maggots. Molten metal is poured on Christians who refuse to disavow their faith. The open goal of these camps, detaining political dissidents whose loyalty to the party is ''beyond recovery,'' is to eradicate three generations of their inmates. An estimated 1.5 million prisoners have been killed in the camps. Approximately 200,000 are currently imprisoned.

Those who risk their lives and succeed in escaping to China to find food and freedom are not better off. The Chinese Government continues to violate refugees' rights and repatriates them to North Korea, where they will most likely face persecution; North Korean refugees are exploited by those around them who threaten to report them to the authorities. The sexual slavery of North Korean refugee women in China is an urgent human rights issue that has yet to attract the attention of the international community.

In 2004, Congress passed and the President signed into law the North Korean Human Rights Act. Since passage, much has been done and various provisions of the bill have been implemented. However, much more remains to be done, especially in fully funding the authorization contained in the bill. I ask that reports from State Department required by the Act be submitted to Congress. More importantly, it is absolutely critical that we allow North Korean refugees seeking refuge in the United States to be allowed to do so as per the provisions of the act and appropriate vetting processes. Nothing we do—not even funding—will produce more tangible results of improving the human rights of North Koreans than this gesture that is a long and hallowed part of our history and tradition. We are a nation that welcomes those facing persecution because we not only believe but practice the principal that ''to whom much is given, much is required.''

As the security concerns dominate headlines of all United States and international news media, the sufferings of 22 million North Koreans are missing from public awareness. It is in recognizing this desperate need for more awareness of the North Korean human rights that the coalition is organizing this timely and important event this week.

North Korean Human Rights Week will provide an opportunity for us to learn more about this tragedy that is occurring right this minute. I commend the organizers of the week, especially the members of the North Korean Freedom Coalition and its many volunteers who have given so much of their time in preparing for this important event.

It is time to shake ourselves off of shocked disbelief. And it is time to break out of apathy and ignorance and stand up for human rights in North Korea.

NATIONAL VOLUNTEER WEEK

Mr. HARKIN. Mr. President, as we celebrate National Volunteer Week, I would like to take a moment to recognize four individuals for their extraordinary service to the Everybody Wins! program in Iowa.

As many of my colleagues know, Everybody Wins! is a literacy and mentoring program for elementary school students. The program gives adults the opportunity to spend one lunch hour a week reading with a child in a public school. It is the ultimate power lunch.

Eight years ago, Senator JIM JEFFORDS recruited me to join him as a volunteer for the Everybody Wins! program in Washington, DC. The time I spend at Brent Elementary is the most important and rewarding hour of my workweek. My experience also convinced me of the need to expand this program to Iowa.

In 2002, Everybody Wins! Iowa was launched. The program began as a small pilot program in 3 public schools with 15 volunteers. From this modest beginning, the program has grown, and now serves more than 260 students in 11 central Iowa schools.

The success of the Iowa program is due to the dedicated services of many individuals. Today, I would like to recognize the service of four people who served as founding members of the board of directors and who have played a critical role in the development of Everybody Wins! Iowa.

Ray Walton was the initial spark to get the program started in Iowa. Ray recruited the organization's first executive director and served as one of the first volunteers in the program. He also served as vice president and later as president of the board of directors. His leadership and dedication guided Everybody Wins! Iowa in those important early days.

Wilma Gajdel served on the board of directors for 3 years. She is also the principal at Monroe Elementary, one of the three original Everybody Wins! schools. The input of educators is critical to the success of Everybody Wins!, and Wilma's guidance has been invaluable. The Everybody Wins! Iowa model was developed at Monroe under her careful eye and has been adapted successfully by other schools in central Iowa.

Drew Gentsch served as the organization's first treasurer. In addition, he is a volunteer reader at Monroe Elementary, the father of two young children, and a busy attorney. Drew has also served as the chair of the board's finance committee, and he contributed many hours as he led the hiring committee for the board's first executive director. His professionalism and attention to detail have helped the organization flourish and grow.

B. MacPaul Stanfield is another busy attorney and father of two. He has served as secretary of Everybody Wins! Iowa and is a volunteer reader at Monroe. He previously served as chair of the organization's personnel committee. Mac held one of the most important positions on the board as the person responsible for recording the minutes of the meetings and attending to the myriad of other details that go into the successful operation of a small nonprofit organization.

Service on a volunteer board of directors is not easy and requires hours of dedicated service. These four individuals gave generously of their time and talents to Everybody Wins! Iowa during its infancy. That service provided a strong foundation for the organization. As they leave the board, I wish to express my sincere gratitude for their dedicated and selfless service.

TRIBUTE TO JAMES MONROE

Mr. ALLEN. Mr. President, I am pleased today to recognize James Monroe, a Virginia patriot on the 248th anniversary of his birth and to honor his service to our Nation as a soldier, legislator and as the fifth President of the United States of America. I rise today to honor his undeniable legacy.

James Monroe, born April 28, 1758, Monroe attended the College of William and Mary, fought with distinction in the Continental Army, and practiced law in Fredericksburg, VA. As a youthful politician, he joined the anti-Federalists in the Virginia Convention which ratified the Constitution, and became an advocate of Jefferson principles.

A student of Thomas Jefferson's after serving in the Revolutionary War, James Monroe was an adherent of Mr. Jefferson's principles of individual freedom and restrained representative government, which would guide him through 50 years of public service. Elected to the Virginia General Assembly in 1782, Monroe served in the Continental Congress and in the first United Senate before his first two terms as Minister to France. He returned to his Virginia, and as many students of Mr. Jefferson have done since, served 4 years as a native Governor.

Elected President of the United States in 1816, Monroe's Presidency has long been referred to as the Era of Good Feeling. James Monroe helped resolve longstanding grievances with the British and acquired Florida from the Spanish in 1819. James Monroe signed the Missouri Compromise that called for the prohibition of slavery in western territories of the Louisiana Purchase, which James Monroe was instrumental in obtaining. He renounced European intervention or dominion in the Western Hemisphere with one of our Nation's greatest foreign policy documents, the Monroe Doctrine.

In 1820, Monroe achieved an impressive reelection, losing only one electoral vote, preserving the honor of a unanimous election for George Washington.

My own family has strong ties to the legacy of James Monroe. My wife Susan and I enjoyed our wedding on the grounds of his home: Ashlawn-Highland in Charlottesville. In fact, part of Monroe's property in Albemarle County is now on the grounds of his teacher's great institution of learning, the University of Virginia and is respectfully referred to as Monroe's Hill.

The life of James Monroe is one that embodied virtue, honor and commitment during his accomplished life of public service. It is fitting that he would pass from this Earth on Fourth of July, 1831. It is with sincere admiration that I respectfully ask my colleagues to recognize James Monroe's 248th birthday as a reminder of his remarkable and magnificent leadership for the people of Virginia and the United States.

POLITICAL PRISONERS IN AZERBAIJAN

Mr. PRYOR. Mr. President, as President Bush prepares for his meeting with President Ilham Aliyev of Azerbaijan, I rise to address important human rights concerns in that country.

Although hundreds of political prisoners have been freed due in part to pressure brought by the United States, it is believed that as many as 50 political prisoners remain in Azeri jails. Prior to the November elections in Azerbaijan, a group of businessmen and government officials were arrested on charges of planning a coup. Among this group, there were former Minister of Economic Development Farhad Aliyev, and his brother, Rafiq Aliyev. Because of his well-known opposition to Russia's increased influence in Azerbaijan and his pro-Western stance, in addition to the antimonopoly initiatives he led prior to his arrest, many fear that Mr. Aliyev's and his colleague's arrests were politically motivated. They are being held in the pretrial detention center at the National Security Ministry, which is notorious for its poor conditions and harsh treatment of prisoners. Human rights organizations in this country and in Europe have expressed concern about the violations of the due process rights of the detainees in connection with this case. Farhad Aliyev is a cardiac patient suffering from hypertension and hypertrophy. In a recent fact-finding mission, the International League for Human Rights has verified that Mr. Aliyev has been denied proper medical care and medicine for his heart condition. As recently as this week, the International League for Human Rights has indicated that Mr. Aliyev may have undergone another health crisis and his lawyers believe he may have suffered a heart attack.

I urge President Bush and this administration to remind President Aliyev of Azerbaijan's obligations before the international community and the importance of human rights in Azerbaijan and to request Mr. Aliyev's immediate release on bail in light of his need for adequate medical care. The case of Mr. Aliyev may be the litmus test of the Azeri government's good will and commitment to human rights. I ask unanimous consent that recent newspaper articles be printed in the RECORD.

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

[From the Financial Times, Apr. 21, 2006]

AFTER HU, WHO?

Busy times at the White House. This week Hu Jintao has been George W. Bush's honoured guest. Next in line is Ilham Aliyev. After Hu, you might say, who? During the Chinese president's stay every word, smile and suppressed grimace has been scrutinised, examined and analysed. I am not sure how much we have learnt about the world's most important geostrategic relationship. For his part, the president of Azerbaijan will struggle just to be recognised in the U.S. capital. Yet, strange though it seems, his visit says more than does that of Mr. Hu about the direction of U.S. foreign policy.

Mr. Aliyev has been leader of the Caspian state for nearly three years. Notionally elected, in reality he inherited the post from his father, once a member of the Moscow politburo and still revered for rescuing the former Soviet republic from post-communist collapse. Even now, heroic images of the late Haydar Aliyev adorn the streets, offices and cafes of the capital Baku.

Ilham, though, presents himself as a thoroughly modem leader. He is fluent in English, takes holidays in the south of France and waxes lyrical about his country's Euro-Atlantic destiny. I met him last autumn in the presidential palace in Baku. Gracious and persuasive, he consciously defied the stereotypes of the Soviet-style tyrants who continue to rule in much of this part of the world.

Beneath the well-cut suits, charming manner and rhetorical commitment to western values, though, lies the same determination to hang on to power. His election after the death of his father in 2003 was rigged. So too, albeit marginally less blatantly, were polls for the country's national assembly last autumn. Politics and money are inextricably intertwined. Azerbaijan, a clan-based society, stands near the top of every international corruption index.

This is where Mr. Bush comes in. Small as it is, Mr. Aliyev's fiefdom has strategic significance. Its geography—the country borders Iran, Russia and Georgia as well as the Caspian—puts it in the cockpit of the unspoken struggle between Washington and Moscow for influence in the former Soviet republics of the Caucasus and central Asia.

Its more immediate military utility has not escaped the Pentagon. Donald Rumsfeld, the U.S. defence secretary, is a regular visitor to Baku. The air corridor over Azerbaijan is used for U.S. operations in Afghanistan and Iraq. Western diplomats say that the U.S. has also established listening posts in the south to eavesdrop on Iran. The Pentagon has been refurbishing at least one former Soviet air base. For his part, Mr. Aliyev, a secular Muslim, supported the toppling of Iraq's Saddam Hussein.

Then, of course, there is the oil. The deep waters of the Caspian hold large reserves of oil and gas. Azerbaijan has begun pumping its share through a new pipeline connecting the fields to the Turkish Mediterranean port of Ceyhan. The political message is clear—Mr. Aliyev is ready to snub Russia to serve the west's voracious appetite for hydrocarbons.

So why wouldn't Mr. Bush welcome such a stalwart ally at the White House? The answer is that Mr. Aliyev has consistently brushed aside calls from Washington to edge his country closer to freedom and democracy—and the U.S. president has put the spread of political pluralism front and centre of his foreign policy.

For Azerbaijan, last autumn's elections were set by Washington as something of a test. A few month's earlier, Condoleezza Rice, the U.S. secretary of state, had added substance to Mr. Bush's democratic impulses. The days of appeasing autocratic leaders in oil-rich Muslim states, Ms. Rice declared in a much-trumpeted speech in Cairo, were over. The stability this had brought was a cruel illusion. America's security lay in the promotion of freedom and democracy.

There would be incentives as well as penalties. In Mr. Aliyev's case, I was told by a senior U.S. official, this would include the prestige bestowed by the invitation to the White House he had sought from the outset of his presidency. The bargain seemed straightforward: the assembly elections would be relatively free and Mr. Aliyev would get his photo opportunity on the White House lawn. As it turned out the poll was anything but fair but Mr. Aliyev, described this week by the White House as a ''valued partner'', still gets his trip to Washington.

Wait, I hear those weary foreign policy practitioners sigh, the road to democracy in this part of the world was never going to travel in a straight line. The geometry was always going variable, as was the pace. There are far worse than Mr. Aliyev and, in any event, Mr. Bush intends to tell him straight that he expects more of him in future. Consistency, the argument continues, can rarely be more than an aspiration in foreign policy. It would be a mistake to make the pursuit of the perfect the enemy of the possible.

Half-true. The most ardent American neoconservatives or European liberal internationalists do not expect Saudi Arabia, for example, to abandon autocracy for democracy by the day after tomorrow. Egypt's Hosni Mubarak might be prodded harder and the democratic forces in Lebanon given greater support, but transformation will take time.

The argument, though, does not work in the same way for Azerbaijan. If Mr. Bush's words are to mean anything at all, they must be shown to have substance precisely in places like this. Of course, the country has strategic significance. It goes without saying that the west wants its oil. But America's failures in the Middle East during the second half of the last century were based on just such so-called realism.

Now, if it wants to preserve any credibility, Washington must be seen to act where it can. And, in truth, Azerbaijan is one of the easiest cases. Its relationship with the west is grounded in mutual dependency. For all that Mr. Aliyev might threaten to turn towards Moscow, he has no desire to embrace Russia. He wants the west's approval and investment in Caspian oil. He is susceptible, in other words, to pressure.

Instead he can expect the White House red carpet and a few gentle admonitions about trying to make the country's next elections a little bit fairer than the last. So who, to borrow a phrase, cares? The answer is all those people and groups in Azerbaijan and well beyond who had hoped that the U.S. president was serious in his commitment to the advance of freedom and democracy. The winners are autocrats everywhere. Oh, and, I suppose, the Teflon-like Mr. Rumsfeld.

[From the New York Times, Apr. 23, 2006]

AZERBAIJAN LEADER, UNDER FIRE, HOPES U.S. VISIT IMPROVES IMAGE

(By C.J. Chivers)

Next week, after years of waiting for an unequivocal nod of Western approval, President Ilham H. Aliyev of Azerbaijan will fly to Washington to be received at the White House, a visit his administration hopes will lift his stature.

Being a guest of President Bush has been billed in Mr. Aliyev's circle as a chance for the 44-year-old president—dogged by allegations of corruption, election rigging and repression of opposition figures—to gain more international legitimacy.

''We have long waited for this visit,'' said Ali Gasanov, a senior presidential adviser. ''Now it has been scheduled, and we hope that we will be able to discuss global issues.''

For President Bush, who has made democracy promotion a prominent theme of his foreign policy, Mr. Aliyev's visit could prove tricky.

Mr. Aliyev's invitation arrived during a period of increasing diplomatic difficulties between the United States and both Russia and Iran, countries that border Azerbaijan.

But while Azerbaijan's strategic location could hardly be better and its relations with the United States have mostly been warm, no leader in the region more fully embodies the conflicting American objectives in the former Soviet Union than its president.

Mr. Aliyev is a secular Muslim politician who is steering oil and gas to Western markets and who has given political and military support to the Iraq war. But his administration has never held a clean election and has used riot police to crush antigovernment demonstrations.

The invitation, made last week, has raised eyebrows in the former Soviet world, where Mr. Bush's calls for democratization have increased tensions between opposition movements and the entrenched autocrats.

Opposition leaders have long said the United States' desires to diversify Western energy sources and to encourage democratic growth have collided in Azerbaijan. By inviting Mr. Aliyev to the White House, they say, Mr. Bush has made a choice: oil and location now trump other concerns.

Ali Kerimli, leader of the Popular Front of Azerbaijan, noted that when Mr. Aliyev was elected in 2003 in a vote deemed neither free nor fair, the White House withheld an invitation, awaiting improvement by Azerbaijan in promoting civil society and recognizing human rights.

''It is difficult for Azerbaijan's democratic forces to understand what changed,'' said Mr. Kerimli, who was beaten by the police as were several thousand demonstrators during a crackdown on a protest over fraudulent parliamentary elections last fall. The demonstration had been peaceful until the police rushed in with clubs.

''I think the White House must explain what has happened when three years ago Aliyev was not wanted for a reception in the White House, and now he falsifies another election and is received,'' Mr. Kerimli said.

American officials insist nothing has changed, and say Mr. Aliyev has been invited for what they call a ''working visit,'' during which he will be urged to liberalize his government and its economy, which is tightly controlled by state officials and clans.

''If we are going to elevate our relationship with Azerbaijan to something that is qualitatively different, then there has to be progress on democratic and market reforms,'' a senior State Department official said. ''I am sure we will talk in these clear and blunt terms.''

The United States' relationship with Azerbaijan rests on three principal issues: access to energy resources, international security cooperation, and democratic and economic change.

On the first two issues, the United States has made clear it is satisfied. Mr. Aliyev has supported new pipelines to pump Caspian hydrocarbons away from Russia and Iran to Western customers, and provided troops to United States-led military operations in Afghanistan and Iraq.

Azerbaijan also grants overflight rights to the American military and is cooperating with a Pentagon-sponsored modernization of a former Soviet airfield that could be used by American military planes.

Mr. Aliyev often welcomes foreign delegations to Baku, the capital, describing in smooth English his efforts to push his nation toward Western models of democracy and free markets.

But Azerbaijan has remained undemocratic. No election under Mr. Aliyev or his late father, Heydar Aliyev, has been judged free or fair by the main international observers. Instead, fraud and abuse of state resources for chosen candidates have been widespread.

Ilham Aliyev's government maintains a distinctly Soviet-era state television network and has elevated Heydar Aliyev to the status of a minor personality cult figure.

Moreover, Azerbaijan's government is often described as one of the world's most corrupt. A criminal case now in federal court in New York against three international speculators describes enormous shakedowns and bribes in the late 1990's at Socar, Azerbaijan's state oil company. Mr. Aliyev was a Socar vice president at the time.

Last year the Azerbaijani government showed signs of paranoia, arresting several people shortly before the parliamentary election and accusing them of plotting an armed coup.

Public evidence for the charges has been scarce, and a lawyer for two of the men held in solitary confinement for months since—Farhad Aliyev, the former minister of economics, and his brother Rafiq—has urged

Congress to raise issues of their treatment when Mr. Aliyev comes to Washington. (The president is not related to the accused men.)

American officials say that Azerbaijan has been liberalizing slowly, and evolving into a more responsible state. But given Mr. Aliyev's uneven record and the allegations against him, his visit has raised fresh questions about the degree to which American standards are malleable.

''Russian public opinion, when it looks at the United States policy in Azerbaijan, cannot ignore the fact that the United States has a desire not in favor of democracy but in favor of profits and geopolitical domination,'' said Sergei Markov, director of the Institute for Political Studies here and a Kremlin adviser.

Mr. Markov and others have noted that the West has penalized Belarus for police crackdowns after tainted elections last month.

''This is one of the reasons that Russian public opinion is very suspicious of United States policies in the former Soviet political sphere, and its propaganda about democracy,'' Mr. Markov said.

''Ilham Aliyev will be in the White House not because he promotes democracy,'' Mr. Markov said. ''He will be in the White House because he controls oil.''

In Armenia, Mr. Aliyev's invitation has also generated interest.

Armenia fought Azerbaijan over Nagorno-Karabakh, a wedge of territory within Azerbaijan's boundaries that each country claims. The conflict has been frozen for several years, but Mr. Aliyev's recent statements have often been bellicose.

''The visit at this time should not be viewed as appreciation of their democratic or other policies,'' Vartan Oskanian, Armenia's foreign minister, said via e-mail.

[From the Washington Post, Apr. 24, 2006]

RETREAT FROM THE FREEDOM AGENDA

(By Jackson Diehl)

President Bush's retreat from the ambitious goals of his second term will proceed one small but fateful step further this Friday. That's when, after more than two years of stalling, the president will deliver a warm White House welcome to Ilham Aliyev, the autocratic and corrupt but friendly ruler of one of the world's emerging energy powers, Azerbaijan.

Here's why this is a tipping point: At the heart of Bush's democracy doctrine was the principle that the United States would abandon its Cold War-era practice of propping up dictators—especially in the Muslim world—in exchange for easy access to their energy resources and military cooperation. That bargain, we now know, played a major role in the emergence of al-Qaeda and other extremist anti-Western movements.

To his credit, the reelected Bush made a genuine stab at a different strategy last year in Azerbaijan and another Muslim country, Kazakhstan. Both resemble Iran or Iraq half a century ago. They are rapidly modernizing, politically unsettled, and about to become very, very rich from oil and gas.

With both Aliyev and Kazakhstan's Nursultan Nazarbayev planning elections last fall, Bush dispatched letters and senior envoys with a message: Hold an honest vote and you can ''elevate our countries'' relations to a new strategic level.'' The implicit converse was that, should they fail to deliver, there would be no special partnership—no military deals, no aid, no presidential visits to Washington.

Both Aliyev and Nazarbayev made token efforts to please Bush. But both dismally failed to demonstrate that they were willing to liberalize their countries rather than using oil wealth to consolidate dictatorship. The State Department said of Aliyev's parliamentary elections, ''there were major irregularities and fraud.'' Nazarbayev's election was worse. Since then, two of Nazarbayev's opponents have died or been murdered in suspicious circumstances. Three of Aliyev's foes are being tried this month on treason charges, and his biggest rival has been jailed.

Aliyev is nevertheless getting everything he might have hoped for from Bush. Aid is being boosted, the Pentagon is drawing up plans for extensive military cooperation—and there is the White House visit, which the 44–year-old Azeri president has craved ever since he took over from his dad three years ago. If Nazarbayev chooses, he will be next. He has been offered not just a Washington tour but a reciprocal visit by Bush to Kazakhstan.

Why the retreat on the democracy principle? Azeri observers speculate that Bush may want Aliyev's help with Iran, which is its neighbor and contains a large Azeri ethnic minority. But administration officials tell me a more pressing reason is a rapidly intensifying campaign by Russia to restore its dominion over former Soviet republics such as Azerbaijan and Kazakhstan—and to drive the United States out of the region.

Though nominally Bush's ally in the war on terrorism, Russian President Vladimir Putin has cynically exploited Bush's effort to promote democracy in Eurasia. His diplomats and media aggressively portray Washington's support for free media, civil society groups and elections as a cover for CIA-sponsored coups. Autocrats who stage crackdowns, such as Uzbekistan's Islam Karimov, are quickly embraced by Moscow, which counsels them to break off ties with the U.S. military. State-controlled Russian energy companies are meanwhile seeking to corner oil and gas supplies and gain control over pipelines, electricity grids and refineries throughout Eurasia. If they succeed, Russia can throttle the region's weak governments and ensure its long-term control over energy supplies to Central and Western Europe.

In late February Putin arrived in Azerbaijan at the head of a large delegation and proceeded to buy everything Aliyev would sell, including a commitment to export more oil through Russia. Earlier this month he welcomed Nazarbayev to Moscow, and scored an even bigger success. Not only did the Kazakh leader endorse Putin's plan for a Moscow-dominated ''common economic space,'' but he also signed a deal that will double Kazakhstan's oil exports through Russia. Despite heavy U.S. lobbying, Nazarbayev has yet to firmly commit to sending oil through a rival Western pipeline, which begins in Azerbaijan and ends in the Turkish port of Ceyhan.

Putin's aggressive tactics forced the hand of the administration, which had been holding back its White House invitations in the hope of leveraging more steps toward liberalization. ''We don't want to see Azerbaijan closed off by the Russians, because that will close off the energy alternative to Russia for Europe,'' one official said. He added: ''If Azerbaijan falls under Russian influence there will be no democracy agenda there at all.''

In short, the race for energy and an increasingly bare-knuckled contest with Moscow for influence over its producers have caused the downgrading of the democracy strategy. It might be argued that the sacrifice is necessary, given the large economic and security stakes. But, then, that was the logic that prevailed once before. According to Bush, history proved it wrong.

NORTH KOREA FREEDOM WEEK

Mr. SANTORUM. Mr. President, as we are in the midst of North Korea Freedom Week, I would like to speak to the human rights situation in North Korea. As we continually strive to protect the freedoms that this country holds dear, such as the freedoms of religion, press, speech and assembly that are recognized in our Constitution, we must also concentrate on spreading these freedoms to those who do not enjoy them. As these rights should be enjoyed by all people, not just Americans, freedom must extend beyond our borders to reach those who live in a world unknown to many of us, one that includes starvation and deprivation of all freedoms. North Korea Freedom Week gives us the opportunity to shed light on the situation inside this oppressive regime.

Several years ago in order to help promote freedom throughout the world, I began the Congressional Working Group on Religious Freedom. The purpose of this group is to focus attention on issues of domestic and international religious freedom. As a group, we seek to uphold and help enforce the meaning of article 18 of the Universal Declaration of Human Rights, which states: ''Everyone has the right to freedom of thought, conscience, and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.''

As has been noted by human rights groups and others, the human rights situation in North Korea is severe. Hundreds of thousands of North Koreans have fled their country in hopes of survival and in search of a free life. However, even if they manage to escape, they still live in constant fear of repatriation and imprisonment. President Bush has called North Korea's autocratic leader, Kim Jong Il, a ''tyrant'' who runs ''concentration camps.'' Despite the country being embedded in secrecy, unfortunate stories of persecution, starvation, and public executions for crossing the border manage to be released to the rest of the world. Such actions under this regime are a terrible travesty.

While the North Korean constitution provides for ''freedom of religion,'' such freedom does not exist. The U.S. Commission on International Religious Freedom said in their 2005 annual report: ''By all accounts, there are virtually no personal freedoms in North Korea and no protection for universal human rights. In pursuit of absolute control of all facets of politics and society, the government under dictator Kim Jong Il has created an environment of fear in which dissent of any kind is not tolerated. Freedom of thought, conscience, and religion or belief remains essentially non-existent, as the government severely represses public and private religious activities and has a policy of actively discriminating against religious believers.

There are a growing number of reports from North Korea refugees that any unauthorized religious activity inside North Korea is met with arrest, imprisonment, torture, and sometimes execution by North Korean officials.''

Furthermore, the U.S. Department of State's 2005 Country Report on Human Rights Practices sums up North Korea's actions by listing documented or alleged human rights abuses over the years. Such instances include: abridgement of the right to change the government; extrajudicial killings, disappearances, and arbitrary detention, including many political prisoners; harsh and life-threatening prison conditions; torture; forced abortions and infanticide in prisons; lack of an independent judiciary and fair trials; denial of freedom of speech, press, assembly, and association; government attempts to control all information; denial of freedom of religion, freedom of movement, and worker rights; and severe punishment of some repatriated refugees.

I also want to note President Bush's appointment last August of Ambassador Jay Lefkowitz to the position of Special Envoy for Human Rights in North Korea. The Special Envoy post was established under the North Korea Human Rights Act, and with this appointment, signaled the administration's intensified attention to human rights in North Korea. I am confident that Ambassador Lefkowitz will continue to take steps toward ending North Korea's suppression of freedoms.

As we in the Senate continue to address the persecution and the fears that North Koreans face, it is my hope that we will do all we can in order to improve the conditions in this communist state and to spread the freedoms that we all enjoy.

DARFUR

Ms. CANTWELL. Mr. President, Elie Wiesel once told us that ''a destruction, an annihilation that only man can provoke, only man can prevent.'' Our American heritage calls upon each of us to stand up, to speak out, and to act when we witness human rights abuses. As a global leader, the United States has a special and solemn obligation. We must live up to this responsibility.

This week marked both Armenian Remembrance Day and Holocaust Remembrance Day. In the final years of the Ottoman Empire between 1915 and 1923, the world witnessed the mass killing of as many as 1.5 million Armenian men, women, and children. Five-hundred thousand survivors were expelled from their homes. Our U.S. Ambassador to the Ottoman Empire Henry Morgenthau organized and led protests by foreign officials against one of the most horrible tragedies of the 20th century.

Sadly and almost unimaginably, more human devastation followed. Later years witnessed the Holocaust—the Nazis' systematic state-sponsored persecution and murder of 6 million Jews. In 1945, the U.S. Third Army's 6th Armored Division liberated the Buchenwald concentration camp and the U.S. Seventh Army's 45th Infantry Division liberated Dachau in Germany.

We reflect in order to remember—honoring the dead, pledging never to forget atrocities of the past, and fighting to stop them today. In 2004, then-U.S. Secretary of State Colin Powell told the U.S. Senate Foreign Relations Committee that genocide has been committed in the Sudanese region of Darfur. A consistent, widespread, and terrible pattern of atrocities and burning of villages continues as the situation in Darfur remains grim. I believe the U.S. must lead urgent international efforts to stop the killing in Darfur. We must act immediately, working with the United Nations, NATO, and the African Union to stop the ongoing violence. We must remain focused and never waver in our fight to bring an end to the genocide.

2006 NATIONAL PARK WEEK

Mr. THOMAS. Mr. President, I think each of us enjoy walking on a trail, learning a little more about our Nation's history, or perhaps paddling a canoe on a lake, river, or stream. Often we take part in these activities in our national parks. This week, April 22 to April 30, is National Park Week, a time when we can recognize all of the 390 units of the National Park System. There will be special events going on at parks throughout the system, and I encourage everyone to seek them out and take part in them.

As I have mentioned before, I have a special attachment to Yellowstone National Park, the world's first national park, located in Wyoming, my home State. But Yellowstone, Grand Teton National Park, the other National Park System units in Wyoming, and those across the Nation, extending from Puerto Rico and the Virgin Islands to Guam and American Samoa, all remind us of ourselves, where we have been, and perhaps where we will go in the future. They have been called by others the best idea we ever had.

America's national parks provide people of all ages with a wide range of opportunities to learn more about our country's natural environment and cultural heritage. The National Park Service provides a variety of programs and activities for children, teachers, and communities designed to foster an interest in the natural environment and history and to cultivate a future generation of park stewards.

The theme for National Park Week 2006 is ''Connecting Our Children to America's National Parks.'' This theme was chosen because of the vital role children play in the future conservation and preservation of our national parks.

Through the creation of innovative education programs such as the Junior Ranger Program, the National Park Service is fostering a new constituency of park stewards. Today the Junior Ranger Program exists in more than 286 parks, striving to help connect youth to national parks and the National Park System and helping them gain an understanding of the important role of the environment in our lives.

The Junior Ranger Program encourages whole families to get involved in learning about, exploring and protecting our Nation's most important scenic, historical, and cultural places. Children have great enthusiasm for the Junior Ranger Program because it helps connect them to something big our country and our shared heritage as Americans. Additionally, online through WebRangers, kids can ''virtually'' visit the parks at their own pace in their spare time and when they are not in the parks. In fact, one of the events that will take place this year during National Park Week is a virtual, shared visit to Carlsbad Caverns National Park, which could involve more than 28 million students.

Of course, our visits to parks are enhanced through the interaction we receive from the people who work in them. During this week, we should also thank the thousands of National Park Service personnel, concession and contract employees, volunteers of all ages, and others who help to make our system of national parks the envy of and example for the rest of the world.

As the chair of the National Parks Subcommittee, I will continue to see that our system of parks retains its high standards. I would encourage each of you to spend some time in a national park unit, this week and throughout the year.

SECURING AMERICA'S ENERGY INDEPENDENCE ACT

Mr. SMITH. Mr. President, I rise today to introduce the Securing America's Energy Independence Act of 2006. This bill is designed to extend the investment tax credits for fuel cells and solar energy systems in the 2005 Energy Policy Act through 2015.

Having reliable, clean energy is fundamental to economic prosperity, our national security, and protecting the environment. The Energy Policy Act of 2005 encourages homeowners and businesses to invest in solar energy and fuel cell technologies through investment tax credits. That law established a tax credit of 30 percent for investments in fuel cells, capped at $1,000, and a tax credit of 30 percent for investments in solar systems, capped at $2,000.

However, these credits will expire after 2 years, and therefore are too short lived to encourage significant market penetration or to stimulate expansion of manufacturing for solar energy or fuel cell technologies. Installations of solar energy or fuel cell systems require lead times of a year or more, and manufacturing expansion requires a development schedule of 3 to 4

years, similar to conventional powerplants. Financing of new projects is also more complex than for conventional powerplants because the lending industry is less familiar with these technologies.

Accordingly, I have proposed to extend the tax credits for an additional 8 years. My legislation also would alter the cap on residential solar credits to be based on system power, as opposed to cost, and would allow the credits to be taken against the alternative minimum tax.

As the market for fuel cell and solar technologies continues to grow overseas, long-term incentives are an essential tool to spur domestic investment and job creation. Extending these incentives for residential and business investments in fuel cell and solar energy technologies will generate quality American jobs in manufacturing, construction, and installation across the United States.

Our legislation addresses energy independence and environmental concerns, as well as job creation, with the power of American technology and ingenuity. I am pleased that Senators MENENDEZ, LIEBERMAN, SNOWE, JEFFORDS, KERRY, CANTWELL, SALAZAR, and CLINTON have joined me as original cosponsors of this legislation. In light of increasing concerns about the security and affordability of energy supplies, I urge favorable consideration of this bill.

ADDITIONAL STATEMENTS

TRIBUTE TO JOAN LESLIE

• Mr. DODD. Mr. President, I rise today to honor Joan Leslie, a talented actress who served as a source of comfort and inspiration to millions of Americans during World War II. On May 14, the U.S. Department of Veterans Affairs in Connecticut will pay tribute to Ms. Leslie for her tireless devotion to our Nation's servicemen with a gala in her honor.

Born Joan Agnes Theresa Sadie Bordel on January 26, 1925, in Detroit, MI, Ms. Leslie made her professional debut at age nine. As a child she worked as a model and performed a song and dance routine with her two sisters before she got her big break in 1940 when she signed with Warner Brothers.

Joan Leslie shared the screen with many of the leading actors of her time, starring with Humphrey Bogart in ''High Sierra,'' Gary Cooper in ''Sergeant York,'' and James Cagney in ''Yankee Doodle Dandy.'' In 1943, she became Fred Astaire's youngest dance partner, celebrating her 18th birthday on the set of ''The Sky's the Limit.'' Through these roles, Joan Leslie became known as America's quintessential ''girl next door.''

As Ms. Leslie's popularity escalated, so did America's involvement in World War II. Americans found themselves turning to entertainers like Joan Leslie for reassurance about the goodness and strength of our country amid the tremendous stresses and burdens of war. Tens of thousands of American servicemen clung to Joan Leslie's picture as a reminder of the values they were fighting for and the loved ones they left behind. Ms. Leslie willingly accepted the responsibility of her role, taking it upon herself to visit the troops at defense plants and Army bases. Joan Leslie and other entertainers like her played a pivotal role in the overall war effort, serving as a source of comfort and inspiration for American soldiers and the rest of the country. Ultimately, they served as a reassurance that our Nation would prevail.

It is only right that veterans of our Nation should honor entertainers like Joan Leslie, and I take particular pride in the fact that the veterans of Connecticut have taken a leadership role in her tribute. Ms. Leslie not only filled the role of the girl next door on the movie screen, but carried it into her personal life, as well. Her life lives up to her reputation, which is a rare achievement for a public figure. Perhaps her greatest accomplishments have occurred outside the public eye, as she has dedicated most of her life to raising her identical twin daughters, Patrice and Ellen, with her husband, Dr. William Caldwell.

Joan Leslie served as a pillar of strength when America needed her most. She deserves the thanks of a grateful Nation for a life of service. I commend her for her continued dedication to American servicemen, and congratulate her, her husband, her children, and her other family members on this wonderful occasion.•

MESSAGES FROM THE PRESIDENT

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

EXECUTIVE MESSAGES REFERRED

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

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

MESSAGE FROM THE HOUSE

At 12:08 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, in which it requests the concurrence of the Senate:

H.R. 282. An act to hold the current regime in Iran accountable for its threatening behavior and to support a transition to democracy in Iran.

H.R. 5020. An act to authorize appropriations for fiscal year 2007 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, 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. 365. An act urging the Government of China to reinstate all licenses of Gao Zhisheng and his law firm, remove all legal and political obstacles for lawyers attempting to defend criminal cases in China, including politically sensitive cases, and revise law and practice in China so that it conforms to international standards.

ENROLLED BILL AND JOINT RESOLUTION SIGNED

The message further announced that the Speaker has signed the following enrolled bill and joint resolution:

S. 592. An act to amend the Irrigation Project Contract Extension Act of 1998 to extend certain contracts between the Bureau of Reclamation and certain irrigation water contractors in the States of Wyoming and Nebraska.

S.J. Res. 28. An act approving the location of the commemorative work in the District of Columbia honoring former President Dwight D. Eisenhower.

The enrolled bill and joint resolution were subsequently signed by the President pro tempore (Mr. STEVENS).

MEASURES REFERRED

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

H.R. 282. An act to hold the current regime in Iran accountable for its threatening behavior and to support a transition to democracy in Iran; to the Committee on Foreign Relations.

The following concurrent resolution was read, and referred as indicated:

H. Con. Res. 365. Concurrent resolution urging the Government of China to reinstate all licenses of Gao Zhisheng and his law firm, remove all legal and political obstacles for lawyers attempting to defend criminal cases in China, including politically sensitive cases, and revise law and practice in China so that it conforms to international standards; to the Committee on Foreign Relations.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

H.R. 5020. An act to authorize appropriations for fiscal year 2007 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

ENROLLED BILL AND JOINT RESOLUTION PRESENTED

The Secretary of the Senate reported that on April 27, 2006, she had presented to the President of the United States

the following enrolled bill and joint resolution:

S. 592. An act to amend the Irrigation Project Contract Extension Act of 1998 to extend certain contracts between the Bureau of Reclamation and certain irrigation water contractors in the States of Wyoming and Nebraska.

S.J. Res. 28. An act approving the location of the commemorative work in the District of Columbia honoring former President Dwight D. Eisenhower.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–6481. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting, pursuant to law, the report of a rule entitled ''Closure of Tilefish Permit Category C to Directed Tilefish Fishing—Temporary Rule'' (I.D. No. 032206A) received on April 12, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6482. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting, pursuant to law, the report of a rule entitled ''Temporary Rule; Yellowtail Flounder Landing Limit'' ((RIN0648–AN17)(I.D. No. 121405A)) received on April 12, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6483. A communication from the Acting Deputy Assistant Administrator for Regulatory Programs, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting, pursuant to law, the report of a rule entitled ''Pacific Halibut Sharing Plan'' (I.D. No. 010906A) received on April 12, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6484. A communication from the Acting Deputy Assistant Administrator for Regulatory Programs, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting, pursuant to law, the report of a rule entitled ''Fisheries Off West Coast States and in the Western Pacific; Hawaii-based Shallow-set Longline Fishery'' ((RIN0648–AU41)(I.D. No. 031606D)) received on April 12, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6485. A communication from the Program Analyst, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Light Truck Average Fuel Economy Standards, Model Year 2008 and Possibly Beyond'' (RIN2127–AJ61) received on April 24, 2005; to the Committee on Commerce, Science, and Transportation.

EC–6486. A communication from the Acting Chief Counsel, Saint Lawrence Seaway Development Corporation, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Tariff of Tolls'' (RIN2135–AA23) received on April 24, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6487. A communication from the Chief, Europe Division, Office of International Aviation, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Navigation of Foreign Civil Aircraft within the United States'' (RIN2105–AD39) received on April 24, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6488. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Reservation System for Unscheduled Operations at Chicago's O'Hare International Airport'' ((RIN2120–AI47)(Docket No. FAA 2005–19411)) received on April 24, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6489. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Revision of Class E Airspace; Holy Cross, AK'' ((RIN2120–AA66) (Docket No. 05–AAL–34)) received on April 24, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6490. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Class E5 Airspace; Hill City, KS'' ((RIN2120–AA66) (Docket No. 05–ACE–31)) received on April 24, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6491. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Honeywell International Inc., T5309, T5311, T5313B, T35317A–1, and T5317B Series, and T53–L–9, T53–L–11, T53–L–13B, T53–L–13B S/SA, T53 L 13B, T53 L 13B/D, and T53 I 703 Series Turborshaft Engines'' ((RIN2120–AA64) (Docket No. 2004–NE–01)) received on April 24, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6492. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; The Cessna Aircraft Company Models 208 and 208B Airplanes'' ((RIN2120–AA64) (Docket No. 2005–CE–28)) received on April 24, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6493. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Pacific Aerospace Corporation, Ltd. Model 750XL Airplanes'' ((RIN2120–AA64) (Docket No. 2005–CE–54)) received on April 24, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6494. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Dassault Model Falcon 2000 and Falcon 2000EX Airplanes'' ((RIN2120–AA64) (Docket No. 2006–NM–008)) received on April 24, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6495. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives CORRECTION; The Cessna Aircraft Company Models 208 and 208B Airplanes'' ((RIN2120–AA64) (Docket No. 2005–CE–28)) received on April 24, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6496. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Cessna Model 650 Airplanes'' ((RIN2120–AA64) (Docket No. 2002–NM–332)) received on April 24, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6497. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Raytheon Aircraft Company Model 290 Airplanes'' ((RIN2120–AA64) (Docket No. 2005–CE–51)) received on April 24, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6498. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; AvCraft Dornier Model 328–100 Airplanes'' ((RIN2120–AA64) (Docket No. 2002–NM–117)) received on April 24, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6499. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Turbomeca Artouste III B, Artouste III B1, and Artouste III D Turboshaft Engines'' ((RIN2120–AA64) (Docket No. 2005–NE–54)) received on April 24, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6500. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Airbus Model A300 B4–600, B4–600R, and F4–600R Series Airplanes, and Model C4–605R Variant F Airplanes and Model A310–300 Series Airplanes'' ((RIN2120–AA64) (Docket No. 2005–NM–095)) received on April 24, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6501. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Airbus Model A318–100 Series Airplanes, Model A319–100 Series Airplanes, Model A320–111 Airplanes, Model A320–200 Series Airplanes, and Model A321–100 Series Airplanes'' ((RIN2120–AA64) (Docket No. 2005–NM–177)) received on April 24, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6502. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Airbus Model A300 B2 Series; Model A300 B4 Series Airplanes; Model A300–B4–600 Series Airplanes; Model A300 B4–600R Series Airplanes; Model A300 F4–600R Series Airplanes; Model A300 C4–605R Variant F Airplanes; Model A310–200 Series Airplanes; and Model A310–300 Series Airplanes'' ((RIN2120–AA64) (Docket No. 2005–NM–074)) received on April 24, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6503. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Airbus Model A330–200 and –300 Series Airplanes, Model A340–200 and –300 Series Airplanes, and Model 340–541 and –642 Airplanes'' ((RIN2120–AA64) (Docket No. 2003–NM–211)) received on April 24, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6504. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule

entitled ''Airworthiness Directives; Airbus Model A300 B4–600, B4–600R, and F4–600R Series Airplanes, and Model C4–605 Variant F Airplanes; and Airbus Model A310 Series Airplanes'' ((RIN2120–AA64) (Docket No. 2004–NM–74)) received on April 24, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6505. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; BAE Systems Limited Model BAe 146–100A and –200A Series Airplanes'' ((RIN2120–AA64) (Docket No. 2005–NM–083)) received on April 24, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6506. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Airbus Model A300 B2 and B4 Series Airplanes'' ((RIN2120–AA64) (Docket No. 2005–NM–016)) received on April 24, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6507. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; BAE Systems Limited Model Avro 146–RJ Airplanes'' ((RIN2120–AA64) (Docket No. 2005–NM–084)) received on April 24, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6508. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Boeing Model 747-100, 747-100B, 747-200B, 747-200C, 747-200F, 747-400F, 747SR, and 747SP Series Airplanes'' ((RIN2120–AA64) (Docket No. 2005–NM–101)) received on April 24, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6509. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Frakes Aviation Model G–73 Series Airplanes and Model G–73 Airplanes That Have Been Converted to Have Turbine Engines'' ((RIN2120–AA64) (Docket No. 2005–NM–256)) received on April 24, 2006; to the Committee on Commerce, Science , and Transportation.

EC–6510. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Gulfstream Aerospace LP Model Gulfstream 100 Airplanes; and Model Astra SPX, and 1125 Westwind Astra Airplanes'' ((RIN2120–AA64) (Docket No. 2005–NM–120)) received on April 24, 2006; to the Committee on Commerce, Science , and Transportation.

EC–6511. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Rolls–Royce plc RB211 Trent 500, 700 and 800 Series Turbofan Engines'' ((RIN2120–AA64) (Docket No. 2005–NE–49)) received on April 24, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6512. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Gulfstream Model GIV–X and GV–SP Series Airplanes'' ((RIN2120–AA64) (Docket No. 2006–NM–024)) received on April 24, 2006; to the Committee on Commerce, Science , and Transportation.

EC–6513. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Bombardier Model CL–600–2C10, CL–600–2D15, and CL 600 2D24 Airplanes'' ((RIN2120–AA64) (Docket No . 2005–NM–198)) received on April 24, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6514. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Bombardier Model CL–600–2C10, CL–600–2D15, and CL–600–2D24'' ((RIN2120–AA64) (Docket No. 2005–NM–158)) received on April 24, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6515. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Meggitt Model 602 Smoke Detectors Approved Under Technical Standard Order (TSO) TSO–CIC and Installed on Various Transport Category Airplanes, Including But Not Limited to Aerospatiale Model ATR42 and ATR72 Airplanes; Boeing Model 727 and 737 Airplanes; McDonnell Douglas Model DC–10–10, DC–10–10F, DC–10–15, DC–10–30 and DC–10–30F, DC–10–40, DC–10–40F, MD–10–10F, MD–10–30F, MD–11, and MD–11F Airplanes'' ((RIN2120–AA64) (Docket No. 2004–NM–259)) received on April 24, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6516. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Cessna Model 500, 550, S550, 560, 560XL, and 750 Airplanes'' ((RIN2120–AA64) (Docket No. 2005–NM–107)) received on April 24, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6517. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; BAE Systems Limited Model BAe 146 and Avro 146-RJ Airplanes'' ((RIN2120–AA64) (Docket No. 2002–NM–172)) received on April 24, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6518. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Airbus Model A321-100 Series Airplanes'' ((RIN2120–AA64) (Docket No. 2005–NM–060)) received on April 24, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6519. A communication from the Chairman, National Indian Gaming Commission, transmitting, pursuant to law, the report of a rule entitled ''Freedom of Information Act Procedures'' (RIN3141–AA21) received on April 25, 2006; to the Committee on Indian Affairs.

EC–6520. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Benzaldehyde, Captafol, Hexaconazole, Paraformaldehyde, Sodium dimethyldithiocarbamate, and Tetradifon; Tolerance Actions'' (FRL No. 8065–1) received on April 25, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6521. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Pantoea Agglomerans Strain C9–1; Exemption from the Requirement of a Tolerance'' (FRL No. 7772–6) received on April 25, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

NOTIFICATION OF AN EXECUTIVE ORDER BLOCKING PROPERTY OF PERSONS IN CONNECTION WITH THE CONFLICT IN SUDAN'S DARFUR REGION—PM 46

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs:

To the Congress of the United States:

Pursuant to the International Emergency Economic Powers Act (IEEPA), I hereby report that I have issued an Executive Order (the ''order'') blocking the property of persons in connection with the conflict in Sudan's Darfur region. In that order, I have expanded the scope of the national emergency declared in Executive Order 13067 of November 3, 1997, with respect to the policies and actions of the Government of Sudan, to address the unusual and extraordinary threat to the national security and foreign policy of the United States posed by the actions and circumstances involving Darfur, as described below.

The United Nations Security Council, in Resolution 1591 of March 29, 2005, condemned the continued violations of the N'djamena Ceasefire Agreement of April 8, 2004, and the Abuja Humanitarian and Security Protocols of November 9, 2004, by all sides in Darfur, as well as the deterioration of the security situation and the negative impact this has had on humanitarian assistance efforts. I also note that the United Nations Security Council has strongly condemned the continued violations of human rights and international humanitarian law in Sudan's Darfur region and, in particular, the continuation of violence against civilians and sexual violence against women and girls.

United Nations Security Council Resolution (UNSCR) 1591 determined that the situation in Darfur constitutes a threat to international peace and security in the region and called on Member States to take certain measures against persons responsible for the continuing conflict. The United Nations Security Council has encouraged all parties to negotiate in good faith at the Abuja talks and to take immediate steps to support a peaceful settlement to the conflict in Darfur, but has continued to express serious concern at the persistence of the crisis in Darfur in UNSCR 1651 of December 21, 2005.

Pursuant to IEEPA, the National Emergencies Act, and the United Nations Participation Act (UNPA), I have

determined that these actions and circumstances constitute an unusual and extraordinary threat to the national security and foreign policy of the United States, and have issued an Executive Order expanding the scope of the national emergency declared in Executive Order 13067 to deal with this threat.

The order blocks the property and interests in property in the United States, or in the possession or control of United States persons, of the persons listed in the Annex to the order, as well as of any person determined by the Secretary of the Treasury, after consultation with the Secretary of State,

—to have constituted a threat to the peace process in Darfur;

—to have constituted a threat to stability in Darfur and the region;

—to be responsible for conduct related to the conflict in Darfur that violates international law;

—to be responsible for heinous conduct with respect to human life or limb related to the conflict in Darfur;

—to have directly or indirectly supplied, sold, or transferred arms or any related materiel, or any assistance, advice, or training related to military activities to the Government of Sudan, the Sudan Liberation Movement/Army, the Justice and Equality Movement, the Janjaweed, or any person operating in the states of North Darfur, South Darfur, and West Darfur, that is a belligerent, a nongovernmental entity, or an individual; or

—to be responsible for offensive military overflights in and over the Darfur region.

The designation criteria will be applied in accordance with applicable domestic law, including where appropriate, the First Amendment of the United States Constitution.

The order also authorizes the Secretary of the Treasury, after consultation with the Secretary of State, to designate for blocking any person determined to have materially assisted, sponsored, or provided financial, material, or technological support for, or goods or services in support of, the activities listed above or any person listed in or designated pursuant to the order. I further authorized the Secretary of the Treasury, after consultation with the Secretary of State, to designate for blocking any person determined to be owned or controlled by, or acting or purporting to act for or on behalf of, directly or indirectly, any person listed in or designated pursuant to the order. The Secretary of the Treasury, after consultation with the Secretary of State, is also authorized to remove any persons from the Annex to the order as circumstances warrant.

I delegated to the Secretary of the Treasury, after consultation with the Secretary of State, the authority to take such actions, including the promulgation of rules and regulations, and to employ all powers granted to the President by IEEPA and UNPA, as may be necessary to carry out the purposes of the order. All Federal agencies are directed to take all appropriate measures within their authority to carry out the provisions of the order.

The order, a copy of which is enclosed, was effective at 12:01 a.m. eastern daylight time on April 27, 2006.

GEORGE W. BUSH.

THE WHITE HOUSE, *April 27, 2006*.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. COCHRAN, from the Committee on Appropriations:

Special Report entitled ''Further Revised Allocations to Subcommittees of Budget Totals from the Concurrent Resolution for Fiscal Year 2006'' (Rept. No. 109–251).

By Mr. ENZI, from the Committee on Health, Education, Labor, and Pensions, with an amendment in the nature of a substitute:

S. 1955. A bill to amend title I of the Employee Retirement Security Act of 1974 and the Public Health Service Act to expand health care access and reduce costs through the creation of small business health plans and through modernization of the health insurance marketplace.

By Mr. SPECTER, from the Committee on the Judiciary, without amendment:

S. 2292. A bill to provide relief for the Federal judiciary from excessive rent charges.

S. 2557. A bill to improve competition in the oil and gas industry, to strengthen antitrust enforcement with regard to industry mergers, and for other purposes.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted on April 26, 2006:

By Mr. INHOFE for the Committee on Environment and Public Works.

*James B. Gulliford, of Missouri, to be Assistant Administrator for Toxic Substances of the Environmental Protection Agency.

*William Ludwig Wehrum, Jr., of Tennessee, to be an Assistant Administrator of the Environmental Protection Agency.

*Richard Capka, of Pennsylvania, to be Administrator of the Federal Highway Administration.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. SPECTER for the Committee on the Judiciary.

Michael Ryan Barrett, of Ohio, to be United States District Judge for the Southern District of Ohio.

Brian M. Cogan, of New York, to be United States District Judge for the Eastern District of New York.

Thomas M. Golden, of Pennsylvania, to be United States District Judge for the Eastern District of Pennsylvania.

Timothy Anthony Junker, of Iowa, to be United States Marshal for the Northern District of Iowa for the term of four years.

Patrick Carroll Smith, Sr., of Maryland, to be United States Marshal for the Western District of North Carolina for the term of four years.

By Mr. CRAIG for the Committee on Veterans' Affairs.

*Daniel L. Cooper, of Pennsylvania, to be Under Secretary for Benefits of the Department of Veterans Affairs for a term of four years.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(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. DODD (for himself and Mr. DEWINE):

S. 2663. A bill to amend the Public Health Service Act to establish grant programs to provide for education and outreach on newborn screening and coordinated follow up care once newborn screening has been conducted, to reauthorize programs under part A of title XI of such Act, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BAUCUS (for himself, Mrs. LINCOLN, and Mr. CONRAD):

S. 2664. A bill to amend title XVIII of the Social Security Act to improve access to pharmacies under part D; to the Committee on Finance.

By Mr. BAUCUS (for himself, Mr. WYDEN, Mrs. LINCOLN, Mr. CONRAD, and Mr. JEFFORDS):

S. 2665. A bill to amend title XVIII of the Social Security Act to simplify and improve the Medicare prescription drug program; to the Committee on Finance.

By Mr. BURNS:

S. 2666. A bill to temporarily suspend the revised tax treatment of kerosene for use in aviation under the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users; to the Committee on Finance.

By Mrs. BOXER:

S. 2667. A bill to revitalize the Los Angeles River, and for other purposes; to the Committee on Environment and Public Works.

By Mr. VITTER:

S. 2668. A bill to direct the Secretary of Health and Human Services to require the incorporation of counterfeit-resistant technologies into the packaging of prescription drugs, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. REID (for Mr. KERRY (for himself and Mr. KENNEDY)):

S. 2669. A bill to amend the Omnibus Parks and Public Lands Management Act of 1996 to authorize the Secretary of the Interior to enter into cooperative agreements with any of the management partners of the Boston Harbor Islands National Recreation Area, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. REID (for Mr. KERRY (for himself, Mr. KOHL, and Mr. LIEBERMAN)):

S. 2670. A bill to restore fairness in the provision of incentives for oil and gas production, and for other purposes; to the Committee on Finance.

By Mrs. BOXER (for herself and Mrs. FEINSTEIN):

S. 2671. A bill to provide Federal coordination and assistance in preventing gang violence; to the Committee on the Judiciary.

By Mr. REID (for Mr. KERRY):

S. 2672. A bill to amend the Internal Revenue Code of 1986 to provide that oil and gas companies will not be eligible for the effective rate reductions enacted in 2004 for domestic manufacturers; to the Committee on Finance.

By Mr. THUNE (for himself and Mr. GRAHAM):

S. 2673. A bill to temporarily reduce the Federal fuel tax through the suspension of royalty relief for oil production and certain energy production tax incentives; to the Committee on Finance.

By Mr. AKAKA (for himself, Mr. INOUYE, Mr. BAUCUS, and Mr. JOHNSON):

S. 2674. A bill to amend the Native American Languages Act to provide for the support of Native American language survival schools, and for other purposes; to the Committee on Indian Affairs.

By Mrs. BOXER:

S. 2675. A bill to amend title 49, United States Code, to set minimum fuel economy requirements for federal vehicles, to authorize grants to States to purchase fuel efficient vehicles, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. CRAPO (for himself and Mrs. LINCOLN):

S. 2676. A bill to authorize the Secretary of Agriculture to enter into partnership agreements with entities and local communities to encourage greater cooperation in the administration of Forest Service activities on the near National Forest System land, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. SMITH (for himself, Mr. MENENDEZ, Mr. LIEBERMAN, Ms. SNOWE, Mr. JEFFORDS, Mr. KERRY, Ms. CANTWELL, Mr. SALAZAR, and Mrs. CLINTON):

S. 2677. A bill to amend the Internal Revenue Code of 1986 to extend the investment tax credit with respect to solar energy property and qualified fuel cell property, and for other purposes; to the Committee on Finance.

By Mr. GRASSLEY:

S. 2678. A bill to amend title 28, United States Code, to provide for the detection and prevention of inappropriate conduct in the Federal judiciary; to the Committee on the Judiciary.

By Mr. TALENT (for himself, Mr. DODD, Mr. ALEXANDER, and Mr. COCHRAN):

S. 2679. A bill to establish an Unsolved Crimes Section in the Civil Rights Division of the Department of Justice, and an Unsolved Civil Rights Crime Investigative Office in the Civil Rights Unit of the Federal Bureau of Investigation, and for other purposes; to the Committee on the Judiciary.

By Mr. COLEMAN (for himself, Mr. TALENT, and Mrs. LINCOLN):

S. 2680. A bill to facilitate the increased use of alternative fuels for motor vehicles, and for other purposes; to the Committee on Finance.

By Ms. CANTWELL (for herself, Mr. BIDEN, and Mr. LEAHY):

S. 2681. A bill to amend title 10, United States Code, to provide for reports on the withdrawal or diversion of equipment from Reserve units to other Reserve units being mobilized, and for other purposes; to the Committee on Armed Services.

By Mr. NELSON of Florida:

S. 2682. A bill to exclude from admission to the United States aliens who have made investments directly and significantly contributing to the enhancement of the ability of Cuba to develop its petroleum resources, and for other purposes; to the Committee on the Judiciary.

By Mr. BYRD:

S.J. Res. 35. A joint resolution proposing an amendment to the Constitution of the United States to clarify that the Constitution neither prohibits voluntary prayer nor requires prayer in schools; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. NELSON of Nebraska (for himself, Mr. CHAMBLISS, and Mr. CRAIG):

S. Res. 448. A resolution supporting the goals and ideals of ''National Life Insurance Awareness Month''; to the Committee on the Judiciary.

By Mr. BROWNBACK (for himself and Mr. ROBERTS):

S. Res. 449. A resolution commending the extraordinary contributions of Max Falkenstien to The University of Kansas and the State of Kansas; to the Committee on the Judiciary.

By Mr. DEWINE (for himself, Mrs. DOLE, Ms. LANDRIEU, Mr. ALLEN, and Mr. DURBIN):

S. Res. 450. A resolution designating June 2006 as National Safety Month; to the Committee on the Judiciary.

By Mr. LUGAR (for himself, Mr. BIDEN, Mr. LEAHY, Mr. HAGEL, Mr. CHAFEE, Mr. KERRY, Mrs. FEINSTEIN, Mr. COLEMAN, and Mr. SUNUNU):

S. Res. 451. A resolution expressing the support of the Senate for the reconvening of the Parliament of Nepal and for an immediate, peaceful transition to democracy; considered and agreed to.

By Mr. SCHUMER (for himself and Mrs. DOLE):

S. Res. 452. A resolution recognizing the cultural and educational contributions of the American Ballet Theatre throughout its 65 years of service as ''America's National Ballet Company''; considered and agreed to.

By Mr. ALEXANDER (for himself, Mr. LIEBERMAN, Mr. GREGG, Mr. FRIST, Mr. CARPER, Mr. VITTER, Ms. LANDRIEU, Mr. BURR, Mr. COLEMAN, Mr. ALLARD, Mr. DEMINT, and Mr. MARTINEZ):

S. Res. 453. A resolution congratulating charter schools and their students, parents, teachers, and administrators across the United States for their ongoing contributions to education, and for other purposes; considered and agreed to.

By Mr. LAUTENBERG (for himself, Mr. MENENDEZ, Mr. INOUYE, and Mrs. DOLE):

S. Res. 454. A resolution honoring Malcolm P. McLean as the father of containerization; considered and agreed to.

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

S. Res. 455. A resolution honoring and thanking Terrance W. Gainer, former Chief of the United States Capitol Police; considered and agreed to.

ADDITIONAL COSPONSORS

S. 333

At the request of Mr. SANTORUM, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 333, a bill to hold the current regime in Iran accountable for its threatening behavior and to support a transition to democracy in Iran.

S. 350

At the request of Mr. LUGAR, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 350, a bill to amend the Foreign Assistance Act of 1961 to provide assistance for orphans and other vulnerable children in developing countries, and for other purposes.

S. 382

At the request of Mr. ENSIGN, the name of the Senator from Illinois (Mr. OBAMA) was added as a cosponsor of S. 382, a bill to amend title 18, United States Code, to strengthen prohibitions against animal fighting, and for other purposes.

S. 424

At the request of Mr. BOND, the name of the Senator from Idaho (Mr. CRAIG) was added as a cosponsor of S. 424, a bill to amend the Public Health Service Act to provide for arthritis research and public health, and for other purposes.

S. 440

At the request of Mr. BUNNING, the name of the Senator from Illinois (Mr. DURBIN) 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. 503

At the request of Mr. BOND, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 503, a bill to expand Parents as Teachers programs and other quality programs of early childhood home visitation, and for other purposes.

S. 707

At the request of Mr. ALEXANDER, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 707, a bill to reduce preterm labor and delivery and the risk of pregnancy-related deaths and complications due to pregnancy, and to reduce infant mortality caused by prematurity.

S. 908

At the request of Mr. MCCONNELL, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of S. 908, a bill to allow Congress, State legislatures, and regulatory agencies to determine appropriate laws, rules, and regulations to address the problems of weight gain, obesity, and health conditions associated with weight gain or obesity.

S. 1147

At the request of Mr. REID, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S.

1147, a bill to amend the Internal Revenue Code of 1986 to provide for the expensing of broadband Internet access expenditures, and for other purposes.

S. 1172

At the request of Mr. SPECTER, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 1172, a bill to provide for programs to increase the awareness and knowledge of women and health care providers with respect to gynecologic cancers.

S. 1272

At the request of Mr. NELSON of Nebraska, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 1272, a bill to amend title 46, United States Code, and title II of the Social Security Act to provide benefits to certain individuals who served in the United States merchant marine (including the Army Transport Service and the Naval Transport Service) during World War II.

S. 1648

At the request of Mr. DURBIN, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 1648, a bill to amend title 49, United States Code, to improve the system for enhancing automobile fuel efficiency, and for other purposes.

S. 1722

At the request of Ms. MURKOWSKI, the names of the Senator from Louisiana (Ms. LANDRIEU) and the Senator from Montana (Mr. BURNS) were added as cosponsors of S. 1722, a bill to amend the Public Health Service Act to reauthorize and extend the Fetal Alcohol Syndrome prevention and services program, and for other purposes.

S. 1848

At the request of Mr. BAUCUS, his name was added as a cosponsor of S. 1848, a bill to promote remediation of inactive and abandoned mines, and for other purposes.

S. 1948

At the request of Mrs. CLINTON, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 1948, a bill to direct the Secretary of Transportation to issue regulations to reduce the incidence of child injury and death occurring inside or outside of passenger motor vehicles, and for other purposes.

S. 1955

At the request of Mr. ENZI, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of S. 1955, a bill to amend title I of the Employee Retirement Security Act of 1974 and the Public Health Service Act to expand health care access and reduce costs through the creation of small business health plans and through modernization of the health insurance marketplace.

S. 2010

At the request of Mr. HATCH, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 2010, a bill to amend the Social Security Act to enhance the Social Security of the Nation by ensuring adequate public-private infrastructure and to resolve to prevent, detect, treat, intervene in, and prosecute elder abuse, neglect, and exploitation, and for other purposes.

S. 2041

At the request of Mr. REID, the name of the Senator from Nevada (Mr. ENSIGN) was added as a cosponsor of S. 2041, a bill to provide for the conveyance of a United States Fish and Wildlife Service administrative site to the city of Las Vegas, Nevada.

S. 2154

At the request of Mr. OBAMA, the name of the Senator from Colorado (Mr. ALLARD) was added as a cosponsor of S. 2154, a bill to provide for the issuance of a commemorative postage stamp in honor of Rosa Parks.

S. 2201

At the request of Mr. OBAMA, the names of the Senator from Arkansas (Mrs. LINCOLN) and the Senator from Florida (Mr. NELSON) were added as cosponsors of S. 2201, a bill to amend title 49, United States Code, to modify the mediation and implementation requirements of section 40122 regarding changes in the Federal Aviation Administration personnel management system, and for other purposes.

S. 2290

At the request of Mr. SANTORUM, his name was added as a cosponsor of S. 2290, a bill to provide for affordable natural gas by rebalancing domestic supply and demand and to promote the production of natural gas from domestic resources.

S. 2296

At the request of Mr. INOUYE, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 2296, a bill to establish a fact-finding Commission to extend the study of a prior Commission to investigate and determine facts and circumstances surrounding the relocation, internment, and deportation to Axis countries of Latin Americans of Japanese descent from December 1941 through February 1948, and the impact of those actions by the United States, and to recommend appropriate remedies, and for other purposes.

S. 2302

At the request of Mr. LOTT, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 2302, a bill to establish the Federal Emergency Management Agency as an independent agency, and for other purposes.

S. 2311

At the request of Ms. COLLINS, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 2311, a bill to establish a demonstration project to develop a national network of economically sustainable transportation providers and qualified transportation providers, to provide transportation services to older individuals, and individuals who are blind, and for other purposes.

S. 2321

At the request of Mr. SANTORUM, the names of the Senator from Ohio (Mr. VOINOVICH), the Senator from Georgia (Mr. CHAMBLISS) and the Senator from Georgia (Mr. ISAKSON) were added as cosponsors of S. 2321, a bill to require the Secretary of the Treasury to mint coins in commemoration of Louis Braille.

S. 2339

At the request of Mr. COBURN, the name of the Senator from North Carolina (Mrs. DOLE) was added as a cosponsor of S. 2339, a bill to reauthorize the HIV Health Care Services Program under title 26 of the Public Health Service Act.

S. 2475

At the request of Mr. SALAZAR, the names of the Senator from New York (Mrs. CLINTON), the Senator from Illinois (Mr. DURBIN), the Senator from Massachusetts (Mr. KERRY), the Senator from Illinois (Mr. OBAMA), the Senator from New York (Mr. SCHUMER) and the Senator from New Jersey (Mr. LAUTENBERG) were added as cosponsors of S. 2475, a bill to establish the Commission to Study the Potential Creation of a National Museum of the American Latino Community, to develop a plan of action for the establishment and maintenance of a National Museum of the American Latino Community in Washington, DC, and for other purposes.

S. 2571

At the request of Mr. CONRAD, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. 2571, a bill to promote energy production and conservation, and for other purposes.

S. 2643

At the request of Mr. BINGAMAN, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 2643, a bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to clarify that Indian tribes are eligible to receive grants for confronting the use of methamphetamine.

S. CON. RES. 84

At the request of Mr. KYL, the name of the Senator from Mississippi (Mr. LOTT) was added as a cosponsor of S. Con. Res. 84, a concurrent resolution expressing the sense of Congress regarding a free trade agreement between the United States and Taiwan.

S. RES. 180

At the request of Mr. SCHUMER, the name of the Senator from Utah (Mr. BENNETT) was added as a cosponsor of S. Res. 180, a resolution supporting the goals and ideals of a National Epidermolysis Bullosa Awareness Week to raise public awareness and understanding of the disease and to foster understanding of the impact of the disease on patients and their families.

S. RES. 412

At the request of Mr. AKAKA, the names of the Senator from Virginia

(Mr. WARNER) and the Senator from New Jersey (Mr. LAUTENBERG) were added as cosponsors of S. Res. 412, a resolution expressing the sense of the Senate that public servants should be commended for their dedication and continued service to the Nation during Public Service Recognition Week, May 1 through 7, 2006.

S. RES. 442

At the request of Mr. COLEMAN, the names of the Senator from Arizona (Mr. KYL) and the Senator from Missouri (Mr. TALENT) were added as cosponsors of S. Res. 442, a resolution expressing the deep disappointment of the Senate with respect to the election of Iran to a leadership position in the United Nations Disarmament Commission and requesting the President to withhold funding to the United Nations unless credible reforms are made.

AMENDMENT NO. 3599

At the request of Mr. LUGAR, the names of the Senator from Ohio (Mr. VOINOVICH), the Senator from Vermont (Mr. JEFFORDS), the Senator from Nevada (Mr. REID), the Senator from Ohio (Mr. DEWINE) and the Senator from Maine (Ms. SNOWE) were added as cosponsors of amendment No. 3599 proposed to H.R. 4939, a bill making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 3606

At the request of Mr. SMITH, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of amendment No. 3606 intended to be proposed to H.R. 4939, a bill making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 3626

At the request of Mr. VITTER, the names of the Senator from Connecticut (Mr. LIEBERMAN) and the Senator from Mississippi (Mr. LOTT) were added as cosponsors of amendment No. 3626 proposed to H.R. 4939, a bill making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 3627

At the request of Mr. VITTER, the names of the Senator from Maine (Ms. SNOWE), the Senator from Massachusetts (Mr. KERRY), the Senator from Louisiana (Ms. LANDRIEU) and the Senator from Mississippi (Mr. LOTT) were added as cosponsors of amendment No. 3627 proposed to H.R. 4939, a bill making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 3643

At the request of Mr. SALAZAR, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of amendment No. 3643 intended to be proposed to H.R. 4939, a bill making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 3644

At the request of Mr. SALAZAR, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of amendment No. 3644 intended to be proposed to H.R. 4939, a bill making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 3646

At the request of Mr. SALAZAR, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of amendment No. 3646 intended to be proposed to H.R. 4939, a bill making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 3648

At the request of Ms. LANDRIEU, her name was added as a cosponsor of amendment No. 3648 proposed to H.R. 4939, a bill making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes.

At the request of Mr. VITTER, the names of the Senator from Alaska (Mr. STEVENS), the Senator from Alaska (Ms. MURKOWSKI) and the Senator from Mississippi (Mr. LOTT) were added as cosponsors of amendment No. 3648 proposed to H.R. 4939, supra.

AMENDMENT NO. 3650

At the request of Mr. OBAMA, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of amendment No. 3650 intended to be proposed to H.R. 4939, a bill making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 3662

At the request of Mr. FEINGOLD, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of amendment No. 3662 intended to be proposed to H.R. 4939, a bill making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 3665

At the request of Mr. WYDEN, the names of the Senator from Arizona (Mr. KYL) and the Senator from Connecticut (Mr. LIEBERMAN) were added as cosponsors of amendment No. 3665 proposed to H.R. 4939, a bill making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes.

At the request of Mr. ENSIGN, his name was added as a cosponsor of amendment No. 3665 proposed to H.R. 4939, supra.

At the request of Mr. SMITH, his name was added as a cosponsor of amendment No. 3665 proposed to H.R. 4939, supra.

At the request of Mr. GRAHAM, his name was added as a cosponsor of amendment No. 3665 proposed to H.R. 4939, supra.

At the request of Ms. SNOWE, her name was added as a cosponsor of amendment No. 3665 proposed to H.R. 4939, supra.

AMENDMENT NO. 3670

At the request of Mr. DORGAN, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of amendment No. 3670 intended to be proposed to H.R. 4939, a bill making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DODD (for himself and Mr. DEWINE):

S. 2663. A bill to amend the Public Health Service Act to establish grant programs to provide for education and outreach on newborn screening and coordinated followup care once newborn screening has been conducted, to reauthorize programs under part A of title XI of such Act, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. DODD. Mr. President, I am pleased today to join with my colleague Senator DEWINE to introduce legislation to protect the most vulnerable members of our society: newborn infants. Many people know the joy of parenthood. They also know the sense of worry about whether their kids are doing well, are feeling well, and are safe. Nothing is of greater importance than the health and well-being of our children.

Thanks to incredible advances in medical technology, it is now possible to test newborns for more than 50 genetic and metabolic disorders. Many of these disorders, if undetected, would lead to severe disability or death. However, babies that are properly diagnosed and treated can, in many cases, go on to live healthy lives. So newborn screening can literally save lives.

Frighteningly, the disorders that newborn screening tests for can come without warning. For most of these disorders, there is no medical history of the condition in the family, no way to predict the health of a baby based on the health of the parents. Although the disorders that are tested for are quite rare, there is a chance that any one newborn will be effected a sort of morbid lottery. In that sense, this is an issue that has a direct impact on the lives of every family.

Fortunately, some screening has become common practice in every State. Each year, over four million infants have blood taken from their heel to detect these disorders that could threaten their life and long-term health. As a result, about one in 4,000 babies is diagnosed with one of these disorders. That means that newborn screening could protect the health or save the life of approximately 1,000 newborns each year. That is 1,000 tragedies that can be averted families that can know the joy of a new infant rather than absolute heartbreak.

That is the good news. However, there is so much more to be done. For every baby saved, another two are estimated to be born with potentially detectable disorders that go undetected

because they are not screened. These infants and their families face the prospect of disability or death from a preventable disorder. The survival of a newborn may very well come down to the State in which it is born, because not all States test for every detectable disorder.

The Government Accountability Office (GAO) released a report in 2003 highlighting the need for this legislation. According to the report, most States do not educate parents and health care providers about the availability of tests beyond what is mandated by a state. States also reported that they do not have the resources to purchase the technology and train the staff needed to expand newborn screening programs. Finally, even when States do detect an abnormal screening result, the majority do not inform parents directly.

Two weeks ago, I visited Stamford Hospital in my home State of Connecticut to talk to physicians and parents about newborn screening. I was joined there by Pamela Sweeney. Pamela is the mother of 7-year-old Jonathan Sweeney. At the time of his birth, Connecticut only tested for eight disorders. He was considered a healthy baby, although he was a poor sleeper and needed to be fed quite frequently. One morning in December of 2000, Pamela found Jonathan with his eyes wide open but completely unresponsive. He was not breathing and appeared to be having a seizure. Jonathan was rushed to the hospital where, fortunately, his life was saved. He was later diagnosed with L–CHAD, a disorder that prevents Jonathan's body from turning fat into energy.

Despite this harrowing tale, Jonathan and his family are extremely fortunate. Jonathan is alive, and his disorder can be treated with a special diet. He has experienced developmental delays that most likely could have been avoided had he been tested for L–CHAD at birth. This raises a question. Why was he not tested? Why do many States still not test for L–CHAD?

The primary reason for this unfortunate reality is the lack of a consensus on the federal level about what should be screened for, and how a screening program should be developed. Fortunately, that is changing. In the Children's Health Act of 2000, Senator DEWINE and I authored language to create an Advisory Committee on newborn screening within the Department of Health and Human Services. Last year, that Advisory Committee released a report recommending that all States test for a standard set of 29 disorders. Several States, including Connecticut, are already well on their way to meeting this recommendation.

The legislation that we are introducing today will give states an additional helping hand towards meeting the Advisory's Committee's recommendation by providing $25 million for States to expand and improve their newborn screening programs. In order to access these resources, States will be required to commit to screening for all 29 disorders.

Our legislation will also provide $15 million for two types of grants. The first seeks to address the lack of information available to health care professionals and parents about newborn screening. Every parent should have the knowledge necessary to protect their child. The tragedy of a newborn's death is only compounded by the frustration of learning that the death was preventable. This bill authorizes grants to provide education and training to health care professionals, state laboratory personnel, families and consumer advocates.

The second type of grant will support States in providing follow-up care for those children diagnosed by a disorder detected through newborn screening. While these families are the fortunate ones, in many cases they are still faced with the prospect of extended and complex treatment or major lifestyle changes. We need to remember that care does not stop at diagnosis.

Finally, the bill directs the Centers for Disease Control and Prevention (CDC) to establish a national surveillance program for newborn screening, and provides $15 million for that purpose. Such a program will help us conduct research to better understand these rare disorders, and will hopefully lead us towards more effective treatments and cures.

I urge my colleagues to support this important initiative so that every newborn child will have the best possible opportunity that America can offer to live a long, healthy and happy life.

I ask unanimous consent that the text of the bill be printed in the RECORD.

Mr. BURNS. Mr. President, I come to the floor today to introduce the Aviation Fuel Tax Simplification Act. This bill would suspend the new tax system on aviation grade kerosene until we have time to adequately address and study the impacts of such a proposal on aviation small businesses and the Airport and Airway Trust Fund.

This bill addresses a problem created in the Highway Bill this body passed last year. That bill contained a change in the collection of fuel taxes for business and general aviation operators.

Prior to the Highway bill passing, jet fuel intended for noncommercial use was taxed at 21.9 cents per gallon. Under the new provision, all taxes on aviation jet fuel are collected at the diesel fuel rate, which is 24.4 cents per gallon. After collection at the higher rate, the operator or ultimate vendor then has to file a claim with the Internal Revenue Service, IRS, to be reimbursed for the 2.5 cent per gallon difference. Once, and only if, the vendor files the claim do the tax revenues then get transferred to the Airport and Airway Trust Fund.

For general aviation, most of the entities that would be the ultimate vendors are the Fixed Based Operators, FBOs, located at the 19,200 airports, heliports and seaplane bases throughout the U.S. Most of these FBOs are very small mom and pop businesses, and they do not have the resources to comply with the IRS's ultimate vendor rules.

The Highway bill provision took effect last October, with little guidance from the IRS on how aviation fuel operators should apply the new policy. This lack of guidance has created an onerous and convoluted process for taxing aviation jet fuel. It also presents an enormous administrative challenge for aviation businesses, the overwhelming majority of which have never been engaged in any sort of wrongdoing.

This provision was put in the Highway bill with the best of intentions in an effort to fight fuel fraud. However, I believe that provision has fallen into the category covered by the rule of unintended consequences. Unfortunately, the reality is the impact on small aviation businesses far outweighs the intent.

In theory, the provision was put into place to address fuel fraud allegations directed at truck drivers filling up with jet fuel to avoid the 24.4 highway/diesel fuel tax. In reality, jet fuel is considerably more expensive than diesel fuel. It makes no sense to me that a truck driver would pay at least $1 per gallon more to save 25 cents per gallon in taxes.

I have heard from many Montana providers on this issue and I think I can safely say, while the intent was noble, the impact is far too burdensome. Because of the burden and the possible impact on the Airport and Airway Trust Fund I feel it necessary to immediately suspend the new tax system. I look forward to working with my colleagues to find a more appropriate way of curbing fuel fraud.

Mr. DEWINE. Mr. President, I rise today to join my colleague Senator DODD in introducing the Newborn Screening Saves Lives Act of 2006.

This important legislation would help States expand and improve their newborn screening programs, educate parents and health care providers about newborn screening, and improve follow-up care for infants with an illness detected through screening.

Newborn screening is a public health activity used for early identification of infants affected by certain genetic, metabolic, hormonal and functional conditions for which there may be an effective treatment or intervention. If left untreated, these conditions can cause death, disability, mental retardation, and other serious health problems. Every year, over 4 million infants are born and screened to detect such conditions, with an estimated 3,000 babies identified in time for treatment. However, the number and quality of newborn screening tests performed varies dramatically from State to State. The Newborn Screening Saves Lives Act of 2006 aims to remedy these problems and improve newborn screening for all of America's newborns.

This legislation is important because it provides resources to States to expand and improve their newborn screening programs and encourage States to test for the full roster of disorders recommended by the Advisory Committee on Heritable Disorders in Newborns and Children. It is imperative that we test for the full roster of disorders. That is why we are introducing this legislation to provide adequate funds to get this program started. It authorizes $65 million in fiscal year 07 and such sums as may be necessary for fiscal year 08 through fiscal year 11 for grants to educate health care professionals, laboratory personnel, and parents about newborn screening and relevant new technologies.

I encourage my colleagues to join Senator DODD and me in co-sponsoring this important bill.

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

S. 2663

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 ''Newborn Screening Saves Lives Act of 2006''.

SEC. 2. FINDINGS.

Congress finds the following:

(1) Currently, it is possible to test for more than 30 disorders through newborn screening.

(2) There is a lack of uniform newborn screening throughout the United States. While a newborn with a debilitating condition may receive screening, early detection, and treatment in 1 location, in another location the condition may go undetected and result in catastrophic consequences.

(3) Each year more than 4,000,000 babies are screened by State and private laboratories to detect conditions that may threaten their long-term health.

(4) There are more than 2,000 babies born every year in the United States with detectable and treatable disorders that go unscreened through newborn screening.

SEC. 3. AMENDMENT TO TITLE III OF THE PUBLIC HEALTH SERVICE ACT.

Part Q of title III of the Public Health Service Act (42 U.S.C. 280h et seq.) is amended by adding at the end the following:

''SEC. 399AA. NEWBORN SCREENING.

''(a) AUTHORIZATION OF GRANT PROGRAMS.—

''(1) GRANTS TO ASSIST HEALTH CARE PROFESSIONALS.—From funds appropriated under subsection (h), the Secretary, acting through the Associate Administrator of the Maternal and Child Health Bureau of the Health Resources and Services Administration (referred to in this section as the 'Associate Administrator') and in consultation with the Advisory Committee on Heritable Disorders in Newborns and Children (referred to in this section as the 'Advisory Committee'), shall award grants to eligible entities to enable such entities to assist in providing health care professionals and newborn screening laboratory personnel with—

''(A) education in newborn screening; and

''(B) training in—

''(i) relevant and new technologies in newborn screening; and

''(ii) congenital, genetic, and metabolic disorders.

''(2) GRANTS TO ASSIST FAMILIES.—

''(A) IN GENERAL.—From funds appropriated under subsection (h), the Secretary, acting through the Associate Administrator and in consultation with the Advisory Committee, shall award grants to eligible entities to enable such entities to develop and deliver educational programs about newborn screening to parents, families, and patient advocacy and support groups. The educational materials accompanying such educational programs shall be provided at appropriate literacy levels.

''(B) AWARENESS OF THE AVAILABILITY OF PROGRAMS.—To the extent practicable, the Secretary shall make relevant health care providers aware of the availability of the educational programs supported pursuant to subparagraph (A).

''(3) GRANTS FOR QUALITY NEWBORN SCREENING FOLLOWUP.—From funds appropriated under subsection (h), the Secretary, acting through the Associate Administrator and in consultation with the Advisory Committee, shall award grants to eligible entities to enable such entities to establish, maintain, and operate a system to assess and coordinate treatment relating to congenital, genetic, and metabolic disorders.

''(b) APPLICATION.—An eligible entity that desires to receive a grant under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require.

''(c) SELECTION OF GRANT RECIPIENTS.—

''(1) IN GENERAL.—Not later than 120 days after receiving an application under subsection (b), the Secretary, after considering the approval factors under paragraph (2), shall determine whether to award the eligible entity a grant under this section.

''(2) APPROVAL FACTORS.—

''(A) REQUIREMENTS FOR APPROVAL.—An application submitted under subsection (b) may not be approved by the Secretary unless the application contains assurances that the eligible entity—

''(i) will use grant funds only for the purposes specified in the approved application and in accordance with the requirements of this section; and

''(ii) will establish such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement and accounting of Federal funds paid to the eligible entity under the grant.

''(B) EXISTING PROGRAMS.—Prior to awarding a grant under this section, the Secretary shall—

''(i) conduct an assessment of existing educational resources and training programs and coordinated systems of followup care with respect to newborn screening; and

''(ii) take all necessary steps to minimize the duplication of the resources and programs described in clause (i).

''(d) COORDINATION.—The Secretary shall take all necessary steps to coordinate programs funded with grants received under this section.

''(e) USE OF GRANT FUNDS.—

''(1) GRANTS TO ASSIST HEALTH CARE PROFESSIONALS.—An eligible entity that receives a grant under subsection (a)(1) may use the grant funds to work with appropriate medical schools, nursing schools, schools of public health, schools of genetic counseling, internal education programs in State agencies, nongovernmental organizations, and professional organizations and societies to develop and deliver education and training programs that include—

''(A) continuing medical education programs for health care professionals and newborn screening laboratory personnel in newborn screening;

''(B) education, technical assistance, and training on new discoveries in newborn screening and the use of any related technology;

''(C) models to evaluate the prevalence of, and assess and communicate the risks of, congenital conditions, including the prevalence and risk of some of these conditions based on family history;

''(D) models to communicate effectively with parents and families about—

''(i) the process and benefits of newborn screening;

''(ii) how to use information gathered from newborn screening;

''(iii) the meaning of screening results, including the possibility of false positive findings;

''(iv) the right of refusal of newborn screening, if applicable; and

''(v) the potential need for followup care after newborns are screened;

''(E) information and resources on coordinated systems of followup care after newborns are screened;

''(F) information on the disorders for which States require and offer newborn screening and options for newborn screening relating to conditions in addition to such disorders;

''(G) information on additional newborn screening that may not be required by the State, but that may be available from other sources; and

''(H) other items to carry out the purpose described in subsection (a)(1) as determined appropriate by the Secretary.

''(2) GRANTS TO ASSIST FAMILIES.—An eligible entity that receives a grant under subsection (a)(2) may use the grant funds to develop and deliver to parents, families, and patient advocacy and support groups, educational programs about newborn screening that include information on—

''(A) what newborn screening is;

''(B) how newborn screening is performed;

''(C) who performs newborn screening;

''(D) where newborn screening is performed;

''(E) the disorders for which the State requires newborns to be screened;

''(F) different options for newborn screening for disorders other than those included by the State in the mandated newborn screening program;

''(G) the meaning of various screening results, including the possibility of false positive and false negative findings;

''(H) the prevalence and risk of newborn disorders, including the increased risk of disorders that may stem from family history;

''(I) coordinated systems of followup care after newborns are screened; and

''(J) other items to carry out the purpose described in subsection (a)(2) as determined appropriate by the Secretary.

''(3) GRANTS FOR QUALITY NEWBORN SCREENING FOLLOWUP.—An eligible entity that receives a grant under subsection (a)(3) shall use the grant funds to—

''(A) expand on existing procedures and systems, where appropriate and available, for the timely reporting of newborn screening results to individuals, families, primary care physicians, and subspecialists in congenital, genetic, and metabolic disorders;

''(B) coordinate ongoing followup treatment with individuals, families, primary care physicians, and subspecialists in congenital, genetic, and metabolic disorders after a newborn receives an indication of the presence or increased risk of a disorder on a screening test;

''(C) ensure the seamless integration of confirmatory testing, tertiary care medical services, comprehensive genetic services including genetic counseling, and information about access to developing therapies by participation in approved clinical trials involving the primary health care of the infant;

''(D) analyze data, if appropriate and available, collected from newborn screenings to

identify populations at risk for disorders affecting newborns, examine and respond to health concerns, recognize and address relevant environmental, behavioral, socioeconomic, demographic, and other relevant risk factors; and

''(E) carry out such other activities as the Secretary may determine necessary.

''(f) REPORTS TO CONGRESS.—

''(1) IN GENERAL.—Subject to paragraph (2), the Secretary shall submit to the appropriate committees of Congress reports—

''(A) evaluating the effectiveness and the impact of the grants awarded under this section—

''(i) in promoting newborn screening—

''(I) education and resources for families; and

''(II) education, resources, and training for health care professionals;

''(ii) on the successful diagnosis and treatment of congenital, genetic, and metabolic disorders; and

''(iii) on the continued development of coordinated systems of followup care after newborns are screened;

''(B) describing and evaluating the effectiveness of the activities carried out with grant funds received under this section; and

''(C) that include recommendations for Federal actions to support—

''(i) education and training in newborn screening; and

''(ii) followup care after newborns are screened.

''(2) TIMING OF REPORTS.—The Secretary shall submit—

''(A) an interim report that includes the information described in paragraph (1), not later than 30 months after the date on which the first grant funds are awarded under this section; and

''(B) a subsequent report that includes the information described in paragraph (1), not later than 60 months after the date on which the first grant funds are awarded under this section.

''(g) DEFINITION OF ELIGIBLE ENTITY.—In this section, the term 'eligible entity' means—

''(1) a State or a political subdivision of a State;

''(2) a consortium of 2 or more States or political subdivisions of States;

''(3) a territory;

''(4) an Indian tribe or a hospital or outpatient health care facility of the Indian Health Service; or

''(5) a nongovernmental organization with appropriate expertise in newborn screening, as determined by the Secretary.

''(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

''(1) $15,000,000 for fiscal year 2007; and

''(2) such sums as may be necessary for each of fiscal years 2008 through 2011.''.

SEC. 4. IMPROVED NEWBORN AND CHILD SCREENING FOR HERITABLE DISORDERS.

Section 1109 of the Public Health Service Act (42 U.S.C. 300b–8) is amended—

(1) in subsection (c)(2)—

(A) in subparagraph (E), by striking ''and'' after the semicolon;

(B) by redesignating subparagraph (F) as subparagraph (G); and

(C) by inserting after subparagraph (E) the following:

''(F) an assurance that the entity has adopted and implemented, is in the process of adopting and implementing, or will use grant amounts received under this section to adopt and implement the guidelines and recommendations of the Advisory Committee on Heritable Disorders in Newborns and Children established under section 1111 (referred to in this section as the 'Advisory Committee') that are adopted by the Secretary and in effect at the time the grant is awarded or renewed under this section, which shall include the screening of each newborn for the heritable disorders recommended by the Advisory Committee and adopted by the Secretary and the reporting of results; and''; and

(2) in subsection (i), by striking ''such sums'' and all that follows through the period at the end and inserting ''$25,000,000 for fiscal year 2007 and such sums as may be necessary for each of the fiscal years 2008 through 2011.''.

SEC. 5. EVALUATING THE EFFECTIVENESS OF NEWBORN- AND CHILD-SCREENING PROGRAMS.

Section 1110 of the Public Health Service Act (42 U.S.C. 300b–9) is amended by adding at the end the following:

''(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $5,000,000 for fiscal year 2007 and such sums as may be necessary for each of the fiscal years 2008 through 2011.''.

SEC. 6. ADVISORY COMMITTEE ON HERITABLE DISORDERS IN NEWBORNS AND CHILDREN.

Section 1111 of the Public Health Service Act (42 U.S.C. 300b–10) is amended—

(1) in subsection (b)—

(A) by redesignating paragraph (3) as paragraph (5);

(B) in paragraph (2), by striking ''and'' after the semicolon;

(C) by inserting after paragraph (2) the following:

''(3) recommend a uniform screening panel for newborn screening programs that includes the heritable disorders for which all newborns should be screened, including secondary conditions that may be identified as a result of the laboratory methods used for screening;

''(4) develop a model decision-matrix for newborn screening program expansion, and periodically update the recommended uniform screening panel described in paragraph (3) based on such decision-matrix; and''; and

(D) in paragraph (5) (as redesignated by subparagraph (A)), by striking the period at the end and inserting '', including recommendations, advice, or information dealing with—

''(A) followup activities, including those necessary to achieve rapid diagnosis in the short term, and those that ascertain long-term case management outcomes and appropriate access to related services;

''(B) diagnostic and other technology used in screening;

''(C) the availability and reporting of testing for conditions for which there is no existing treatment;

''(D) minimum standards and related policies and procedures for State newborn screening programs;

''(E) quality assurance, oversight, and evaluation of State newborn screening programs;

''(F) data collection for assessment of newborn screening programs;

''(G) public and provider awareness and education;

''(H) language and terminology used by State newborn screening programs;

''(I) confirmatory testing and verification of positive results; and

''(J) harmonization of laboratory definitions for results that are within the expected range and results that are outside of the expected range.''; and

(2) by adding at the end the following:

''(d) DECISION ON RECOMMENDATIONS.—

''(1) IN GENERAL.—Not later than 180 days after the Advisory Committee issues a recommendation pursuant to this section, the Secretary shall adopt or reject such recommendation.

''(2) PENDING RECOMMENDATIONS.—The Secretary shall adopt or reject any recommendation issued by the Advisory Committee that is pending on the date of enactment of the Newborn Screening Saves Lives Act of 2006 by not later than 180 days after the date of enactment of such Act.

''(3) DETERMINATIONS TO BE MADE PUBLIC.—The Secretary shall publicize any determination on adopting or rejecting a recommendation of the Advisory Committee pursuant to this subsection, including the justification for the determination.

''(e) CONTINUATION OF OPERATION OF COMMITTEE.—Notwithstanding section 14 of the Federal Advisory Committee Act (5 U.S.C. App.), the Advisory Committee shall continue to operate during the 5-year period beginning on the date of enactment of the Newborn Screening Saves Lives Act of 2006.''.

SEC. 7. LABORATORY QUALITY AND SURVEILLANCE.

Part A of title XI of the Public Health Service Act (42 U.S.C. 300b–1 et seq.) is amended by adding at the end the following:

''SEC. 1112. LABORATORY QUALITY.

''(a) IN GENERAL.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention and in consultation with the Advisory Committee on Heritable Disorders in Newborns and Children established under section 1111, shall provide for—

''(1) quality assurance for laboratories involved in screening newborns and children for heritable disorders, including quality assurance for newborn-screening tests, performance evaluation services, and technical assistance and technology transfer to newborn screening laboratories to ensure analytic validity and utility of screening tests; and

''(2) population-based pilot testing for new screening tools for evaluating use on a mass scale.

''(b) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated $5,000,000 for fiscal year 2007 and such sums as may be necessary for each of the fiscal years 2008 through 2011.

''SEC. 1113. SURVEILLANCE PROGRAMS FOR HERITABLE DISORDERS SCREENING.

''(a) IN GENERAL.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, shall carry out programs—

''(1) to collect, analyze, and make available data on the heritable disorders recommended by the Advisory Committee on Heritable Disorders in Newborns and Children established under section 1111, including data on the causes of such disorders and on the incidence and prevalence of such disorders;

''(2) to operate regional centers for the conduct of applied epidemiological research on the prevention of such disorders;

''(3) to provide information and education to the public on the prevention of such disorders; and

''(4) to conduct research on and to promote the prevention of such disorders, and secondary health conditions among individuals with such disorders.

''(b) GRANTS AND CONTRACTS.—

''(1) IN GENERAL.—In carrying out subsection (a), the Secretary may make grants to and enter into contracts with public and nonprofit private entities.

''(2) SUPPLIES AND SERVICES IN LIEU OF AWARD FUNDS.—

''(A) IN GENERAL.—Upon the request of a recipient of an award of a grant or contract under paragraph (1), the Secretary may, subject to subparagraph (B), provide supplies,

equipment, and services for the purpose of aiding the recipient in carrying out the purposes for which the award is made and, for such purposes, may detail to the recipient any officer or employee of the Department of Health and Human Services.

''(B) REDUCTION.—With respect to a request described in subparagraph (A), the Secretary shall reduce the amount of payments under the award involved by an amount equal to the costs of detailing personnel and the fair market value of any supplies, equipment, or services provided by the Secretary. The Secretary shall, for the payment of expenses incurred in complying with such request, expend the amounts withheld.

''(3) APPLICATION FOR AWARD.—The Secretary may make an award of a grant or contract under paragraph (1) only if an application for the award is submitted to the Secretary and the application is in such form, is made in such manner, and contains such agreements, assurances, and information as the Secretary determines to be necessary to carry out the purposes for which the award is to be made.

''(c) BIENNIAL REPORT.—Not later than February 1 of fiscal year 2007 and of every second such year thereafter, the Secretary shall submit to the Committee on Energy and Commerce of the House of Representatives, and the Committee on Health, Education, Labor, and Pensions of the Senate, a report that, with respect to the preceding 2 fiscal years—

''(1) contains information regarding the incidence and prevalence of heritable disorders and the health status of individuals with such disorders and the extent to which such disorders have contributed to the incidence and prevalence of infant mortality and affected quality of life;

''(2) contains information under paragraph (1) that is specific to various racial and ethnic groups (including Hispanics, non-Hispanic whites, Blacks, Native Americans, and Asian Americans);

''(3) contains an assessment of the extent to which various approaches of preventing heritable disorders and secondary health conditions among individuals with such disorders have been effective;

''(4) describes the activities carried out under this section;

''(5) contains information on the incidence and prevalence of individuals living with heritable disorders, information on the health status of individuals with such disorders, information on any health disparities experienced by such individuals, and recommendations for improving the health and wellness and quality of life of such individuals;

''(6) contains a summary of recommendations from all heritable disorders research conferences sponsored by the Centers for Disease Control and Prevention; and

''(7) contains any recommendations of the Secretary regarding this section.

''(d) APPLICABILITY OF PRIVACY LAWS.—The provisions of this section shall be subject to the requirements of section 552a of title 5, United States Code. All Federal laws relating to the privacy of information shall apply to the data and information that is collected under this section.

''(e) COORDINATION.—

''(1) IN GENERAL.—In carrying out this section, the Secretary shall coordinate, to the extent practicable, programs under this section with programs on birth defects and developmental disabilities authorized under section 317C.

''(2) PRIORITY IN GRANTS AND CONTRACTS.—In making grants and contracts under this section, the Secretary shall give priority to entities that demonstrate the ability to coordinate activities under a grant or contract made under this section with existing birth defects surveillance activities.

''(f) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated $15,000,000 for fiscal year 2007 and such sums as may be necessary for each of the fiscal years 2008 through 2011.''.

By Mr. BAUCUS (for himself, Mrs. LINCOLN, and Mr. CONRAD):

S. 2664. A bill to amend title XVIII of the Social Security Act to improve access to pharmacies under part D; to the Committee on Finance.

Mr. BAUCUS. Mr. President, today I am introducing the Pharmacy Access Improvement Act of 2006.

The Medicare prescription drug benefit got off to a bumpy start. As the new benefit was rolled out, the program experienced problems related to its computer system and databases. A lot of those problems have been fixed. But a new computer program or new software could not fix a number of the problems that pharmacists faced.

The Medicare drug benefit made big changes to the pharmacy business. Transitioning dual eligible beneficiaries from Medicaid to Medicare drug coverage affected the pharmacists who provide drugs. And pharmacists have experienced problems dealing with the private drug plans that offer the new benefit.

I have been hearing from pharmacists in Montana who are struggling. They are trying to help their patients. But they face great difficulty. The success of the Medicare drug benefit ultimately depends on the pharmacists who deliver the drugs. So we have to help them. And we must act now, before pharmacists find that they are no longer able to provide drugs to Medicare beneficiaries, or to provide drugs at all.

This bill would provide the help that pharmacists need to continue delivering the Medicare drug benefit. It would resolve problems that they face every day as they provide Medicare beneficiaries with their drugs. It would help ensure that pharmacies remain open and operable so the drug benefit can be a meaningful part of beneficiaries' health care.

The Pharmacy Access Improvement Act would do several things to help pharmacies. First, it would strengthen the access standards that drug plans have to meet. It is important that the drug plans contract with broad and far-reaching networks of pharmacies. This bill would ensure that the pharmacies that drug plans count in their networks provide real access to Medicare beneficiaries.

It would also help safety net pharmacies to join drug plan networks. These pharmacies have served the most vulnerable patients for years. They should be able to continue to do so. Drug plans should not be allowed to exclude safety net pharmacies. Excluding them does a huge disservice to needy beneficiaries. This bill would rectify the problems that safety net pharmacies have encountered in participating in the Medicare drug benefit.

The Pharmacy Access Improvement Act would speed up reimbursement to pharmacies. The delay that pharmacies have experienced in receiving payment from drug plans has sent pharmacies all over the country into financial frenzy. These delays have forced pharmacies to seek additional credit, dip into their savings, or worse, as they try to continue operations. This bill would require drug plans to pay promptly. Most claims would be reimbursed within 2 weeks, making it easier for pharmacies to operate. And the bill would impose a monetary penalty on plans if they paid late.

One of the most common complaints from beneficiaries has been how confused they are. One source of their confusion comes from the practice of co-branding. Co-branding is when a drug plan partners with a pharmacy chain and then includes the pharmacy's logo or name on its marketing materials and identification cards. This is confusing, because it sends the message that drugs are available only from that pharmacy. And that is not true. To help end this confusion, the Pharmacy Access Improvement Act would prohibit drug plans from placing pharmacy logos or trademarks on their identification cards and restrict other forms of co-branding.

This bill would also require that pharmacists be paid reasonable dispensing fees for each prescription that they fill. Currently, some plans pay no dispensing fees. Other plans pay only nominal dispensing fees. Pharmacists are not able to cover their costs of dispensing drugs. And that puts them at a severe disadvantage. It eats up their margins from non-Medicare business. And it is unsustainable in the long-run.

Some would say that it is too soon to consider legislation that affects the Medicare drug benefit. I disagree. The problems that pharmacists are facing are real. And they are not going away. If we wait a year to consider the Pharmacy Access Improvement Act, it may be too late for many pharmacists and the beneficiaries whom they serve. We have a duty to make the Medicare drug benefit as strong and robust as it can be. And the Pharmacy Access Improvement Act presents an opportunity for us to do just that. I urge my colleagues to support it.

By Mr. BAUCUS (for himself, Mr. WYDEN, Mrs. LINCOLN, Mr. CONRAD, and Mr. JEFFORDS):

S. 2665. A bill to amend title XVIII of the Social Security Act to simplify and improve the Medicare prescription drug program; to the Committee on Finance.

Mr. BAUCUS. Mr. President, today I am introducing the Medicare Prescription Drug Simplification Act of 2006. This bill would improve the Medicare drug benefit by creating simple, understandable benefit packages. It would

provide extra funds for State counselors who educate Medicare beneficiaries about the drug benefit. And it would strengthen consumer protections for beneficiaries who enroll.

Medicare drug benefits are critical to the health of our Nation's elderly and disabled. In 2003, after years of debate, Congress added drug coverage to Medicare through passage of the Medicare Modernization Act, the MMA. I was proud to help pass that bill. The law was not perfect. But, as I said then, we should not let perfection be the enemy of the good. The MMA can go a long way toward helping those who need it most.

But implementation of the law has been flawed. The Centers for Medicare and Medicaid Services, or CMS, was put in charge of ensuring that the prescription drug benefit was fully operational by January 1, 2006. The task was big. And CMS worked hard to get it done. Unfortunately, CMS's efforts have come up short in a few major areas.

First, CMS made the new program needlessly confusing. The law charged CMS with approving prescription drug plans. Last April, I urged CMS to approve only the plans meeting the highest standards, so that seniors could choose among a manageable number of solid offerings. But CMS ignored that advice.

Instead, CMS approved 47 plans in my State alone, and more than 1,500 nationwide. Furthermore, the differences between the plans are mind-boggling and difficult to sort out, even for the most-savvy consumer. Beneficiaries deserve better. They must be able to make apples-to-apples comparisons in order to choose what is best for them.

There are other problems in the way that CMS chose to implement the new program. Consumer protections are weak and inconsistent. The list of drugs covered by plans should not change in the middle of the year. Plan formularies should be transparent. And patients should be able to request exceptions to them using the same process and forms, no matter which plans the patients enrolled in.

Also, CMS terribly underfunded State Health Insurance Programs, known as SHIPs. These agencies are mainly staffed by volunteers who help educate and advise people about Medicare and the new drug benefit. They have held thousands of community events and assisted millions of people across the country. But they struggled to meet demand for help with the new drug program. Last week, Montana AARP donated $40,000 of its own funds to help the Montana SHIP keep enough staff and volunteers through the May 15 deadline. CMS provided only $7,500 for a five-county region in Montana with an area bigger than Delaware. In contrast, CMS spent $300 million for an ad campaign, a bus tour, and a blimp.

Yet despite these ads, many seniors are still confused about the drug benefit. When I asked Montanans how they feel about the new program, they tell me that it is too complex and confusing.

Recent focus groups conducted by MedPAC, the group that advises Congress on Medicare policy, found the same the problem. According to MedPAC, beneficiaries are ''confused by the number of plans, variation in benefit structure.''

And a study released by the Kaiser Family Foundation says: ''the absence of any standardization for many features of drug plan benefit design, and even some of the basic terminology used to describe these plans, adds to the challenges for beneficiaries'' and ''is likely to make apples-to-apples comparisons across plans more difficult for consumers.'' The report ''confirm[ed] the importance of federal safeguards . . . to minimize unnecessary complexity in [the] Medicare prescription drug plan marketplace.''

The message is coming through loud and clear from constituents, researchers, advocacy groups, and government advisers. We need to make the Medicare drug benefit more understandable, straightforward, and transparent. And that's what this bill would do.

First, the bill would make choices among prescription drug plans more simple and straightforward. It would require the Federal Department of Health and Human Services to define six types of drug benefit packages that insurers could offer. In addition, Medicare and insurers would both have to use uniform language, names, and terminology to describe drug benefit packages. Seniors can reach informed decisions, but they deserve clear options.

This approach is similar to the one Congress took with the Medicare supplemental market. In 1980, Congress enacted the Baucus amendments to fix marketing abuses and consumer confusion with supplemental or Medigap plans.

Those reforms required private issuers to meet minimum standards and have minimum loss ratios. Ten years later, Congress again took up Medigap reform, passing legislation that led to the standardization of Medigap policies. This resulted in a limited number of Medigap options, each with a fixed set of benefits. These changes were successful in helping consumers to make comparisons and in strengthening consumer protections.

My colleague and co-sponsor, Senator RON WYDEN, was instrumental in bringing about these reforms. And I thank him for his involvement then and today.

The bill that we are introducing today would build on these lessons and apply them to the Medicare drug benefit. By establishing six standardized types of benefit packages that insurers can offer, the bill would help people to make apples-to-apples comparisons. It would make choices more understandable. It would reduce confusion and help beneficiaries make the decisions that are best for each individual. And it would do this while preserving the ability of insurers to compete in the marketplace.

Second, the bill would provide extra funds to State Health Insurance Programs through 2010. Putting information on the Internet, television, and a toll-free hotline is not enough.

Third, the bill would stop drug plans from removing medications or increasing drug costs during the benefit year.

Fourth, the bill would prohibit insurance agents from engaging in unfair marketing practices that prey on vulnerable people—practices like cold-calling seniors.

I believe strongly that Medicare beneficiaries need prescription drug coverage. And, if CMS implements it correctly, the market-based approach envisioned in the MMA can deliver those benefits effectively. But a market can work only if the product is well defined and consumers have sufficient knowledge of it. As Adam Smith said: ''[Value] is adjusted . . . not by any accurate measure, but by the haggling and bargaining of the market.'' It's not fair to expect seniors and people with disabilities to haggle and bargain if the choices are incomprehensible.

Some may say that lots of choice is good. This is true when people buy cars or toasters. But, as many economists have shown, the health care market is different. People want to choose their providers and pharmacies. But they do not necessarily want to wade through a confusing array of plans.

Some may say that we should hold off making changes until the market consolidates. But that is both unfair and unrealistic. With more than 1,500 plans in the market now, how much consolidation could really fix the problem of confusion and complexity? Furthermore, the next enrollment period is fast approaching, and consumers are insisting on relief now.

Some may say that enrollment is high, so why tinker with the benefit? But look at the numbers. In 2003, CMS said that they expected 19 million Americans to sign up for the drug program. But so far, only 8 million have voluntarily enrolled. In Montana, only 42 percent of people who have a choice about whether to sign up have done so. We can do better than that. And with passage of the Medicare Prescription Drug Simplification Act, we will.

The MMA tried to balance the needs of private plans and beneficiaries. But implementation has tilted that balance toward the private firms, rather than seniors and the disabled. The Medicare Prescription Drug Simplification Act of 2006 would restore the proper balance needed to make the drug program work fairly for people with Medicare.

By Mr. REID. (for Mr. KERRY (for himself, Mr. KOHL, and Mr. LIEBERMAN)):

S. 2670. A bill to restore fairness in the provision of incentives for oil and gas production, and for other purposes; to the Committee on Finance.

By Mr. REID (for Mr. KERRY):

S. 2672. A bill to amend the Internal Revenue Code of 1986 to provide that oil and gas companies will not be eligible for the effective rate reductions enacted in 2004 for domestic manufacturers; to the Committee on Finance.

Mr. REID (for Mr. KERRY). Mr. President, the Energy Policy Act of 2005 contained $2.6 billion over 10 years in tax breaks for oil and gas companies. The bill also contained a $1.5 billion fund for an oil consortium that brings the total handouts for oil companies to more than $4 billion over ten years. These giveaways are on top of at least $6 billion in tax breaks already available to the oil industry through 2009. And these new tax breaks come at a time when the world's largest energy companies are reaping record-setting profits.

Just this week, President Bush said: ''Record oil prices and large cash flows also mean that Congress has got to understand that these energy companies don't need unnecessary tax breaks like the write-offs of certain geological and geophysical expenditures, or the use of taxpayers' money to subsidize energy companies' research into deep water drilling. I'm looking forward to Congress to take about $2 billion of these tax breaks out of the budget over a 10-year period of time. Cash flows are up. Taxpayers don't need to be paying for certain of these expenses on behalf of the energy companies.''

Not long ago, we heard the top oil executives testify before Congress that they don't need the tax breaks either.

Today I am introducing the Energy Fairness for America Act and the Restore a Rational Tax Rate on Petroleum Production Act of 2006. These bills repeal tax breaks for oil companies, close corporate tax loopholes that benefit oil companies, and repeal the new domestic manufacturing deduction for oil and gas companies.

The Energy Fairness for America Act will repeal provisions approved in the recent Energy Policy Act, as well as pre-existing handouts. Instead of providing tax breaks to oil companies, the Energy Fairness for America Act will save at least $28 billion for tax payers. This money can then go to provide relief to consumers suffering from higher energy costs as well as investments in efficiency and renewable technologies that can benefit all Americans.

The Restore a Rational Tax Rate on Petroleum Production Act of 2006 would repeal the new manufacturing deduction for oil and gas companies that was enacted by Congress in 2004. Congressman MCDERMOTT is introducing companion legislation in the House. This domestic manufacturing deduction was designed to replace export-related tax benefits that were successfully challenged by the European Union.

Producers of oil and gas did not benefit from this tax break. Initial legislation proposed to address the repeal of the export-related tax benefits and to replace with a new domestic manufacturing deduction only provided the deduction to industries that benefited from the export-related tax benefits. However, the final product extended the deduction to include the oil and gas industry.

This legislation repeals the 2004 manufacturing deduction for oil and gas companies because these industries suffered no detriment from the repeal of export-related tax benefits. At a time when oil companies are reporting record profits, there is no valid reason to reward them with a tax deduction.

Many Members of Congress including myself support a windfall profits tax and providing this deduction to oil and gas companies operates as a reverse windfall profits tax. This deduction lowers the tax rate on the windfall profits they are currently enjoying. Without Congressional action, this benefit will increase. The domestic manufacturing deduction is currently three percent and is schedule to increase to six percent in 2007 and nine percent in 2010. This means that next year oil companies that are benefiting from this deduction will see their benefits double and triple in 2010.

I urge my colleagues to support both the Energy Fairness for America Act and the Restore a Rational Tax Rate on Petroleum Production Act of 2006. We owe it to the American people to eliminate tax benefits to the oil industry at a time of record profits, record gas prices, and a projected record deficit.

I ask unanimous consent that the text of these bills be printed in the RECORD.

There being no objection, the bills were ordered to be printed in the RECORD, as follows:

S. 2670

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; ETC.

(a) SHORT TITLE.—This Act may be cited as the ''Energy Fairness for America Act''.

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

(c) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; etc.
Sec. 2. Termination of deduction for intangible drilling and development costs.
Sec. 3. Termination of percentage depletion allowance for oil and gas wells.
Sec. 4. Termination of enhanced oil recovery credit.
Sec. 5. Termination of certain provisions of the Energy Policy Act of 2005.
Sec. 6. Termination of certain tax provisions of the Energy Policy Act of 2005.
Sec. 7. Revaluation of LIFO inventories of large integrated oil companies.
Sec. 8. Modifications of foreign tax credit rules applicable to dual capacity taxpayers.
Sec. 9. Rules relating to foreign oil and gas income.
Sec. 10. Elimination of deferral for foreign oil and gas extraction income.

SEC. 2. TERMINATION OF DEDUCTION FOR INTANGIBLE DRILLING AND DEVELOPMENT COSTS.

(a) IN GENERAL.—Section 263(c) is amended by adding at the end the following new sentence: ''This subsection shall not apply to any taxable year beginning after the date of the enactment of this sentence.''.

(b) CONFORMING AMENDMENTS.—Paragraphs (2) and (3) of section 291(b) are each amended by striking ''section 263(c), 616(a),'' and inserting ''section 616(a)''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SEC. 3. TERMINATION OF PERCENTAGE DEPLETION ALLOWANCE FOR OIL AND GAS WELLS.

(a) IN GENERAL.—Section 613A is amended by adding at the end the following new subsection:

''(f) TERMINATION.—For purposes of any taxable year beginning after the date of the enactment of this subsection, the allowance for percentage depletion shall be zero.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SEC. 4. TERMINATION OF ENHANCED OIL RECOVERY CREDIT.

(a) IN GENERAL.—Section 43 is amended by adding at the end the following new subsection:

''(f) TERMINATION.—This section shall not apply to any taxable year beginning after the date of the enactment of this subsection.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SEC. 5. TERMINATION OF CERTAIN PROVISIONS OF THE ENERGY POLICY ACT OF 2005.

(a) IN GENERAL.—The following provisions of the Energy Policy Act of 2005 are repealed on and after the date of the enactment of this Act:

(1) Section 342 (relating to program on oil and gas royalties in-kind).

(2) Section 343 (relating to marginal property production incentives).

(3) Section 344 (relating to incentives for natural gas production from deep wells in the shallow waters of the Gulf of Mexico).

(4) Section 345 (relating to royalty relief for deep water production).

(5) Section 357 (relating to comprehensive inventory of OCS oil and natural gas resources).

(6) Subtitle J of title IX (relating to ultra-deepwater and unconventional natural gas and other petroleum resources).

(b) TERMINATION OF ALASKA OFFSHORE ROYALTY SUSPENSION.—

(1) IN GENERAL.—Section 8(a)(3)(B) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(a)(3)(B)) is amended by striking ''and in the Planning Areas offshore Alaska''.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall take effect on and after the date of the enactment of this Act.

SEC. 6. TERMINATION OF CERTAIN TAX PROVISIONS OF THE ENERGY POLICY ACT OF 2005.

(a) ELECTRIC TRANSMISSION PROPERTY TREATED AS 15-YEAR PROPERTY.—Section 168(e)(3)(E)(vii) is amended by inserting '', and before the date of the enactment of the Energy Fairness for America Act'' after ''April 11, 2005''.

(b) TEMPORARY EXPENSING OF EQUIPMENT USED IN REFINING LIQUID FUELS.—Section 179C(c)(1) is amended—

(1) by striking ''January 1, 2012'' and inserting ''the date of the enactment of the Energy Fairness for America Act'', and

(2) by striking ''January 1, 2008'' and inserting ''the date of the enactment of the Energy Fairness for America Act''.

(c) NATURAL GAS DISTRIBUTION LINES TREATED AS 15-YEAR PROPERTY.—Section 168(e)(3)(E)(viii) is amended by striking ''January 1, 2011'' and inserting ''the date of the enactment of the Energy Fairness for America Act''.

(d) NATURAL GAS GATHERING LINES TREATED AS 7-YEAR PROPERTY.—Section 168(e)(3)(C)(iv) is amended by inserting '', and before the date of the enactment of the Energy Fairness for America Act'' after ''April 11, 2005''.

(e) DETERMINATION OF SMALL REFINER EXCEPTION TO OIL DEPLETION DEDUCTION.—Section 1328(b) of the Energy Policy Act of 2005 is amended by inserting ''and beginning before the date of the enactment of the Energy Fairness for America Act'' after ''this Act''.

(f) AMORTIZATION OF GEOLOGICAL AND GEOPHYSICAL EXPENDITURES.—Section 167(h) is amended by adding at the end the following new paragraph:

''(5) TERMINATION.—This subsection shall not apply to any taxable year beginning after the date of the enactment of the Energy Fairness for America Act.''.

(g) EFFECTIVE DATE.—The amendments made by this section shall take effect on and after the date of the enactment of this Act.

SEC. 7. REVALUATION OF LIFO INVENTORIES OF LARGE INTEGRATED OIL COMPANIES.

(a) GENERAL RULE.—Notwithstanding any other provision of law, if a taxpayer is an applicable integrated oil company for its last taxable year ending in calendar year 2005, the taxpayer shall—

(1) increase, effective as of the close of such taxable year, the value of each historic LIFO layer of inventories of crude oil, natural gas, or any other petroleum product (within the meaning of section 4611) by the layer adjustment amount, and

(2) decrease its cost of goods sold for such taxable year by the aggregate amount of the increases under paragraph (1).

If the aggregate amount of the increases under paragraph (1) exceed the taxpayer's cost of goods sold for such taxable year, the taxpayer's gross income for such taxable year shall be increased by the amount of such excess.

(b) LAYER ADJUSTMENT AMOUNT.—For purposes of this section—

(1) IN GENERAL.—The term ''layer adjustment amount'' means, with respect to any historic LIFO layer, the product of—

(A) $18.75, and

(B) the number of barrels of crude oil (or in the case of natural gas or other petroleum products, the number of barrel-of-oil equivalents) represented by the layer.

(2) BARREL-OF-OIL EQUIVALENT.—The term ''barrel-of-oil equivalent'' has the meaning given such term by section 29(d)(5) (as in effect before its redesignation by the Energy Tax Incentives Act of 2005).

(c) APPLICATION OF REQUIREMENT.—

(1) NO CHANGE IN METHOD OF ACCOUNTING.—Any adjustment required by this section shall not be treated as a change in method of accounting.

(2) UNDERPAYMENTS OF ESTIMATED TAX.—No addition to the tax shall be made under section 6655 of the Internal Revenue Code of 1986 (relating to failure by corporation to pay estimated tax) with respect to any underpayment of an installment required to be paid with respect to the taxable year described in subsection (a) to the extent such underpayment was created or increased by this section.

(d) APPLICABLE INTEGRATED OIL COMPANY.—For purposes of this section, the term ''applicable integrated oil company'' means an integrated oil company (as defined in section 291(b)(4) of the Internal Revenue Code of 1986) which has an average daily worldwide production of crude oil of at least 500,000 barrels for the taxable year and which had gross receipts in excess of $1,000,000,000 for its last taxable year ending during calendar year 2005. For purposes of this subsection all persons treated as a single employer under subsections (a) and (b) of section 52 of the Internal Revenue Code of 1986 shall be treated as 1 person and, in the case of a short taxable year, the rule under section 448(c)(3)(B) shall apply.

SEC. 8. MODIFICATIONS OF FOREIGN TAX CREDIT RULES APPLICABLE TO DUAL CAPACITY TAXPAYERS.

(a) IN GENERAL.—Section 901 (relating to credit for taxes of foreign countries and of possessions of the United States) is amended by redesignating subsection (m) as subsection (n) and by inserting after subsection (l) the following new subsection:

''(m) SPECIAL RULES RELATING TO DUAL CAPACITY TAXPAYERS.—

''(1) GENERAL RULE.—Notwithstanding any other provision of this chapter, any amount paid or accrued by a dual capacity taxpayer to a foreign country or possession of the United States for any period shall not be considered a tax—

''(A) if, for such period, the foreign country or possession does not impose a generally applicable income tax, or

''(B) to the extent such amount exceeds the amount (determined in accordance with regulations) which—

''(i) is paid by such dual capacity taxpayer pursuant to the generally applicable income tax imposed by the country or possession, or

''(ii) would be paid if the generally applicable income tax imposed by the country or possession were applicable to such dual capacity taxpayer.

Nothing in this paragraph shall be construed to imply the proper treatment of any such amount not in excess of the amount determined under subparagraph (B).

''(2) DUAL CAPACITY TAXPAYER.—For purposes of this subsection, the term 'dual capacity taxpayer' means, with respect to any foreign country or possession of the United States, a person who—

''(A) is subject to a levy of such country or possession, and

''(B) receives (or will receive) directly or indirectly a specific economic benefit (as determined in accordance with regulations) from such country or possession.

''(3) GENERALLY APPLICABLE INCOME TAX.—For purposes of this subsection—

''(A) IN GENERAL.—The term 'generally applicable income tax' means an income tax (or a series of income taxes) which is generally imposed under the laws of a foreign country or possession on income derived from the conduct of a trade or business within such country or possession.

''(B) EXCEPTIONS.—Such term shall not include a tax unless it has substantial application, by its terms and in practice, to—

''(i) persons who are not dual capacity taxpayers, and

''(ii) persons who are citizens or residents of the foreign country or possession.''

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply to taxes paid or accrued in taxable years beginning after the date of the enactment of this Act.

(2) CONTRARY TREATY OBLIGATIONS UPHELD.—The amendments made by this section shall not apply to the extent contrary to any treaty obligation of the United States.

SEC. 9. RULES RELATING TO FOREIGN OIL AND GAS INCOME.

(a) SEPARATE BASKET FOR FOREIGN TAX CREDIT.—

(1) YEARS BEFORE 2007.—Paragraph (1) of section 904(d) (relating to separate application of section with respect to certain categories of income), as in effect for years beginning before 2007, is amended by striking ''and'' at the end of subparagraph (H), by redesignating subparagraph (I) as subparagraph (J), and by inserting after subparagraph (H) the following new subparagraph:

''(I) foreign oil and gas income, and''.

(2) 2007 AND AFTER.—Paragraph (1) of section 904(d), as in effect for years beginning after 2006, is amended by striking ''and'' at the end of subparagraph (A), by striking the period at the end of subparagraph (B) and inserting '', and'', and by adding at the end the following:

''(C) foreign oil and gas income.''

(b) DEFINITION.—

(1) YEARS BEFORE 2007.—Paragraph (2) of section 904(d), as in effect for years beginning before 2007, is amended by redesignating subparagraphs (H) and (I) as subparagraphs (I) and (J), respectively, and by inserting after subparagraph (G) the following new subparagraph:

''(H) FOREIGN OIL AND GAS INCOME.—The term 'foreign oil and gas income' has the meaning given such term by section 954(g).''

(2) 2007 AND AFTER.—Section 904(d)(2), as in effect for years after 2006, is amended by redesignating subparagraphs (J) and (K) as subparagraphs (K) and (L) and by inserting after subparagraph (I) the following:

''(J) FOREIGN OIL AND GAS INCOME.—For purposes of this section—

''(i) IN GENERAL.—The term 'foreign oil and gas income' has the meaning given such term by section 954(g).

''(ii) COORDINATION.—Passive category income and general category income shall not include foreign oil and gas income (as so defined).''

(c) CONFORMING AMENDMENTS.—

(1) Section 904(d)(3)(F)(i) is amended by striking ''or (E)'' and inserting ''(E), or (I)''.

(2) Section 907(a) is hereby repealed.

(3) Section 907(c)(4) is hereby repealed.

(4) Section 907(f) is hereby repealed.

(d) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

(2) YEARS AFTER 2006.—The amendments made by paragraphs (1)(B) and (2)(B) shall apply to taxable years beginning after December 31, 2006.

(3) TRANSITIONAL RULES.—

(A) SEPARATE BASKET TREATMENT.—Any taxes paid or accrued in a taxable year beginning on or before the date of the enactment of this Act, with respect to income which was described in subparagraph (I) of section 904(d)(1) of such Code (as in effect on the day before the date of the enactment of this Act), shall be treated as taxes paid or accrued with respect to foreign oil and gas income to the extent the taxpayer establishes to the satisfaction of the Secretary of the Treasury that such taxes were paid or accrued with respect to foreign oil and gas income.

(B) CARRYOVERS.—Any unused oil and gas extraction taxes which under section 907(f) of such Code (as so in effect) would have been allowable as a carryover to the taxpayer's first taxable year beginning after the date of the enactment of this Act (without regard to

the limitation of paragraph (2) of such section 907(f) for first taxable year) shall be allowed as carryovers under section 904(c) of such Code in the same manner as if such taxes were unused taxes under such section 904(c) with respect to foreign oil and gas extraction income.

(C) LOSSES.—The amendment made by subsection (c)(3) shall not apply to foreign oil and gas extraction losses arising in taxable years beginning on or before the date of the enactment of this Act.

SEC. 10. ELIMINATION OF DEFERRAL FOR FOREIGN OIL AND GAS EXTRACTION INCOME.

(a) GENERAL RULE.—Paragraph (1) of section 954(g) (defining foreign base company oil related income) is amended to read as follows:

''(1) IN GENERAL.—Except as otherwise provided in this subsection, the term 'foreign oil and gas income' means any income of a kind which would be taken into account in determining the amount of—

''(A) foreign oil and gas extraction income (as defined in section 907(c)), or

''(B) foreign oil related income (as defined in section 907(c)).''

(b) CONFORMING AMENDMENTS.—

(1) Subsections (a)(5), (b)(5), and (b)(6) of section 954, and section 952(c)(1)(B)(ii)(I), are each amended by striking ''base company oil related income'' each place it appears (including in the heading of subsection (b)(8)) and inserting ''oil and gas income''.

(2) Subsection (b)(4) of section 954 is amended by striking ''base company oil-related income'' and inserting ''oil and gas income''.

(3) The subsection heading for subsection (g) of section 954 is amended by striking ''FOREIGN BASE COMPANY OIL RELATED INCOME'' and inserting ''FOREIGN OIL AND GAS INCOME''.

(4) Subparagraph (A) of section 954(g)(2) is amended by striking ''foreign base company oil related income'' and inserting ''foreign oil and gas income''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years of foreign corporations beginning after the date of the enactment of this Act, and to taxable years of United States shareholders ending with or within such taxable years of foreign corporations.

S. 2672

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 ''Restore a Rational Tax Rate on Petroleum Production Act of 2006''.

SEC. 2. FINDINGS.

The Congress finds that—

(1) like many other countries, the United States has long provided export-related benefits under its tax law,

(2) producers and refiners of oil and natural gas were specifically denied the benefits of those export-related tax provisions,

(3) those export-related tax provisions were successfully challenged by the European Union as being inconsistent with our trade agreements,

(4) the Congress responded by repealing the export-related benefits and enacting a substitute benefit that was an effective rate reduction for United States manufacturers,

(5) producers and refiners of oil and natural gas were made eligible for the rate reduction even though they suffered no detriment from repeal of the export-related benefits, and

(6) the decision to provide the effective rate reduction to producers and refiners of oil and natural gas has operated as a reverse windfall profits tax, lowering the tax rate on the windfall profits they are currently enjoying.

SEC. 3. DENIAL OF DEDUCTION FOR INCOME ATTRIBUTABLE TO DOMESTIC PRODUCTION OF OIL, NATURAL GAS, OR PRIMARY PRODUCTS THEREOF.

(a) IN GENERAL.—Subparagraph (B) of section 199(c)(4) of the Internal Revenue Code of 1986 (relating to exceptions) is amended by striking ''or'' at the end of clause (ii), by striking the period at the end of clause (iii) and inserting '', or'', and by inserting after clause (iii) the following new clause:

''(iv) the production, refining, processing, transportation, or distribution of oil, natural gas, or any primary product thereof.''.

(b) CONFORMING AMENDMENTS.—Section 199(c)(4) of such Code is amended—

(1) in subparagraph (A)(i)(III) by striking ''electricity, natural gas,'' and inserting ''electricity'', and

(2) in subparagraph (B)(ii) by striking ''electricity, natural gas,'' and inserting ''electricity''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2005.

By Mrs. BOXER (for herself and Mrs. FEINSTEIN):

S. 2671. A bill to provide Federal coordination and assistance in preventing gang violence; to the Committee on the Judiciary.

Mrs. BOXER. Mr. President I rise today with my colleague Senator FEINSTEIN to introduce a bill to combat gang violence and honor a young girl from California, Mynesha Crenshaw, who was killed last year in a tragic shooting.

On November 13, 2005, a gang-related dispute broke out in San Bernardino, CA and gunfire sprayed an apartment building, killing 11-year old Mynesha Crenshaw and seriously wounding her 14-year old sister as they ate Sunday dinner with their family.

Imagine the fear and anguish the family and the community still feel over this tragedy a young girl, full of hope and promise, dead. Her big sister, wounded from the same gunfire, though thankfully she subsequently recovered. Imagine the fear that this could happen again. Our hearts and our prayers go out to Mynesha's family and to the entire community, which like so many others across the United States, has struggled with gang violence.

Last year, there were 58 homicides in San Bernardino, a city of 200,000 east of Los Angeles, and 13 more homicides so far this year. And just last month, two men were caught in a gang-related crossfire and died in Downtown San Bernardino. This has to stop. It is a waste of life; it is unacceptable.

San Bernardino's diverse population of young people and their families face many challenges, but San Bernardino also has a vibrant and united community, strong leadership, and a desire to come together to improve their city.

Mynesha Crenshaw's death galvanized over 1,000 residents to take to the streets, demanding change. And some 40 community and religious leaders, public officials, and concerned citizens from San Bernardino have joined together to form ''Mynesha's Circle'' to find solutions to the plague of gang violence and to help San Bernardino's young people grow up safe, finish school, and succeed in life.

I applaud Mayor Patrick Morris, Police Chief Michael Billdt, community leaders Kent Paxton and Rev. Reggie Beamon and Robert Balzer, the publisher of the San Bernardino Sun, for taking up this cause.

I want to also thank all the other members of ''Mynesha's Circle'' Sheryl Alexander, Betty Dean Anderson, Donald Baker, Fred Board, Ruddy Bravo, Hardy Brown, Cheryl Brown, Mark and Katrina Cato, Larry Ciecalone, Stephani Congdon, San Bernardino City Schools Superintendent Arturo Delgado, Tim Evans, San Bernardino County Schools Superintendent Herb Fischer, Rialto Schools Superintendent Edna Herring, Sheriff Rod Hoops, Syeda Jafri, Walter Jarman, Rev. David Kalke, CSU President Al Karnig, William Leonard, Sheriff Gary Penrod, DA Michael Ramos, Sandy Robbins, Doug Rowand, Larry Sharp, Ron Stark, Tori Stordahl, Heck Thomas, David Torres, Mark Uffer, San Bernardino Police Chief Gary Underwood, Councilmember Rikke Van Johnson, Bobby Vega, and the Sun Reader Advisory Board members: Daniel Blakely, Barbara Lee Harn Covey, Mark Henry, Julie Hernandez, Lynette Kaplan, Brenda Mackey, James Magnuson, Julian Melendez, Ernest Ott, Jeffrey Pryor, John Ragsdale, Glenda Randolph, Nora Taylor, and David Torres.

I have pledged to do what I can at the Federal level to help San Bernardino. And that is why today I am introducing ''Mynesha's Law,'' with my colleague, Senator FEINSTEIN.

''Mynesha's Law'' will create an interagency Task Force at the Federal level, including the Departments of Justice, Education, Labor, Health and Human Services, and Housing and Urban Development, to take a comprehensive approach to reducing gang violence and targeting resources at the communities in our nation most at risk. The resources will come from proven existing Federal programs, including Child Care Block Grants, Head Start, Even Start, Job Corps, COPS, Byrne Grants and other programs the Task Forces chooses.

Communities will be able to apply to the Department of Justices for designation as a ''High-Intensity Gang Activity Area'' and then be eligible to receive targeted assistance from the Task Force.

The Task Force will be required to report annually to Congress on the best practices and outcomes among the High-Intensity Gang Activity Areas and on the adequacy of Federal funding to meet the needs of these areas. If the Task Force identifies any programmatic shortfalls in addressing gang prevention, the report will also include a request for new funding or reprogramming of existing funds to meet the shortfalls and the bill authorizes such sums to be appropriated.

In addition to ''Mynesha's Law,'' I am seeking a $1 million appropriation that the city of San Bernardino has requested to implement a comprehensive gang intervention and prevention strategy called ''San Bernardino Gang Free Schools.'' The program would fund 10 probation officers to provide gang resistance and education training to 57,000 students, as well as case management and oversight for at-risk youth.

I am also requesting a $3 million appropriation to renovate and equip what may be the most important organization for at-risk young people in the area the Boys and Girls Club of San Bernardino.

The Boys and Girls Club is one of the few safe and supportive places in San Bernardino where young people can go after school to get help with homework or play sports with their friends. Many community leaders believe the Boys and Girls Club is one of the best gang prevention programs in San Bernardino and has helped many young people stay in school and out of trouble.

This tragic shooting of Mynesha Crenshaw symbolizes the struggle that so many communities across the United States, like San Bernardino, face in combating gang violence and serves as a reminder of the nationwide problem we face in protecting our children from senseless violence. I believe ''Mynesha's Law'' will help the children of San Bernardino, and across our nation, grow up safely so they can reach their dreams.

I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 2671

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 ''Mynesha's Law''.

SEC. 2. FINDINGS.

Congress finds—

(1) with an estimated 24,500 gangs operating within the United States, gang violence and drug trafficking remain serious problems throughout the country, causing injury and death to innocent victims, often children;

(2) on November 13, 2005, a gang-related dispute broke out in San Bernardino, California, and gunfire sprayed an apartment building, killing 11-year old Mynesha Crenshaw and seriously wounding her 14-year old sister as they ate Sunday dinner with their family;

(3) this tragic shooting symbolizes the struggle that so many communities across the United States, like San Bernardino, face in combating gang violence, and serves as a reminder of the nationwide problem of protecting children from senseless violence;

(4) according to the National Drug Threat Assessment, criminal street gangs are responsible for the distribution of much of the cocaine, methamphetamine, heroin, and other illegal drugs throughout the United States;

(5) the Federal Government has made an increased commitment to the suppression of gang violence through enhanced law enforcement and criminal penalties; and

(6) more Federal resources and coordination are needed to reduce gang violence through proven and proactive prevention and intervention programs that focus on keeping at-risk youth in school and out of the criminal justice system.

SEC. 3. DESIGNATION AS A HIGH-INTENSITY GANG ACTIVITY AREA.

(a) IN GENERAL.—A unit of local government, city, county, tribal government, or a group of counties (whether located in 1 or more States) may submit an application to the Attorney General for designation as a High-Intensity Gang Activity Area.

(b) CRITERIA.—

(1) IN GENERAL.—The Attorney General shall establish criteria for reviewing applications submitted under subsection (a).

(2) CONSIDERATIONS.—In establishing criteria under subsection (a) and evaluating an application for designation as a High-Intensity Gang Activity Area, the Attorney General shall consider—

(A) the current and predicted levels of gang crime activity in the area;

(B) the extent to which violent crime in the area appears to be related to criminal gang activity;

(C) the extent to which the area is already engaged in local or regional collaboration regarding, and coordination of, gang prevention activities; and

(D) such other criteria as the Attorney General determines to be appropriate.

SEC. 4. PURPOSE OF THE TASK FORCE.

(a) IN GENERAL.—In order to coordinate Federal assistance to High-Intensity Gang Activity Areas, the Attorney General shall establish an Interagency Gang Prevention Task Force (in this Act referred to as the ''Task Force''), consisting of a representative from—

(1) the Department of Justice;

(2) the Department of Education;

(3) the Department of Labor;

(4) the Department of Health and Human Services; and

(5) the Department of Housing and Urban Development.

(b) COORDINATION.—For each High-Intensity Gang Activity Area designated by the Attorney General under section 3, the Task Force shall—

(1) coordinate the activities of the Federal Government to create a comprehensive gang prevention response, focusing on early childhood intervention, at-risk youth intervention, literacy, employment, and community policing; and

(2) coordinate its efforts with local and regional gang prevention efforts.

(c) PROGRAMS.—The Task Force shall prioritize the needs of High-Intensity Gang Activity Areas for funding under—

(1) the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858 et seq.);

(2) the Even Start programs under subpart 3 of part B of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6381 et seq.);

(3) the Healthy Start Initiative under section 330H of the Public Health Services Act (42 U.S.C. 254c-8);

(4) the Head Start Act (42 U.S.C. 9831 et seq.);

(5) the 21st Century Community Learning Centers program under part B of title IV of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7171 et seq.);

(6) the Job Corps program under subtitle C of title I of the Workforce Investment Act of 1998 (29 U.S.C. 2881 et seq.);

(7) the community development block grant program under title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.);

(8) the Gang Resistance Education and Training projects under subtitle X of title III of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13921);

(9) any program administered by the Office of Community Oriented Policing Services;

(10) the Juvenile Accountability Block Grant program under part R of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796ee et seq.);

(11) the Edward Byrne Memorial Justice Assistance Grant Program under subpart 1 of part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3750 et seq.); and

(12) any other program that the Task Force determines to be appropriate.

(d) REPORTING REQUIREMENTS.—

(1) IN GENERAL.—Not later than February 1 of each year, the Task Force shall submit to Congress and the Attorney General a report on the funding needs and programmatic outcomes for each area designated as a High-Intensity Gang Activity Area.

(2) CONTENTS.—Each report under paragraph (1) shall include—

(A) an evidence-based analysis of the best practices and outcomes among the areas designated as High-Intensity Gang Activity Areas; and

(B) an analysis of the adequacy of Federal funding to meet the needs of each area designated as a High-Intensity Gang Activity Area and, if the Task Force identifies any programmatic shortfalls in addressing gang prevention, a request for new funding or reprogramming of existing funds to meet such shortfalls.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to meet any needs identified in any report submitted under section 4(d)(1).

By Mr. AKAKA (for himself, Mr. INOUYE, Mr. BAUCUS, and Mr. JOHNSON):

S. 2674. A bill to amend the Native American Languages Act to provide for the support of Native American language survival schools, and for other purposes; to the Committee on Indian Affairs.

Mr. AKAKA. Mr. President, I rise today to introduce a bill that would amend the Native American Languages Act, NALA, that was enacted into law on October 30, 1990, to promote the rights and freedom of Native Americans to use, practice, and develop Native American languages. Since 1990, awareness and appreciation of Native languages has grown. Continued action and investment in the preservation of Native languages is needed. I am pleased to be joined by my colleagues, Senators DANIEL K. INOUYE and MAX BAUCUS, as we seek to improve the cultural and educational opportunities available to Native Americans throughout our Nation.

Historians and linguists estimate that there were more than 300 distinct Native languages at the time of first European contact with North America. Today, there are approximately 155 Native languages that remain and 87 percent of those languages have been classified as deteriorating or nearing extinction. Native communities across the country are being significantly impacted as individuals fluent in a Native language are passing away. These

speakers are not only important in perpetuating the language itself, but also serve as repositories of invaluable knowledge pertaining to customs and traditions, as well as resource use and management.

The Native American Languages Act Amendments Act of 2006 would amend NALA to authorize the Secretary of Education to provide funds to establish Native American language nest and survival school programs. Nest and survival school programs are site-based education programs conducted through a Native American language. These programs have played an integral role in bringing together elders and youth to cultivate and perpetuate Native American languages. My bill would establish at least four demonstration programs in geographically diverse locations to provide assistance to nest and survival schools and participate in a national study on the linguistic, cultural, and academic effects of Native American language nest and survival schools. Demonstration programs would be authorized to establish endowments for furthering activities related to the study and preservation of Native American languages and to use funds to provide for the rental, lease, purchase, construction, maintenance, and repair of facilities.

As Americans, it is our responsibility to perpetuate our Native languages that have shaped our collective identity and contributed to our history. For example, during World War II, the United States employed Native American code talkers who developed secret means of communication based on Native languages. The actions of the code talkers were critical to our winning the war and to saving numerous lives. My legislation would serve as another opportunity for our country to acknowledge and ensure that our future will be enhanced by the contributions of Native language and culture.

I urge my colleagues to join me in supporting this legislation to enhance the cultural and educational opportunities for Native Americans and Native American language speaking individuals.

Mrs. BOXER:

S. 2675. A bill to amend title 49, United States Code, to set minimum fuel economy requirements for federal vehicles, to authorize grants to States to purchase fuel efficient vehicles, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mrs. BOXER. Mr. President, I rise today to introduce a bill that will increase the fuel economy for our Nation's Federal fleet.

Americans are facing record high gasoline prices at over $3 per gallon. In some places in my State of California, people are paying over $4 per gallon. Oil is selling for over $75 per barrel.

We need to say ''enough is enough.'' We need to reduce our dependence on oil and gasoline. We can do this without changing our quality of life by investing in fuel-efficient cars.

The Federal Government must set an example to the American public by improving the Nation's fleet. Each year, the Federal Government purchases 58,000 passenger vehicles. According to the Department of Energy, the average fuel economy of the new vehicles purchased for the fleet in 2005 was an abysmal 21.4 miles per gallon.

In an era, where hybrid cars on the market that can achieve over 50 miles per gallon (mpg), that level of fuel economy is unacceptable.

Instead, our government needs to purchase fuel-efficient cars, SUVs, and other light trucks.

This can be done today. I drive a Toyota Prius that gets over 50 mpg. The Ford Escape SUV can get 36 mpg.

To have the Federal Government set an example for the American public and to create a larger market for fuel-efficient vehicles, I am introducing the ''Fuel-Efficient Fleets Act of 2006.''

This legislation would require all new Federal fleet vehicles to obtain a minimum miles per gallon based on vehicle type. The new fuel efficiency standards would be as follows: 45 mpg for cars, 36 mpg for SUVs, 24 mpg for pickup trucks, 20 mpg for minivans, and 15 mpg for vans.

The bill establishes a phase-in schedule over 4 years to allow for flexibility in purchasing new cars.

Additionally, the bill has a provision to allow the standards to be increased if technological advances allow fuel economy to improve.

Finally, the bill authorizes $100 million in incentive grants for the States' fleets to match or exceed the Federal standards.

I urge my colleagues to support the bill. This will be a good step to use less gasoline in this country.

By Mr. CRAPO (for himself and Mrs. LINCOLN):

S. 2676. A bill to authorize the Secretary of Agriculture to enter into partnership agreements with entities and local communities to encourage greater cooperation in the administration of Forest Service activities on the near National Forest System land, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. CRAPO. Mr. President, last August I participated in the White House Conference on Cooperative Conservation. The conference reinforced that conservation success can be achieved by collaboration. Many of the advancements in conservation result from the commitment of individuals to work together and with local and Federal agencies. Cooperative conservation requires cooperative legislation.

That is why I rise to introduce the Forest Service Partnership Act, which will enhance the ability of the Forest Service to work cooperatively with local communities. Unfortunately, the authorities for the Forest Service to work jointly with others are a complex patchwork of temporary authorities, which have resulted in differing interpretations and lengthy procedures. Additionally, the existing authorities need enhancements to accommodate today's resources conservation needs and allow for the delivery of a range of visitor services and interpretive and educational materials.

The Forest Service Partnership Enhancement Act will better enable cooperative work with the Forest Service by consolidating and providing permanent authority for mutually-beneficial agreements with the Forest Service. The legislation would also enable visitors to purchase health and safety items in remote Forest Service locations and permit joint facilities and publications, which benefit the public.

In fiscal year 2005 alone, the Forest Service entered into more than 3,000 cooperative agreements that would be permanently authorized through this legislation. These agreements leveraged $37.3 million in Federal funds with $32.8 million in private contributions for a total of more than $70 million worth of mutually-beneficial collaborative successes. In my home State of Idaho, the Forest Service entered into a public-private partnership for the construction of 1900 feet of new channel and associated flood plain on Granite Creek. This project restores habitat connectivity to approximately 6 miles of stream. The cooperative work of the Forest Service, Avista Utilities, the Idaho Department of Fish and Game, the U.S. Fish and Wildlife Service, and 15 volunteers from Trout Unlimited enabled the leveraging of $60,000 of Forest Service funds with $120,000 from the participating partners.

Collaboration is necessary to bring lasting conservation success. The Forest Service Partnership Act would enhance the ability of the Forest Service to partner with other Federal agencies, local communities, tribal governments, and other interested parties, and I encourage the commitment to collaborative conservation by supporting this legislation.

By Ms. CANTWELL (for herself, Mr. BIDEN, and Mr. LEAHY):

S. 2681. A bill to amend title 10, United States Code, to provide for reports on the withdrawal or diversion of equipment from Reserve units to other Reserve units being mobilized, and for other purposes; to the Committee on Armed Services.

Ms. CANTWELL. Mr. President, I rise today to introduce the National Guard Equipment Accountability Act. I want to thank my colleagues, the Senator from Delaware, Senator BIDEN, and the co-chair of the Senate National Guard Caucus the Senator from Vermont, Senator LEAHY, who have cosponsored this important piece of legislation.

As a Nation, we have a solemn duty to honor, prepare, and properly equip all of our men and women in uniform.

That includes our Reserves and National Guard.

The National Guard and Reserves represent an essential element of our national defense, confronting our enemies in distant lands and responding to threats of terror right here within our own borders. In Washington State, we face threats from volcanoes, tsunamis, and other natural disasters. The National Guard played a critical role in the emergency response following the eruption of Mount St. Helens. We have relied on the civil response capabilities of the Guard to protect our communities from wildfires, floods, and to secure our skies in the uncertain hours after 9/11. More recently, in the aftermath of Hurricane Katrina, the National Guard responded with urgency and compassion.

There are approximately 30,000 members of the National Guard currently deployed to places like Iraq and Afghanistan. About 500 members of the Washington National Guard are among them.

The men and women who serve in the National Guard are making a great sacrifice, fulfilling a distinct and important responsibility. And we owe them all of the resources necessary to safely and effectively achieve their mission.

Right now, there is simply too much uncertainty and when it comes to maintaining adequate equipment levels for our National Guard.

When our Reserves and National Guard are deployed on operations overseas, they are deployed with equipment from their unit.

While serving abroad, their equipment becomes integrated with the greater mission. As a result, when our men and women return home their equipment does not often return with them.

And too often there is no established plan or process to replace or even track that equipment once it's been left behind. As a result, too many of our National Guard units are left underequipped—lacking the necessary equipment for training or to respond to domestic civil emergencies.

The numbers are clear: According to the Department of Defense, the Army National Guard has left more than 75,000 items valued at $1.7 Billion overseas in support of ongoing military operations.

Last October, the Government Accountability Office found that at the time the Army could not account for more than half of all items left behind and has not committed to an equipment replacement plan, as Department of Defense (DoD) policy requires.

Given the amount of equipment left behind in total, National Guard Units in other States are surely facing a similar situation.

The provisions of my legislation would simply codify provisions of Department of Defense policy that are critical to providing our men and women in uniform with the protection and resources they deserve.

The National Guard Equipment Accountability Act would require a comprehensive report about all transferred equipment. Within 90 days of diverting equipment from any reserve unit to another reserve unit or to active duty forces, the Secretary of the Army or Air Force would be required to report it to the Secretary of Defense.

The report must also include a plan to replace equipment to the original unit. Further, if a reserve unit returns from abroad but leaves equipment in the theater of operations, the Department of Defense would be required to provide a replacement plan for equipment to facilitate continued training.

Finally, my amendment would require a signed Memorandum of Understanding specifying exactly how withdrawn equipment will be tracked and when that equipment will be returned.

Given the current equipment situation, my legislation's provisions are crucial. Our soldiers have chosen to follow a noble and selfless path. We have a responsibility to give our active duty, reserve units, and the men and women of the National Guard, the very best resources so they may fulfill their mission as safely and effectively as possible.

We must do so today and everyday for their sacrifice is immense and our gratitude is profound.

Mr. BIDEN. Mr. President, first, I want to thank Senator CANTWELL for her leadership on this issue. This bill is a direct result of what we have seen traveling through our States and overseas.

Every time I travel to Iraq and Afghanistan, I am struck by the commitment and professionalism of the men and women of our military. They honor America with their service and dedication.

What is also noticeable to those of us who have been around for awhile is that it is impossible to tell who is in the Guard, the Reserves, or the Active Duty.

Unfortunately, when those same brave men and women return home, it is often to units lacking the most basic equipment—radios, trucks, and engineering equipment.

This is not ''nice to have'' equipment. It is the essential stuff, the most basic equipment, needed to respond to natural disasters or perform homeland defense missions.

When a governor calls the State Adjutant-General because there has been a major winter storm, severe flooding, or any natural disaster, that governor expects the National Guard to have the ability to get to the disaster area, assist those in need, and communicate with State and Federal leaders and others responding.

Today, many State Guard units may not be able to do those basic tasks because they do not have the equipment they need.

Why not? Three reasons.

First, for years the Guard was not given all of the equipment it needed. Most units had 65 to 79 percent of what they needed. So they started the war short.

Second, in 2003 the Army began a policy of leaving equipment in Iraq to reduce transportation costs and to make sure that those in Iraq would have what they needed. The Defense Department estimates that the Army Guard has left over $1.7 billion worth of equipment in Iraq and Afghanistan.

Unfortunately, the Government Accountability Office has found that the Army cannot account for over half of these items and, even worse, the Army has no plan for replacing the equipment.

Third, the Army has a huge equipment bill because the equipment in Iraq is being worn out at two to nine times the rate planned for and the Army is trying to transform itself into a modular force with entirely new and different equipment.

So, I understand why we have equipment shortages. What I don't understand is why the Secretary of Defense doesn't have a plan to fix the shortages.

In April of 2005, the Department of Defense issued a policy directive that said every time equipment is taken from a Reserve unit, a plan had to be developed within 90 days to replace that equipment.

It's been a full year since the policy was made official and yet States across the country are desperately short of needed equipment and have not seen any plans.

Our legislation would simply make 000 live up to its rhetoric and provide the plans it has promised.

There is more that we need to do to address equipment shortages throughout all of our ground forces, but at a minimum we should all be able to agree to start by following the current policy of the Defense Department and make a plan to replace equipment that is not being returned to State units.

By Mr. NELSON of Florida:

S. 2682. A bill to exclude from admission to the United States aliens who have made investments directly and significantly contributing to the enhancement of the ability of Cuba to develop its petroleum resources, and for other purposes; to the Committee on the Judiciary.

Mr. NELSON of Florida. Mr. President, I rise today to respond to the comments of several of our Senate colleagues. Many of my friends across the aisle have recently spoken about Fidel Castro's announcement that he plans to begin drilling for oil off the coast of Cuba. This means that oil rigs will be operating just 50 miles from the Coast of Florida and near the Florida Keys National Marine Sanctuary. My colleagues argue that if Castro can drill 50 miles from Florida, American companies must have the right to meet them on the same playing field and beat them at their own game. This line of reasoning, however, has several flaws.

Since when have we made any law or set any business or environmental standard using Cuba as a model? I am astounded that we would attempt to justify our actions by holding up Castro's actions as an example to follow.

The answer to Castro's outrageous proposal to drill 50 miles from Florida is not to kick off a race to see who can set up the most rigs in our precious coastal waters—the answer is to hit back hard and fast to stop Castro from drilling so close to our shores.

At the same time, it is important to keep in mind that this debate, at its heart, is not about Castro. Preventing drilling off the coast of Florida is about preserving one of America's most important coastlines: a stretch of precious land and sea where critical environmental, economic and military assets overlap. What is truly important to understand in this debate is how inextricably linked these three elements of our national interest are: environmental protection is critical to the tourism industry that is the economic backbone of the southeastern United States, and above it all, our military uses this protected area for essential land-, air- and sea exercises and testing.

Florida, as a community and an economic entity, has worked hard, tremendously hard, to build a $62 billion tourism industry employing nearly 1 million citizens. This industry would not exist on such a large, vital scale without the unique and precious environment that is the beauty and essence of our state. Florida is windswept beaches, clear blue water, and the great ''River of Grass'' itself—the Everglades. And all of these wonders of nature are inhabited by some of America's most beautiful and exotic wildlife: manatees, crocodiles, panthers and ospreys. We have learned the hard way that failing to protect our environment has deadly consequences, consequences that will have a stark impact on the very tourism industry that support so many families in our state. In fact, Congress has invested some $8 billion in restoring this remarkable ecosystem. Now that investment is put at risk.

In January 1969, an explosion at a California offshore drilling site caused a 200,000-gallon crude oil spill off the coast. While small in comparison to other spills, that incident dealt a devastating blow to neighboring beaches and aquatic life. As tides brought an 800-square-mile slick ashore, oil coated 35 miles of the coastline, blackening beaches and killing thousands of birds, dolphins, seals, fish and other wildlife. A national outcry followed, and sparked a movement that led to legal bans on drilling on the Outer Continental Shelf, including the eastern Gulf of Mexico off of Florida.

This wise ban is now at risk—nearly 40 years after that deadly spill in California, must we be doomed to repeat the past? After so many years and so much additional economic and environmental research, we know better than ever that the real value lies in protecting the tourism industry and its environmental foundation. I refuse to see the long-standing consensus against drilling off of Florida scrapped for the sake of ''keeping up with the Castros.''

And, finally, I would like to draw my colleagues' attention to the grave consequences that oil drilling poses not only to America's beaches and environment, but also to our national interests and foreign policy. We must do all we can to prevent Castro from drilling for oil so close to the shores of Florida. Foreign oil companies must not provide the props to support Castro's regime without facing stiff penalties.

For all of these reasons, I am introducing legislation today that will nullify the agreement that defines the maritime borders between the United States and Cuba. This agreement was negotiated in 1977—a different era—when oil drilling so close to our shores was not contemplated. The agreement draws a line through the middle of the 90 miles of ocean that separate our two countries. Without this line, foreign oil companies have no legal basis for exploring in waters that are claimed by both the U.S. and Cuba. We cannot allow this agreement—never ratified by the Senate—to enable Castro's foolhardy exploration for oil in areas so near to some of the most pristine waters in our country.

The legislation also takes a second step to further dissuade foreign oil companies from exploring for oil so close to our coastline. It will bar the Secretary of State from granting visas to executives of foreign oil companies who invest in petroleum development off the North coast of Cuba. This legislation, an expansion of the landmark Helms-Burton law, is a step in the right direction. It is only a first step, but I call on my colleagues to join me in preventing a tyrannical dictator from drilling for oil so close to our shores.

I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 2682

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. NULLIFICATION OF MARITIME BOUNDARY AGREEMENT.

Notwithstanding any other provision of law, the Maritime Boundary Agreement Between the United States of America and the Republic of Cuba signed at Washington D.C., December 16, 1977, shall have no force and effect after the date of the enactment of this Act.

SEC. 2. EXCLUSION OF CERTAIN ALIENS.

(a) IN GENERAL.—The Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996 (22 U.S.C. 6021 note) is amended by inserting after section 401 the following:

''SEC. 402. EXCLUSION FROM THE UNITED STATES OF ALIENS WHO DIRECTLY AND SIGNIFICANTLY CONTRIBUTE TO THE ABILITY OF CUBA TO DEVELOP PETROLEUM RESOURCES OFF OF CUBA'S NORTH COAST.

''(a) IN GENERAL.—The Secretary of State shall deny a visa to, and the Attorney General and the Secretary of Homeland Security shall exclude from the United States, any alien who the Secretary of State determines is a person who—

''(1) is an officer or principal of an entity, or a shareholder who owns a controlling interest in an entity, that, after the date of the enactment of this section, makes an investment of $1,000,000 or more (or any combination of investments that in the aggregate equals or exceeds $1,000,000 in any 12-month period), that directly and significantly contributes to the enhancement of Cuba's ability to develop petroleum resources off of Cuba's north coast; or

''(2) is a spouse, minor child, or agent of a person described in paragraph (1).

''(b) EXEMPTION.—Subsection (a) shall not apply if the Secretary of State finds, on a case-by-case basis, that the entry into the United States of the person who would otherwise be excluded under this section is necessary for medical reasons or for purposes of litigation of an action under title III.

''(c) DEFINITIONS.—In this section:

''(1) DEVELOP.—The term 'develop', with respect to petroleum resources, means the exploration for, or the extraction, refining, or transportation by pipeline of, petroleum resources.

''(2) INVESTMENT.—

''(A) IN GENERAL.—The term 'investment' means any of the following activities if such activity is undertaken pursuant to an agreement, or pursuant to the exercise of rights under such an agreement, that is entered into with the Government of Cuba or a nongovenmental entity in Cuba, on or after the date of the enactment of this section:

''(i) The entry into a contract that includes responsibility for the development of petroleum resources located in Cuba, or the entry into a contract providing for the general supervision and guarantee of another person's performance of such a contract.

''(ii) The purchase of a share of ownership, including an equity interest, in that development.

''(iii) The entry into a contract providing for the participation in royalties, earnings, or profits in that development, without regard to the form of the participation.

''(B) EXCEPTION.—The term 'investment' does not include the entry into, performance, or financing of a contract to sell or purchase goods, services, or technology.

''(3) PETROLEUM RESOURCES.—The term 'petroleum resources' includes petroleum and natural gas resources.''.

(b) EFFECTIVE DATE.—The amendment made by this section applies to aliens seeking to enter the United States on or after the date of the enactment of this Act.

By Mr. BYRD:

S.J. Res. 35. A joint resolution proposing an amendment to the Constitution of the United States to clarify that the Constitution neither prohibits voluntary prayer nor requires prayer in schools; to the Committee on the Judiciary.

Mr. BYRD. Mr. President, I rise today to introduce an amendment to the Constitution of the United States to clarify that the Constitution neither prohibits voluntary prayer nor requires prayer in the public schools of this country.

On September 25, 1885, an entrancing poem was published in the Glenville Crescent, the local paper in Gilmer County, West Virginia. The poem was attributed to Mrs. Ellen Rudell King, the wife of the Reverend David King, a man of the cloth who ministered to the citizens of Glenville, WV. Over time, people learned that the poem may have been written by the reverend as a gift to his wife Ellen, his soulmate. Just as my beloved Erma was my soulmate the West Virginia Reverend David King also had a soulmate, his wife Ellen.

Today we recognize that his poem was a gift not just to his wife Ellen but also to the State of West Virginia and to the Nation. In fact, when the poem was published at the end of the 19th century, its tone was so melodious, its message so inspiring, it drew the attention of a composer named Howard Engle. West Virginians know the story of what happened next. Howard Engle liked the poem so much that he decided to compose a tune to accompany its lyrical verse. In 1961, his musical composition became the West Virginia State song, known by its title today as ''The West Virginia Hills.'' Let me read for the Senators just a few of the stanzas of this beautiful song:

> Oh, West Virginia hills! How majestic and how grand, with their summits bathed in glory, like our Prince Immanuel's land! Is it any wonder then, that my heart with rapture thrills, as I stand once more with loved ones on those West Virginia hills?
>
> Oh, the West Virginia hills! Where my childhood hours were passed, where I often wandered lonely, and the future tried to cast; many are our visions bright, which the future ne'er fulfills; but how sunny were my daydreams on those West Virginia hills!
>
> Oh, the West Virginia hills, how unchanged they seem to stand, with their summits pointed skyward to the great Almighty's land! Many changes I can see, which my heart with sadness fills; but no changes can be noticed in those West Virginia hills.

Ah, ah, those West Virginia hills. For West Virginians, this song, with its prayerful verse, has always been an uplifting reminder of the memories of our childhoods, our fervent hopes for a bright future, a testament to the beauty of our resplendent natural landscape, and a source of solace in time of trouble.

Regrettably, since January, West Virginians have had good reason to seek such solace. As witnessed by all of America since this year began, West Virginia has been beset by unspeakable tragedy. We have lost 18 coal miners—favorite sons of the West Virginia hills—in Boone County, in Logan County, in Mingo County, and in Upshur County. In the words of our ancient sweet song, these tragic events ''our heart with sadness fills.''

But we West Virginians stand strong despite our grief, steadfast in our devotion to one another and to Almighty God, from whom all good things come, from whom all blessings flow.

In our Easter season we celebrate the belief in both the resurrection of the dead and the life of the world to come. We know that while our way may not always be God's way, His way is the only way. Therefore, our way must be His way. We know that life's most bitter travails can, at times, sear the human soul, painfully driving good people to their knees—sometimes through no fault of their own. But we also know that as long as there is life, there is hope, and we know that hardship can be endured and in fact diminished through the power—the ever working power—of prayer. We know this. We know it. We know it based on experience.

Over these past 5 years, as I watched my childhood sweetheart, my darling Erma—my darling Erma, who is in heaven now—I watched her fall ill and become increasingly frail. But she and I prayed for each other. We prayed every day. There were many good times—many good times—but there were also times that were difficult. Through it all, it was our abiding faith, Erma's and mine which we celebrated in prayer together, which I believe kept us devoted to one another and to God for nearly 69 years, through thick and thin, through good times and hard times. Our marriage was literally made in heaven, and I believe its duration was God's answer to our shared prayer.

So when I say that I know prayer can work miracles and move mountains, I speak from experience. I am a witness to the power of prayer.

But I am not unique. West Virginians have been and always will be a deeply spiritual and reverent people. In that sense, it remains as true today as it was in 1885 that no changes can be noticed in those West Virginia hills.

The Apostle Paul has told us that in the face of affliction—in the face of affliction—it is our job not to give in to discouragement but to proclaim the truth openly and to commend ourselves to every man's conscience before God.

So for people of faith, the question remains how best to do this. How do we lift our heads from the darkness to the light—from the darkness to the light? How do we help ourselves and others to keep the faith? The answer lies in three simple words: Let us pray. The Gospel, St. John 14, verse 13, tells us that we can have this confidence in God: that he hears us—yes, that he hears us whenever we ask for anything according to His will. Not always according to our will but according to His will.

The importance of prayer throughout all of the millennia is recognized by people of faith in nearly every denomination. Now get this: Yet, in America, prayer is increasingly estranged from public life. Some are hesitant to pray for fear they might offend someone else. How ridiculous, to think that prayer can be offensive. Offensive to whom? Nonbelievers? Well, they need only close their ears. How sad, really, that we cannot share our faith, particularly in an effort to comfort others, without being accused of offending someone or, worse, violating the first amendment to the Constitution.

Regrettably, that is the unfortunate situation that confronts the faithful in America today. How can this be possible? Does anyone really believe this state of affairs is consistent with the intent of the Framers of the Constitution?

I have referenced the religious beliefs of our Founders many times on the Senate floor, but I think it bears repeating. I think we should not forget the mindset of those who established our representative democracy, this Republic. They were not afraid of prayer. They believed in a Supreme Being, and they did not hesitate to say so. They were proud of their faith. They proclaimed it from the rooftops; yes, from the steeple tops. They did not hang their heads in shame.

Listen. Listen. Listen to what John Adams said. He served as Vice President for 8 years under George Washington. He was a member of the Continental Congress. He signed the Declaration of Independence. In an entry in his diary on February 22, 1756, John Adams wrote:

> Suppose a nation in some distant region should take the Bible for their only lawbook and every member should regulate his conduct by the precepts there exhibited. Every member would be obliged in conscience to temperance, frugality, and industry; to justice, kindness, and charity toward his fellow men; and to piety, love and reverence toward almighty God. . . . What a Utopia, what a paradise would this region be.

John Adams believed that the Bible could be our only lawbook—think of that. What a small but mighty tome.

What about Benjamin Franklin? Was he afraid to discuss religion for fear of offending sensibilities? No, heavens no. When the Congress established a three-man committee, of John Adams, Thomas Jefferson, and Ben Franklin, to design a great seal of the United States, it was Franklin who suggested that the seal be one of Moses lifting his wand, dividing the Red Sea, with pharaoh in his chariot, overwhelmed by water. His suggested motto was, ''Rebellion to tyrants is obedience to God.''

Thomas Jefferson similarly suggested a Biblical theme, highlighting the children of Israel in the wilderness, led by a cloud by day and a pillar of fire by night. These are vivid religious images that our Founding Fathers proposed be adopted as enduring symbols of our representative form of government.

The Founders did not view these proposals as repugnant religiosity, something to be kept under wraps for fear of offending the popular culture. They were creating the culture.

I have long been opposed to what I call the censorship of religion in America. I have said it before. I say it again. I don't agree with many of the decisions that have come down from the courts concerning prayer in the public schools or prohibiting the display of religious items in public places. I believe in ruling after ruling some of our courts, led by the Supreme Court, have been moving closer and closer to prohibiting the free exercise of religion in America, and it chills my soul. Americans don't want religious censorship—

no. Ours is a religious nation. It may not seem so but it is. We are a religious people. We may not seem so at times, not all of us, but we embrace religion as a people. We draw it close, close to us. We drape it over us, we draw it around us, we envelope our families in its protective shield. We will not shun it. We will not deny it. We will not run from it. We must be free to exercise our religious faith, if we have a religious faith, whatever it may be.

The religion clauses of the first amendment state:

> Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof. . . .

In my humble opinion, too many have not given equal weight to both of these clauses. Instead, they seem to have focused only on the first clause which says ''Congress shall make no law respecting an establishment of religion,'' at the expense of the second clause, which says, ''or prohibiting the free exercise thereof.''

Yes, that protects the right of Americans to worship as they please. I have always believed that this country was founded by men and women of strong faith whose intent was not to suppress religion but to ensure that the government favors no single religion over another. This principle makes a lot of sense to me; namely, that government itself should seek neither to discourage nor to promote religion. We can understand the outrage of many fine people of faith who today decry the nature of our public discourse, with its overt emphasis on sex, violence, profanity, and materialism.

In addition, we live today with the omnipresent fear of another terrorist attack, global warming, avian flu, rising fuel and health care costs, and a whole panoply of other potential calamities over which we seem to have little or no control. Our Nation has every reason to seek comfort through prayer.

Nearly 44 years ago, on June 27, 1962—I was here. I was sitting over on that side of the Chamber, to my left, in the back row. Forty-four years ago, on June 27, 1962, 2 days after the U.S. Supreme Court first struck down prayer in schools, I made the following statement on the Senate floor. I said it then. I say it today.

> Thomas Jefferson expressed the will of the American majority in 1776 when he included in the Declaration of Independence the statement, ''All men''—

Meaning, of course, women, too—

> ''All men are endowed by their Creator with certain unalienable rights, that among these are life, liberty, and the pursuit of happiness.''

Little could Mr. Jefferson suspect when he penned that line that the time would come that the Nation's highest Court might rule that a nondenominational prayer to the Creator of us all, if offered by schoolchildren in the public schools of America during class periods, would be unconstitutional. I believe this ingrained predisposition against expressions of religious or spiritual beliefs is wrongheaded, destructive, and completely contrary to the intent of the illustrious Founders of this great Nation. Instead of ensuring freedom of religion in a nation founded in part to guarantee that basic liberty, a suffocation or strangulation, if you might, of that freedom has been the result. The rights of those who do not believe, and they are few in number who do not believe—the rights of those who do not believe in a Supreme Being have been zealously guarded to the denigration—and I repeat, denigration—of the rights of those people who do so believe.

The Supreme Court has bent over backward to prevent the government from establishing religion—which is all right—but it has not gone far enough and, in fact, our government has fallen far short of protecting the right of all Americans to exercise their religion.

The free exercise clause of the first amendment states:

> Congress cannot make laws that prohibit the free exercise of religion.

Well, it seems to me that any prohibition of voluntary prayer in the public schools violates the right of our schoolchildren to practice their free religion, and that is not right. Any child should be free to pray to God of his or her own volition, whether at home, whether at church, whether at school, period.

I am not a proponent of repeatedly amending the U.S. Constitution. I believe such amendments should be done only rarely and with great care. However, because I feel as strongly about this today as I have for more than 40 years, I take this opportunity, once again, as I have at least 7 times over the past 44 years, to introduce today a joint resolution to amend the Constitution to clarify the intent of the Framers with respect to voluntary prayer in schools.

Our revered Constitution—this sacred document—was conceived by the Framers neither to prohibit nor to require the recitation of voluntary prayer in public schools. Consequently, the exact language of the resolution that I am introducing to amend the Constitution simply makes that clear.

It states—get this:

> Nothing in this Constitution, including any amendments to this Constitution, shall be construed to prohibit voluntary prayer or require prayer at a public school extracurricular activity.

This resolution is similar to legislation that I introduced or cosponsored starting in 1962 but more recently in 1973, 1979, 1982, 1993, 1995, and 1997.

I believe Members of the Supreme Court have placed exaggerated emphasis on the Framers' alleged intent to erect an absolute ''wall of separation'' between church and state. I do not share that view.

I believe the right of every schoolchild to pray or not to pray voluntarily, if he or she chooses to do so, is protected by both the free speech and the free exercise clauses of the U.S. Constitution.

Even the Supreme Court in the case of Lynch v. Donnelly, in 1984, agreed that the Constitution does not require the complete separation of church and state. Instead, it mandates an accommodation of all religions and forbids hostility toward any.

Let me be clear that what we are talking about is not a radical departure. It is simply a reiteration of what should already be permissible under a correct interpretation of the first amendment.

My resolution does not change the language of the first amendment, and it would not permit any school to advocate a particular religious message endorsed by the government. My resolution would simply reiterate the Framers' intent that a child should be able to utter a voluntary prayer. There is absolutely nothing unconstitutional about that.

This resolution seeks neither to advance nor to inhibit religion. It does not signify government approval of any particular religious sect or creed. It does not compel a ''nonbeliever'' to pray. In fact, it does not require an atheist to embrace or to adopt any religious action, belief, or expression. It does not coerce or compel anyone to do anything. And it does not foster any excessive government entanglement with religion.

This constitutional amendment is neutral. It is nondiscriminatory. It does not endorse state-sponsored school prayer. It simply allows children to pray voluntarily, if they wish to do so. It permits children to express themselves on the subject of prayer just as anyone is free to express themselves on any other topic.

As Justice Scalia recently held: ''A priest has as much liberty to proselytize as a patriot.''

The Supreme Court has held that the establishment clause is not violated so long as the government treats religious speech and other speech equally.

This resolution has a valid secular purpose, which is to ensure that religious and nonreligious speech are treated equally, and this secular purpose is preeminent. This purpose is not secondary to any religious objective.

In one of the more recent cases on the subject, the Supreme Court, in Santa Fe v. Jane Doe, reiterated that the religious clauses of the first amendment prevent the government from ''making any law respecting the establishment of religion or prohibiting the free exercise thereof.'' But by ''no means,'' the Court held, ''do these commands impose a prohibition on all religious activity in our public schools.''

''Indeed,'' the Court ruled, ''the common purpose of the Religious Clauses is to secure religious liberty.''

Thus, Justice Stevens wrote:

> Nothing in the Constitution as interpreted by this Court prohibits any public school student from unvoluntarily praying at any time before, during or after the school day.

He went on to declare, though, that ''the religious liberty protected by this

Constitution is abridged when the state affirmatively sponsors a particular religious practice or prayer.''

So let me reiterate that the resolution I am introducing today addresses only voluntary student prayer—not state-sponsored speech.

In one of her final rulings on this subject, Justice O'Connor held that the first amendment expresses our Nation's fundamental commitment to religious liberty by means of two provisions—one protecting the free exercise of religion, the other barring the establishment of religion.

''They were written,'' she said, ''by the descendants of people who had come to this land precisely so that they could practice their religion freely.'' And, ''by enforcing these two clauses,'' she said, ''we have kept religion a matter for the individual conscience, not for the prosecutor or the bureaucrat.''

We should keep it that way. We should keep it that way. We should keep religion a matter for the individual conscience. But does keeping religion a matter for the individual conscience mean that a schoolchild must stand silent, unable to turn to God for comfort or guidance in times of trial or heartache? No. No. No. Not even our Supreme Court has recognized that. Not every reference to God constitutes the impermissible establishment of religion.

Where would we be without recourse to prayer?

As we know, even the mighty King David sought guidance from above. In Psalm, 17, he implores:

> Hear, O Lord, a just suit; attend to my outcry; harken to my prayer from lips without deceit . . . I call upon You for You will answer me, O God; incline Your ear to me; hear my word . . . keep me as the apple of your eye; hide me in the shadows of Your wings.

In our Nation's Capitol, just off the Rotunda, there is a small room called the Prayer Room. I was there when it was first dedicated. A small room called the Prayer Room was set aside in 1954 by the 83rd Congress to be used for private prayer and contemplation by Members of Congress. The room is open.

Have you ever been there? If you haven't, you ought to go to see that Prayer Room. I go to it still from time to time.

The room is open when Congress is in session though not open to the public. The room's focal point is a stained glass window that shows George Washington kneeling in prayer. Behind him are etched these words from Psalm 16:1: ''Preserve me, o God, for in thee do I put my trust.''

What right do we have to take from schoolchildren their right to pray a voluntary prayer when we preserve, protect, and defend and even create a seperate room to enshrine that same right to ourselves here in the Senate?

St. Luke, the apostle, tells us that such efforts are as much in our own interest as they are in the best interests of a child. Here is what St. Luke tells us:

> Ask and you shall receive; seek and you shall find; knock and it shall be opened to you. For whoever asks, receives; whoever seeks, finds; whoever knocks is admitted. What father among you will give his son a snake if he asks for a fish, or hand him a scorpion if he asks for an egg? If you, with all your sins, know how to give your children good things, how much more will the Heavenly Father give the Holy Spirit to those who ask him?

We must work to be certain that the free exercise clause remains as applicable and respected today as it was at the time it was conceived by the Framers.

We must guard its protection so that all Americans, including, yes, children, little children—suffer little children—retain their right freely to practice their religion. Let us make certain that every individual, including any child nestled in the West Virginia hills or anywhere else in America, can pray to God as they please.

I ask unanimous consent that the text of the joint resolution be printed in the RECORD.

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

S.J. RES. 35

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years after the date of its submission by the Congress:

''ARTICLE —

''Nothing in this Constitution, including any amendment to this Constitution, shall be construed to prohibit voluntary prayer or require prayer in a public school, or to prohibit voluntary prayer or require prayer at a public school extracurricular activity.''.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 448—SUPPORTING THE GOALS AND IDEALS OF ''NATIONAL LIFE INSURANCE AWARENESS MONTH''

Mr. NELSON of Nebraska (for himself, Mr. CHAMBLISS, and Mr. CRAIG) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 448

Whereas life insurance is an essential part of a sound financial plan;

Whereas life insurance provides financial security for families by helping surviving members meet immediate and long-term financial obligations and objectives in the event of a premature death in their family;

Whereas approximately 68,000,000 United States citizens lack the adequate level of life insurance coverage needed to ensure a secure financial future for their loved ones;

Whereas life insurance products protect against the uncertainties of life by enabling individuals and families to manage the financial risks of premature death, disability, and long-term care;

Whereas individuals, families, and businesses can benefit from professional insurance and financial planning advice, including an assessment of their life insurance needs; and

Whereas numerous groups supporting life insurance have designated September 2006 as ''National Life Insurance Awareness Month'' as a means to encourage consumers to—

(1) become more aware of their life insurance needs;

(2) seek professional advice regarding life insurance; and

(3) take the actions necessary to achieve financial security for their loved ones: Now therefore, be it

Resolved, That the Senate—

(1) supports the goals and ideals of ''National Life Insurance Awareness Month''; and

(2) calls on the Federal Government, States, localities, schools, nonprofit organizations, businesses, and the citizens of the United States to observe the month with appropriate programs and activities.

SENATE RESOLUTION 449—COMMENDING THE EXTRAORDINARY CONTRIBUTIONS OF MAX FALKENSTIEN TO THE UNIVERSITY OF KANSAS AND THE STATE OF KANSAS

Mr. BROWNBACK (for himself and Mr. ROBERTS) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 449

Whereas Max Falkenstien has served as a broadcaster for the basketball and football programs at The University of Kansas for 60 consecutive years, and will retire after the 2005–2006 men's basketball season;

Whereas Mr. Falkenstien broadcasted his first men's basketball and football games for the Kansas Jayhawks in 1946, after serving 35 months in the Army Air Corps;

Whereas Mr. Falkenstien has received honors from—

(1) the College Football Hall of Fame, which awarded him the Chris Schenkel Award for Broadcasting Excellence;

(2) the Naismith Memorial Basketball Hall of Fame, which named him the winner of the 15th Annual Curt Gowdy Electronic Media Award;

(3) the Kansas Association of Broadcasters, which awarded him the Distinguished Service Award;

(4) Baker University, which presented him with the Lifetime Achievement Award; and

(5) The University of Kansas Alumni Association, which awarded him the Ellsworth Medallion;

Whereas Mr. Falkenstien is a member of—

(1) the Kansas Broadcasters Hall of Fame; and

(2) the Kansas Sports Hall of Fame;

Whereas Mr. Falkenstien was the first—

(1) inductee into the Lawrence High School Hall of Honor; and

(2) media member of The University of Kansas Athletic Hall of Fame; and

Whereas the State of Kansas has been privileged to have the benefit of 60 years of dedicated service provided by Max Falkenstien to The University of Kansas: Now, therefore, be it

Resolved, That the Senate—

(1) commends the extraordinary contributions of Max Falkenstien to The University of Kansas and the State of Kansas;

(2) congratulates him for 60 years of outstanding service;

(3) offers the best wishes of the Senate for his future endeavors; and

(4) respectfully requests the Secretary of the Senate to transmit a copy of this resolution to Max Falkenstien.

SENATE RESOLUTION 450—DESIGNATING JUNE 2006 AS NATIONAL SAFETY MONTH

Mr. DEWINE (for himself, Mrs. DOLE, Ms. LANDRIEU, Mr. ALLEN, and Mr. DURBIN) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 450

Whereas the mission of the National Safety Council is to educate and influence citizens of the United States to adopt safety, health, and environmental policies, practices, and procedures that prevent and mitigate human suffering and economic losses arising from preventable causes;

Whereas the National Safety Council works to protect lives and promote health with innovative programs;

Whereas the National Safety Council, founded in 1913, is celebrating its 93rd anniversary in 2006 as the premier source of safety and health information, education, and training in the United States;

Whereas the National Safety Council was chartered by Congress in 1953, and is celebrating its 53rd anniversary in 2006 as a congressionally-chartered organization;

Whereas even with advancements in safety that create a safer environment for the people of the United States, such as new legislation and improvements in technology, the unintentional-injury death toll is still unacceptable;

Whereas the National Safety Council has demonstrated leadership in educating citizens of the United States on how to prevent injuries and deaths to senior citizens as a result of falls;

Whereas citizens deserve a solution to nationwide safety and health threats;

Whereas such a solution requires the cooperation of all levels of government, as well as the general public;

Whereas the summer season, traditionally a time of increased unintentional-injury fatalities, is an appropriate time to focus attention on both the problem and the solution to such safety and health threats; and

Whereas the theme of ''National Safety Month'' for 2006 is ''Making Our World A Safer Place'': Now, therefore, be it

Resolved, That the Senate—

(1) designates June 2006 as ''National Safety Month''; and

(2) recognizes the accomplishments of the National Safety Council and calls upon the citizens of the United States to observe the month with appropriate ceremonies and respect.

Mr. DEWINE. Mr. President, today I join with Senator DOLE, Senator LANDRIEU, Senator ALLEN, and Senator DURBIN to submit a resolution to designate June 2006 as National Safety Month. This year, the National Safety Council has selected ''making our world a safer place'' as its theme for National Safety Month. And that is certainly a goal we want and need to achieve.

Public safety in the workplace, in our homes, and in communities, and on our roads and highways is a vital challenge that we all face. According to the National Safety Council, more than 20 million Americans suffer disabling injuries and 100,000 people die from their injuries each year. In the United States, nearly 43,000 people die each year from motor vehicle crashes, making auto fatalities the number one killer of those between the ages of 4 and 34. Many of these deaths and injuries could be prevented with increased education and information on proper precautionary measures.

The goal of National Safety Month is to raise public awareness about safety and injury prevention in hopes of reducing these needless deaths and injuries. June also is an appropriate month to focus our efforts on public safety since the summer season is traditionally a time of increased accidental injuries and fatalities.

Throughout the month, the National Safety Council and other safety organizations will urge businesses to increase their safety standards in the workplace and provide information to individuals on injury prevention in all aspects of their lives.

I look forward to working with other Members of Congress and the many safety organizations to help educate the public on the importance of injury prevention and make our world a safer place.

I thank my fellow Colleagues for their support of this resolution and for their continued dedication to public safety. I also would like to thank the National Safety Council, which celebrates its 93rd anniversary in 2006, as a leading source of safety and health information, education, and training in the United States. Their work is vital and makes a difference each and every day.

SENATE RESOLUTION 451—EXPRESSING THE SUPPORT OF THE SENATE FOR THE RECONVENING OF THE PARLIAMENT OF NEPAL AND FOR AN IMMEDIATE, PEACEFUL TRANSITION TO DEMOCRACY

Mr. LUGAR (for himself, Mr. BIDEN, Mr. LEAHY, Mr. HAGEL, Mr. CHAFEE, Mr. KERRY, Mrs. FEINSTEIN, Mr. COLEMAN, and Mr. SUNUNU) submitted the following resolution; which was considered and agreed to:

S. RES. 451

Whereas, in 1990, Nepal adopted a constitution that enshrined multi-party democracy under a constitutional monarchy, ending 3 decades of absolute monarchical rule;

Whereas, since 1996, Maoist insurgents have waged a violent campaign to replace the constitutional monarchy with a communist republic, which has resulted in widespread human rights violations by both sides and the loss of an estimated 12,000 lives;

Whereas the Maoist insurgency grew out of the radicalization and fragmentation of left wing parties following Nepal's transition to democracy in 1990;

Whereas, on June 1, 2001, King Birendra, Queen Aishwarya and other members of the Royal family were murdered, leaving the throne to the slain King's brother, the current King Gyanendra;

Whereas, in May 2002, in the face of increasing Maoist violence, Prime Minister Sher Bahadur Deuba dissolved the Parliament of Nepal;

Whereas, in October 2002, King Gyanendra dismissed Prime Minister Deuba;

Whereas, in June 2004, after the unsuccessful tenures of 2 additional palace-appointed prime ministers, King Gyanendra reappointed Prime Minister Deuba and mandated that he hold general elections by April 2005;

Whereas, on February 1, 2005, King Gyanendra accused Nepali political leaders of failing to solve the Maoist problem, seized absolute control of Nepal by dismissing and detaining Prime Minister Deuba and declaring a state of emergency, temporarily shut down Nepal's communications, detained hundreds of politicians and political workers, and limited press and other constitutional freedoms;

Whereas, in November 2005, the mainstream political parties formed a seven-party alliance with the Maoists and agreed to a 12 point agenda that called for a restructuring of the government of Nepal to include an end to absolute monarchical rule and the formation of an interim all-party government with a view to holding elections for a constituent assembly to rewrite the Constitution of Nepal;

Whereas, since February 2005, King Gyanendra has promulgated dozens of ordinances without parliamentary process that violate basic freedoms of expression and association, including the Election Code of Conduct that seeks to limit media freedom in covering elections and the Code of Conduct for Social Organizations that bars staff of nongovernmental organizations from having political affiliations;

Whereas King Gyanendra ordered the arrest of hundreds of political workers in January 2006 before holding municipal elections on February 8, 2006, which the Department of State characterized as ''a hollow attempt by the King to legitimize his power'';

Whereas the people of Nepal have been peacefully protesting since April 6, 2006, in an attempt to restore the democratic political process;

Whereas on April 10, 2006, the Department of State declared that King Gyanendra's February 2005 decision ''to impose direct palace rule in Nepal has failed in every regard'' and called on the King to restore democracy immediately and to begin a dialogue with Nepal's political parties;

Whereas King Gyanendra ordered a crackdown on the protests, which has left at least 14 Nepali citizens dead and hundreds injured by the security forces of Nepal;

Whereas the people of Nepal are suffering hardship due to food shortages and lack of sufficient medical care because of the prevailing political crisis;

Whereas King Gyanendra announced on April 21, 2006, that the executive power of Nepal shall be returned to the people and called on the seven-party alliance to name a new prime minister to govern the country in accordance with the 1990 Constitution of Nepal;

Whereas the seven-party alliance subsequently rejected King Gyanendra's April 21, 2006 statement and called on him to reinstate parliament and allow for the establishment of a constituent assembly to draw up a new constitution;

Whereas on April 24, 2006, King Gyanendra announced that he would reinstate the Parliament of Nepal on April 28, 2006, and apologized for the deaths and injuries that occurred during the recent demonstrations, but did not address the issue of constitutional revision;

Whereas political party leaders have welcomed King Gyanendra's April 24th announcement and stated that the first action of the reconvened parliament will be the scheduling of elections for a constituent assembly to redraft the Constitution of Nepal.

Now, therefore, be it

Resolved, That the Senate—

(1) expresses its support for the reconvening of the Parliament of Nepal and for an immediate, peaceful transition to democracy;

(2) commends the desire of the people of Nepal for a democratic system of government and expresses its support for their right to protest peacefully in pursuit of this goal;

(3) acknowledges the April 24, 2006 statement by King Gyanendra regarding his intent to reinstate the Parliament of Nepal;

(4) urges the Palace, the political parties, and the Maoists to immediately support a process that returns the country to multiparty democracy and creates the conditions for peace and stability in Nepal;

(5) declares that the transition to democracy in Nepal must be peaceful and that violence conducted by any party is unacceptable and risks sending Nepal into a state of anarchy;

(6) calls on security forces of Nepal to exercise maximum restraint and to uphold the highest standards of conduct in their response to the protests;

(7) urges the immediate release of all political detainees and the restoration of full civilian and political rights, including freedom of association, expression, and assembly;

(8) urges the Maoists to lay down their arms and to pursue their goals through participation in a peaceful political process; and

(9) calls on the Government of the United States to work closely with other governments, including the governments of India, China, the United Kingdom, and the European Union, and with the United Nations to ensure a common and coherent international approach that helps to bring about an immediate peaceful transition to democracy and to end the violent insurgency in Nepal.

SENATE RESOLUTION 452—RECOGNIZING THE CULTURAL AND EDUCATIONAL CONTRIBUTIONS OF THE AMERICAN BALLET THEATRE THROUGHOUT ITS 65 YEARS OF SERVICE AS ''AMERICA'S NATIONAL BALLET COMPANY''

Mr. SCHUMER (for himself and Mrs. DOLE) submitted the following resolution; which was considered and agreed to:

S. RES. 452

Whereas American Ballet Theatre (known as ''ABT'') is recognized as one of the world's great dance companies;

Whereas ABT is dedicated to bringing dance to the United States and dance of the United States to the world;

Whereas, over its 65-year history, ABT has appeared in all 50 States of the United States, in a total of 126 cities, and has performed for more than 600,000 people annually;

Whereas ABT has performed in 42 countries as perhaps the most representative ballet company of the United States, with many of those engagements sponsored by the Department of State;

Whereas ABT has been home to the world's most accomplished dancers and has commissioned works by all of the great choreographic geniuses of the 20th century;

Whereas President Dwight D. Eisenhower recognized ABT's ability to convey through the medium of ballet ''some measure of understanding of America's cultural environment and inspiration'';

Whereas over the years ABT has performed repeatedly at the White House, most recently in December 2005;

Whereas ABT is committed to bringing dance to a broad audience and provides exposure to dance to more than 20,000 underprivileged children and their families each year;

Whereas ABT's award-winning Make a Ballet program and its other outreach initiatives help to meet the need for arts education in underserved schools and communities;

Whereas ABT's Studio Company brings world class ballet to smaller communities like—

(1) Rochester, New York;

(2) Stamford, Connecticut;

(3) Sanibel, Florida;

(4) South Hadley, Massachusetts; and

(5) Winston-Salem, North Carolina; and

Whereas the Jacqueline Kennedy Onassis School at ABT and the ABT's other artistic development initiatives provide the highest quality training consistent with the professional standards of ABT: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes and commends the American Ballet Theatre for over 65 years of service as ''America's National Ballet Company'', during which it has provided world class art to audiences in all 50 States;

(2) recognizes that the American Ballet Theatre also serves as a true cultural ambassador for the United States, by having performed in 42 countries and fulfilling its reputation as one of the world's most revered and innovative dance companies; and

(3) recognizes that the American Ballet Theatre's extensive and innovative education, outreach, and artistic development programs both train future generations of great dancers and expose students to the arts.

SENATE RESOLUTION 453—CONGRATULATING CHARTER SCHOOLS AND THEIR STUDENTS, PARENTS, TEACHERS, AND ADMINISTRATORS ACROSS THE UNITED STATES FOR THEIR ONGOING CONTRIBUTIONS TO EDUCATION, AND FOR OTHER PURPOSES

Mr. ALEXANDER (for himself, Mr. LIEBERMAN, Mr. GREGG, Mr. FRIST, Mr. CARPER, Mr. VITTER, Ms. LANDRIEU, Mr. BURR, Mr. COLEMAN, Mr. ALLARD, Mr. DEMINT, and Mr. MARTINEZ) submitted the following resolution; which was considered and agreed to:

S. RES. 453

Whereas charter schools deliver high-quality education and challenge our students to reach their potential;

Whereas charter schools provide thousands of families with diverse and innovative educational options for their children;

Whereas charter schools are public schools authorized by a designated public entity that are responding to the needs of our communities, families, and students and promoting the principles of quality, choice, and innovation;

Whereas in exchange for the flexibility and autonomy given to charter schools, they are held accountable by their sponsors for improving student achievement and for their financial and other operations;

Whereas 40 States and the District of Columbia have passed laws authorizing charter schools;

Whereas more than 3,600 charter schools are now operating in 40 States and the District of Columbia, serving more than 1,000,000 students;

Whereas over the last 12 years, Congress has provided nearly $1,775,000,000 in support to the charter school movement through facilities financing assistance and grants for planning, startup, implementation, and dissemination;

Whereas charter schools improve their students' achievement and stimulate improvement in traditional public schools;

Whereas charter schools must meet the student achievement accountability requirements under the Elementary and Secondary Education Act of 1965 in the same manner as traditional public schools, and often set higher and additional individual goals to ensure that they are of high quality and truly accountable to the public;

Whereas charter schools give parents new freedom to choose their public school, routinely measure parental satisfaction levels, and must prove their ongoing success to parents, policymakers, and their communities;

Whereas nearly 56 percent of charter schools report having a waiting list, and the total number of students on all such waiting lists is enough to fill over 1,100 average-sized charter schools;

Whereas charter schools nationwide serve a higher percentage of low-income and minority students than the traditional public system;

Whereas charter schools have enjoyed broad bipartisan support from the Administration, Congress, State Governors and legislatures, educators, and parents across the United States; and

Whereas the seventh annual National Charter Schools Week, to be held May 1 through 6, 2006, is an event sponsored by charter schools and grassroots charter school organizations across the United States to recognize the significant impacts, achievements, and innovations of charter schools: Now, therefore, be it

Resolved, That—

(1) the Senate acknowledges and commends charter schools and their students, parents, teachers, and administrators across the United States for their ongoing contributions to education and improving and strengthening our public school system;

(2) the Senate supports the seventh annual National Charter Schools Week; and

(3) it is the sense of the Senate that the people of the United States should conduct appropriate programs, ceremonies, and activities to demonstrate support for charter schools during this week long celebration in communities throughout the United States.

SENATE RESOLUTION 454—HONORING MALCOLM P. MCLEAN AS THE FATHER OF CONTAINERIZATION

Mr. LAUTENBERG (for himself, Mr. MENENDEZ, Mr. INOUYE, and Mrs. DOLE) submitted the following resolution; which was considered and agreed to:

S. RES. 454

Whereas Malcom P. McLean is widely recognized as the father of containerization;

Whereas the innovative idea of using intermodal containers suitable for rail, truck, and maritime transportation revolutionized and streamlined the process of shipping goods, allowed products to be moved to the market more quickly, and reduced prices for consumers;

Whereas the use of containerization in shipping practices enabled the United States to increase international trade by modernizing and globalizing the economy of the United States;

Whereas Mr. McLean launched numerous successful transportation businesses that were located in the Port of Newark, New Jersey, including—

(1) the Pan-Atlantic Steamship Company; and

(2) Sea-Land Service Incorporated;

Whereas those businesses were crucial to the growth of shipping and industry in New Jersey;

Whereas the innovations of Mr. McLean have enabled businesses to create thousands of jobs that provide liveable wages for the citizens of New Jersey and other citizens of the United States;

Whereas, on April 26, 1956, the first ship loaded with goods to be transported from the United States in intermodal containers, the Ideal X, set sail from Port Newark under the direction of Mr. McLean;

Whereas 2006 marks the 50th anniversary of that historic event;

Whereas the Containerization and Intermodal Institute in Holmdel, New Jersey, has planned activities to commemorate that occasion; and

Whereas Mr. McLean was a transportation pioneer whose remarkable achievements are worthy of recognition and commemoration: Now, therefore, be it

Resolved, That the Senate—

(1) celebrates the remarkable contributions of Malcom P. McLean to the development of a new era of trade and commerce in the United States through the containerization of cargo;

(2) honors the 50th anniversary of containerization, and recognizes the crucial role that containerization has played in the modernization of—

(A) shipping practices; and

(B) the economy of the United States; and

(3) encourages all citizens to promote and participate in celebratory activities that commemorate that landmark anniversary.

SENATE RESOLUTION 455—HONORING AND THANKING TERRANCE W. GAINER, FORMER CHIEF OF THE UNITED STATES CAPITOL POLICE

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

S RES. 455

Whereas former Chief of Police Terrance W, Gainer, a native of the State of Illinois, had served the United States Capitol Police with distinction since his appointment on June 3, 2002;

Whereas Chief Gainer had served in various city, state and federal law enforcement positions throughout his thirty-eight year career; and

Whereas Chief Gainer holds Juris Doctor and Master's degrees from DePaul University and a Bachelor's degree from St. Benedict's College, as well as numerous specialized law enforcement and security training accomplishments and honors: Now, therefore, be it

Resolved, That the Senate hereby honors and thanks Terrance W. Gainer and his wife, Irene, and his entire family, for a professional commitment of service to the United States Capitol Police and the United States Congress.

AMENDMENTS SUBMITTED AND PROPOSED

SA 3671. Mr. COLEMAN submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table.

SA 3672. Mr. CORNYN (for himself and Mrs. HUTCHISON) submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra.

SA 3673. Mr. INOUYE submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3674. Mr. NELSON, of Florida submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3675. Mr. MENENDEZ (for himself, Mr. LAUTENBERG, Mr. INOUYE, Mrs. CLINTON, and Mr. LIEBERMAN) submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra.

SA 3676. Mr. BENNETT (for himself and Mr. KOHL) submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3677. Mr. VOINOVICH (for himself and Mr. DEWINE) submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3678. Mr. MENENDEZ (for himself, Mr. LEAHY, Mr. DURBIN, Mr. SARBANES, and Mr. LAUTENBERG) submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3679. Mr. SPECTER submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3680. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3681. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3682. Mr. BIDEN submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3683. Mr. BIDEN submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3684. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3685. Mr. LIEBERMAN submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3686. Mr. KENNEDY (for himself, Mr. BIDEN, and Mr. LEAHY) submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3687. Mr. KENNEDY (for himself and Mr. LEAHY) submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3688. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra.

SA 3689. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3690. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3691. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3692. Mr. FRIST (for himself, Mr. SANTORUM, and Mr. ENSIGN) submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3693. Mr. OBAMA (for himself and Mr. COBURN) submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra.

SA 3694. Mr. OBAMA (for himself and Mr. COBURN) submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra.

SA 3695. Mr. OBAMA (for himself and Mr. COBURN) submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra.

SA 3696. Mr. OBAMA (for himself and Mr. COBURN) submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3697. Mr. OBAMA (for himself and Mr. COBURN) submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra.

SA 3698. Mr. BURNS (for himself and Mr. ROCKEFELLER) submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3699. Mr. CORNYN (for himself, Ms. LANDRIEU, Mrs. HUTCHISON, and Mr. NELSON, of Florida) submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra.

SA 3700. Mr. DOMENICI (for himself, Mr. GRASSLEY, and Mr. STEVENS) submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3701. Mr. ALLARD (for himself, Mr. DURBIN, and Ms. MIKULSKI) submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra.

SA 3702. Mr. CHAMBLISS (for himself and Mr. ISAKSON) submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra.

SA 3703. Mr. KOHL submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3704. Mr. THUNE submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3705. Mr. OBAMA submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3706. Mr. LEVIN (for himself, Mr. DORGAN, Ms. STABENOW, and Mr. CONRAD) submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3707. Mr. FRIST submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3708. Mr. BYRD submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra.

SA 3709. Mr. BYRD (for himself, Mr. CARPER, and Mr. LAUTENBERG) proposed an amendment to the bill H.R. 4939, supra.

SA 3710. Mr. LEVIN (for himself, Ms. COLLINS, and Mr. REED) submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra.

SA 3711. Mr. NELSON, of Florida submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3712. Mr. ALLARD submitted an amendment intended to be proposed to amendment SA 3645 proposed by Mr. SALAZAR (for himself and Mr. BAUCUS) to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3713. Mr. BURR proposed an amendment to the bill H.R. 4939, supra.

SA 3714. Mrs. MURRAY (for Mr. HARKIN) proposed an amendment to the bill H.R. 4939, supra.

SA 3715. Mr. CONRAD (for himself, Mrs. CLINTON, and Mr. DODD) proposed an amendment to the bill H.R. 4939, supra.

SA 3716. Mrs. MURRAY (for Mr. KENNEDY (for himself, Mr. BIDEN, and Mr. LEAHY)) proposed an amendment to the bill H.R. 4939, supra.

SA 3717. Mr. BIDEN submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3718. Mr. BIDEN (for himself and Mr. DEWINE) submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3719. Mr. BIDEN (for himself and Mr. DEWINE) submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3720. Mr. NELSON, of Florida submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3721. Mr. NELSON, of Florida (for himself, Mr. MENENDEZ, Mr. LIEBERMAN, Mr. LAUTENBERG, Mr. KERRY, and Mr. REID) submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3722. Mr. CORNYN (for himself and Mr. KYL) proposed an amendment to the bill H.R. 4939, supra.

SA 3723. Mr. SCHUMER (for himself and Mr. REID) proposed an amendment to the bill H.R. 4939, supra.

SA 3724. Mr. SCHUMER proposed an amendment to the bill H.R. 4939, supra.

SA 3725. Mr. SMITH (for himself and Mr. WYDEN) submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3726. Mr. SMITH (for himself and Mr. WYDEN) submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3727. Mr. DODD (for himself and Mr. LOTT) submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 3671. Mr. COLEMAN submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 196, between lines 17 and 18, insert the following:

FEDERAL FUNDING FOR FIXED GUIDEWAY PROJECTS

SEC. 2901. The Federal Transit Administration's Dear Colleague letter dated April 29, 2005 (C–05–05), which requires fixed guideway projects to achieve a ''medium'' cost-effectiveness rating for the Federal Transit Administration to recommend such projects for funding, shall not apply to the Northstar Corridor Commuter Rail Project in Minnesota.

SA 3672. Mr. CORNYN (for himself and Mrs. HUTCHISON) submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; as follows:

At the end of chapter 7 of title II, insert the following:

NATIONAL EMERGENCY GRANTS

SEC. ____. In distributing unobligated funds described in section 132(a)(2)(A) of the Workforce Investment Act of 1998 (29 U.S.C. 2862(a)(2)(A)) and appropriated for fiscal year 2006 for national emergency grants under section 173 of such Act (29 U.S.C. 2918) (not including funds available for Community-Based Job Training Grants under section 171(d) of such Act (29 U.S.C. 2916(d)), the Secretary shall give priority to States that—

(1) received national emergency grants under such section 173 to assist—

(A) individuals displaced by Hurricane Katrina; or

(B) individuals displaced by Hurricane Rita;

(2) continue to assist individuals described in subparagraph (A), or individuals described in subparagraph (B), of paragraph (1); and

(3) can demonstrate an ongoing need for funds to assist individuals described in subparagraph (A), or individuals described in subparagraph (B), of paragraph (1).

SA 3673. Mr. INOUYE submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 246, line 1, strike ''$500,000'' and all that follows through line 8 and insert ''$1,400,000, to remain available until expended, for assistance with assessments of critical reservoirs and dams in the State of Hawaii, including the monitoring of dam structures: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.''.

SA 3674. Mr. NELSON of Florida submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 194, between lines 3 and 4, insert the following:

RECONSTITUTION AND REPAIR OF SANTA ROSA ISLAND RANGE COMPLEX AND REPLACEMENT OF RANGE BUILDING, EGLIN AIR FORCE BASE, FLORIDA

SEC. 2806. (a) The amount appropriated by this chapter under the heading ''MILITARY CONSTRUCTION, AIR FORCE'' is hereby increased by $162,000,000.

(b) Of the amount appropriated by this chapter under the heading ''MILITARY CONSTRUCTION, AIR FORCE'', as increased by subsection (a), $162,000,000 shall be made available for the reconstitution and repair of the Santa Rosa Island Range Complex and the replacement of a range building at Eglin Air Force Base, Florida.

(c) The amount made available under subsection (a) is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

SA 3675. Mr. MENENDEZ (for himself, Mr. LAUTENBERG, Mr. INOUYE, Mrs. CLINTON, and Mr. LIEBERMAN) submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 237, between lines 6 and 7, insert the following:

For an additional amount for the training of employees of the Bureau of Customs and Border Protection, $10,000,000, to remain available until September 30, 2007: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

On page 237, between lines 10 and 11, insert the following:

For an additional amount for the purchase of new container inspection technology at ports in developing countries and the training of local authorities, pursuant to section 70109 of title 46, United States Code, on the use of such technology, $50,000,000, to remain available until September 30, 2007: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

For an additional amount for the implementation of section 70105 of title 46, United States Code, $12,000,000, to remain available until September 30, 2007: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

TRANSPORTATION SECURITY ADMINISTRATION

TRANSPORTATION VETTING AND CREDENTIALING

For an additional amount for the implementation of section 70105 of title 46, United States Code, $13,000,000, to remain available until September 30, 2007, of which $250,000 shall be made available for the Secretary of Homeland Security's preparation and submission to Congress of a plan, not later than September 30, 2006, with specific annual benchmarks, to inspect 100 percent of the cargo containers destined for the United States: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

On page 237, line 25, strike ''$132,000,000'' and insert ''$232,000,000'': *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

SA 3676. Mr. BENNETT (for himself and Mr. KOHL) submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 135, after line 26, insert the following:

WILDLIFE HABITAT INCENTIVE PROGRAM

SEC. 2_____. Funds made available for the wildlife habitat incentive program established under section 1240N of the Food Security Act of 1985 (16 U.S.C. 3839bb–1) under section 211(b) of the Agricultural Risk Protection Act of 2000 (Public Law 106–224; 7 U.S.C. 1421 note) and section 820 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 (Public Law 106–387; 114 Stat. 1549A–59) shall remain available until expended to carry out obligations made for fiscal year 2001 and are not available for new obligations.

SA 3677. Mr. VOINOVICH (for himself and Mr. DEWINE) submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 253, between lines 19 and 20, insert the following:

RICKENBACKER AIRPORT, COLUMBUS, OHIO

SEC. _____. The project numbered 4651 in section 1702 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1434) is amended by striking ''Grading, paving'' and all that follows through ''Airport'' and inserting ''Grading, paving, roads, and the transfer of rail-to-truck for the intermodal facility at Rickenbacker Airport, Columbus, OH''.

SA 3678. Mr. MENENDEZ (for himself, Mr. LEAHY, Mr. DURBIN, Mr. SARBANES, and Mr. LAUTENBERG) submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 89, line 9, strike ''$69,800,000'' and insert in lieu thereof ''$129,800,000''.

SA 3679. Mr. SPECTER submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 253, between lines 19 and 20, insert the following:

PROHIBITION ON USE OF FUNDS FOR DOMESTIC ELECTRONIC SURVEILLANCE FOR FOREIGN INTELLIGENCE PURPOSES UNLESS CONGRESS IS KEPT FULLY AND CURRENTLY INFORMED

SEC. 7032. (a) PROHIBITION.—No funds appropriated by this or any other Act may be obligated or expended to carry out the NSA program, or any other program of electronic surveillance within the United States for foreign intelligence purposes, unless each of the following is met:

(1) The Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives, and each member of such committee, are kept fully and currently informed of such program in accordance with section 502 of the National Security Act of 1947 (50 U.S.C. 413a).

(2) The Committees on the Judiciary of the Senate and the House of Representatives are kept fully and currently informed of such program in accordance with section 503 of the National Security Act of 1947 (50 U.S.C. 413b).

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Executive Branch should inform the members of the Committees on the Judiciary of the Senate and the House of Representatives on the NSA program and any other program described in subsection (a) in sufficient detail so as to facilitate and ensure the discharge by such Committees of their oversight responsibilities to determine the constitutionality of Executive Branch actions.

(c) NSA PROGRAM DEFINED.—In this section, the term ''NSA program'' means the program of the National Security Agency on electronic surveillance within the United States for foreign intelligence purposes the existence of which has been acknowledged by President George W. Bush and other Executive Branch officials on and after December 17, 2005, any unacknowledged part of the program, and any associated National Security Agency programs or activities.

SA 3680. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC.____. (A) The United States shall redeploy U.S. forces from Iraq by December 31st, 2006, maintaining only a minimal force sufficient for engaging directly in targeted counter-terrorism activities, training Iraqi security forces, and protecting U.S. infrastructure and personnel.

(B) Not later than 30 days after the enactment of this Act, the President shall direct the Secretary of Defense, in consultation with the Secretary of State, to provide to Congress a report that includes the strategy for the redeployment of U.S. forces Iraq by December 31st, 2006. The strategy shall include the following:

(1) A flexible timeline for redeployment U.S. forces from Iraq by December 31st, 2006;

(2) The number, size, and character of U.S. military units needed in Iraq beyond December 31st, 2006, for purposes of counter-terrorism activities, training Iraqi security forces, and protecting U.S. infrastructure and personnel;

(3) A strategy for addressing the regional implications of redeploying U.S. troops on a diplomatic, political, and development level;

(4) A strategy for ensuring the safety and security of U.S. forces in Iraq during and after the redeployment, and a contingency plan for addressing dramatic changes in security conditions that may require a limited number of U.S. forces to remain in Iraq after December 31st, 2006; and

(5) A strategy for redeploying U.S. forces to effectively engage and defeat global terrorist networks that threaten the United States.

SA 3681. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 161, strike line 17 and all that follows through page 162, line 4, and insert the following:

at the Inner Harbor Navigation Canal; and $80,000,000 shall be used for incorporation of certain non-Federal levees in Plaquemines Parish, and in Jefferson Parish in the vicinity of Jean Lafitte, into the existing Federal levee system: *Provided further*, That any project using funds appropriated under this heading shall be initiated only after non-Federal interests have entered into binding agreements with the Secretary to pay 100 percent of the operation, maintenance, repair, replacement, and rehabilitation costs of the project and to hold and save the United States free from damages due to the construction or operation and maintenance of the project, except for damages due to the fault or negligence of the United States or its contractors: *Provided further*, That $621,500,000 of the amount shall be available only

SA 3682. Mr. BIDEN submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert:

SEC. __. SENSE OF THE SENATE ON LEGISLATION REPEALING FOSSIL FUEL ENERGY TAX BREAKS.

(a) FINDINGS.—The Senate finds the following:

(1) President Bush stated the following on April 20, 2005: ''With oil at more than $50 a barrel . . . energy companies do not need taxpayer-funded incentives to explore for oil and gas.''.

(2) President Bush stated the following on April 25, 2006: ''Record oil prices and large cash flows . . . mean that Congress has to understand that these energy companies don't need unnecessary tax breaks. ''.

(3) The price of a barrel of crude oil recently exceeded $75, and remains above $72.

(4) The average price of a gallon of regular gasoline is currently over $2.90, and exceeds $3 in many parts of the country.

(5) Since 2001, the median family income has not kept pace with the cost of living, and the price of a gallon of regular gas has increased over 100 percent.

(6) There have been 2,600 mergers in the oil and gas industry in the past decade.

(7) The profits of the oil and gas industry reached historic highs last year, including over $36 billion in profits for Exxon Mobil, the most ever for a single corporation.

(8) On March 14 of this year, the Senate Committee on the Judiciary conducted an antitrust oversight hearing on the effect of oil and gas industry consolidation on consumer prices, and at that hearing the chief executives of six major oil and gas companies stated under oath that they do not need additional incentives to conduct their businesses.

(9) The aggregate budget deficit of the United States for the period of fiscal years 2002 to 2011 is projected to total $2.7 trillion.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the Committee on Finance shall, within 90 days of the date of the enactment of this Act, report legislation that repeals the provisions of, and the amendments made by, subtitle B of title XIII of the Energy Policy Act of 2005.

SA 3683. Mr. BIDEN submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. RESTORATION OF PHASEOUT OF PERSONAL EXEMPTIONS AND OVERALL LIMITATION ON ITEMIZED DEDUCTIONS IN ORDER TO FUND ONGOING OPERATIONS IN IRAQ AND AFGHANISTAN.

(a) PERSONAL EXEMPTIONS.—Paragraph (3) of section 151(d) of the Internal Revenue Code of 1986 (relating to exemption amount) is amended by striking subparagraphs (E) and (F).

(b) LIMITATIONS ON ITEMIZED DEDUCTIONS.—Section 68 of the Internal Revenue Code of 1986 is amended by striking subsections (f) and (g).

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2005.

SA 3684. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 1, line 1 of the amendment, insert ''as long as $5,200,000,000 is provided under this heading'' after ''That''.

SA 3685. Mr. LIEBERMAN submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 253, between lines 19 and 20, insert the following:

STRATEGIC LANGUAGE SECURITY

SEC. 7032. (a) ANNUAL REPORTS.—Not later than six months after the date of the enactment of this Act, and annually thereafter, the head of each covered agency shall submit to Congress a report setting forth the following:

(1) The number of employees of such agency who speak, read, or both speak and read a foreign language, set forth by—

(A) language in which speaking, reading, or both speaking and reading proficiency exists;

(B) for each employee who speaks, reads, or both speaks and reads such language proficiently, the level of speaking or reading proficiency, as applicable, and the date such proficiency was obtained; and

(C) for each such language—

(i) the rank and category of each employee who speaks such language at any level of proficiency; and

(ii) the rank and category of each employee who reads such language at any level of proficiency.

(2) The pedagogical capability of such agency with respect to speaking or reading proficiency in various languages, including—

(A) the number of full time and part-time instructors in each language;

(B) the extent and nature of distance learning facilities;

(C) the extent and nature of field and overseas learning facilities; and

(D) the availability and use of textbooks, dictionaries, audio and video instructional materials, and online instructional sites and materials.

(3) An estimate of the needs of such agency over the next three to five years for personnel with speaking, reading, or both speaking and reading proficiency in various foreign languages, including—

(A) the number of personnel needed with speaking, reading, or both speaking and reading proficiency in each such language; and

(B) the percentage of each rank and category of personnel of such agency of which personnel referred to in subparagraph (A) would consist.

(4) An identification of the languages for which such agency currently has a limited current need for personnel with speaking, reading, or both speaking and reading proficiency, but for which such agency could have an expanded future need for such personnel, and an identification of the minimum number of personnel with speaking, reading, or both speaking and reading proficiency in such languages that is required by such agency to maintain sufficient national security readiness with respect to such languages.

(5) A description of any plans of such agency to employee, or secure by contract, personnel with speaking, reading, or both speaking and reading proficiency in each language identified under paragraph (4) in order to meet the future need of such agency for such personnel as described in that paragraph.

(b) COVERED AGENCY DEFINED.—In section, the term ''covered agency'' means the following:

(1) The Department of Defense.

(2) The Department of State.

(3) The Office of the Director of National Intelligence with respect to—

(A) the Office of the Director of National Intelligence; and

(B) each agency under the direction of the Office of the Director of National Intelligence.

SA 3686. Mr. KENNEDY (for himself, Mr. BIDEN, and Mr. LEAHY) submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 126, between lines 12 and 13, insert the following:

UNITED STATES STRATEGY TO PROMOTE DEMOCRACY IN IRAQ

SEC. 1406. (a) Of the funds provided in this chapter for the Economic Support Fund, not less than $96,000,000 should be made available through the Bureau of Democracy, Human Rights, and Labor of the Department of State, in coordination with the United States Agency for International Development where appropriate, to United States nongovernmental organizations for the purpose of supporting broad-based democracy assistance programs in Iraq that promote the long term development of civil society, political parties, election processes, and parliament in that country.

(b) The President shall include in each report submitted to Congress under the United States Policy in Iraq Act (section 1227 of Public Law 109–163; 50 U.S.C. 1541 note; 119 Stat. 3465) a report on the extent to which funds appropriated in this Act support a short-term and long-term strategy to promote and develop democracy in Iraq. The report shall include the following:

(1) A description of the objectives of the Secretary of State to promote and develop democracy at the national, regional, and provincial levels in Iraq, including development of civil society, political parties, and government institutions.

(2) The strategy to achieve such objectives.

(3) The schedule to achieve such objectives.

(4) The progress made toward achieving such objectives.

(5) The principal official within the United States Government responsible for coordinating and implementing democracy funding for Iraq.

SA 3687. Mr. KENNEDY (for himself and Mr. LEAHY) submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 126, between lines 12 and 13, insert the following:

REPORTS TO CONGRESS ON PREPAREDNESS FOR CIVIL WAR IN IRAQ

SEC. 1406. (a) REPORTS REQUIRED.—Not later than 30 days after the date of the enactment of this Act, and every 90 days thereafter, the President shall submit to Congress a report setting for the determination of the President as to whether there is a civil war in Iraq.

(b) ELEMENTS.—Each report required by subsection (a) shall include the following:

(1) The criteria underlying the determination contained in such report, including an assessment of—

(A) levels of sectarian violence;

(B) the numbers of civilians displaced;

(C) the degree to which government security forces exercise effective control over major urban areas;

(D) the extent to which units of the security forces (including army, police, and special forces) respond to militia and party leaders rather than to their national commands;

(E) the extent to which militias have organized or conducted hostile actions against United States military forces;

(F) the extent to which militias are providing security; and

(G) the number of civilian casualties as a result of sectarian violence.

(2) If in such report the President determines that there is not a civil war in Iraq, a description (in unclassified form) of—

(A) the efforts of the United States Government to help avoid civil war in Iraq;

(B) the strategy to protect the Armed Forces of the United States in the event of civil war in Iraq; and

(C) the strategy to ensure that the Armed Forces of the United States will not take sides in the event of civil war in Iraq.

(3) If in such report the President determines that there is a civil war in Iraq, a description (in unclassified form) of—

(A) the mission and duration of the Armed Forces of the United States in Iraq;

(B) the strategy to protect the Armed Forces of the United States while they remain in Iraq; and

(C) the strategy to ensure that the Armed Forces of the United States will not take sides in the civil war in Iraq.

SA 3688. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. ___. FUNDING FOR THE COVERED COUNTERMEASURES PROCESS FUND.

For an additional amount for funding the Covered Countermeasures Process Fund under section 319F–4 of the Public Health Service Act (42 U.S.C. 247d–6e), $289,000,000: *Provided*, That the amounts provided for under this section shall be designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress): *Provided further*, That amounts provided for under this section shall remain available until expended.

SA 3689. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. FUNDING FOR THE COVERED COUNTERMEASURES PROCESS FUND.

For an additional amount for funding the Covered Countermeasures Process Fund under section 319F–4 of the Public Health

Service Act (42 U.S.C. 247d–6e), $289,000,000: *Provided*, That no funds appropriated under this Act or any other provision of law shall be used to issue a declaration under section 319F–3(b) of such Act (42 U.S.C. 247d–6d(b)) that specifies any countermeasure other than a vaccine for pandemic influenza: *Provided further*, That the amounts provided for under this section shall be designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress): *Provided further*, That amounts provided for under this section shall remain available until expended.

SA 3690. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE ____—PUBLIC READINESS AND EMERGENCY PREPAREDNESS

SEC. ___01. SHORT TITLE,

This title may be cited as the ''Responsible Public Readiness and Emergency Preparedness Act''.

SEC. ___02. REPEAL.

The Public Readiness and Emergency Preparedness Act (division C of the Department of Defense, Emergency Supplemental Appropriations to Address Hurricanes in the Gulf of Mexico, and Pandemic Influenza Act, 2006 (Public Law 109-148)) is repealed.

SEC. ___03. NATIONAL BIODEFENSE INJURY COMPENSATION PROGRAM.

(a) ESTABLISHMENT.—Section 224 of the Public Health Service Act (42 U.S.C. 233) is amended by adding at the end the following:

''(q) BIODEFENSE INJURY COMPENSATION PROGRAM.—

''(1) ESTABLISHMENT.—There is established the Biodefense Injury Compensation Program (referred to in this subsection as the 'Compensation Program') under which compensation may be paid for death or any injury, illness, disability, or condition that is likely (based on best available evidence) to have been caused by the administration of a covered countermeasure to an individual pursuant to a declaration under subsection (p)(2).

''(2) ADMINISTRATION AND INTERPRETATION.—The statutory provisions governing the Compensation Program shall be administered and interpreted in consideration of the program goals described in paragraph (4)(B)(iii).

''(3) PROCEDURES AND STANDARDS.—The Secretary shall by regulation establish procedures and standards applicable to the Compensation Program that follow the procedures and standards applicable under the National Vaccine Injury Compensation Program established under section 2110, except that the regulations promulgated under this paragraph shall permit a person claiming injury or death related to the administration of any covered countermeasure to file either—

''(A) a civil action for relief under subsection (p); or

''(B) a petition for compensation under this subsection.

''(4) INJURY TABLE.—

''(A) INCLUSION.—For purposes of receiving compensation under the Compensation Program with respect to a countermeasure that is the subject of a declaration under subsection (p)(2), the Vaccine Injury Table under section 2114 shall be deemed to include death and the injuries, disabilities, illnesses, and conditions specified by the Secretary under subparagraph (B)(ii).

''(B) INJURIES, DISABILITIES, ILLNESSES, AND CONDITIONS.—

''(i) INSTITUTE OF MEDICINE.—Not later than 30 days after making a declaration described in subsection (p)(2), the Secretary shall enter into a contract with the Institute of Medicine, under which the Institute shall, within 180 days of the date on which the contract is entered into, and periodically thereafter as new information, including information derived from the monitoring of those who were administered the countermeasure, becomes available, provide its expert recommendations on the injuries, disabilities, illnesses, and conditions whose occurrence in one or more individuals are likely (based on best available evidence) to have been caused by the administration of a countermeasure that is the subject of the declaration.

''(ii) SPECIFICATION BY SECRETARY.—Not later than 30 days after the receipt of the expert recommendations described in clause (i), the Secretary shall, based on such recommendations, specify those injuries, disabilities, illnesses, and conditions deemed to be included in the Vaccine Injury Table under section 2114 for the purposes described in subparagraph (A).

''(iii) PROGRAM GOALS.—The Institute of Medicine, under the contract under clause (i), shall make such recommendations, the Secretary shall specify, under clause (ii), such injuries, disabilities, illnesses, and conditions, and claims under the Compensation Program under this subsection shall be processed and decided taking into account the following goals of such program:

''(I) To encourage persons to develop, manufacture, and distribute countermeasures, and to administer covered countermeasures to individuals, by limiting such persons' liability for damages related to death and such injuries, disabilities, illnesses, and conditions.

''(II) To encourage individuals to consent to the administration of a covered countermeasure by providing adequate and just compensation for damages related to death and such injuries, disabilities, illnesses, or conditions.

''(III) To provide individuals seeking compensation for damages related to the administration of a countermeasure with a non-adversarial administrative process for obtaining adequate and just compensation.

''(iv) USE OF BEST AVAILABLE EVIDENCE.—The Institute of Medicine, under the contract under clause (i), shall make such recommendations, the Secretary shall specify, under clause (ii), such injuries, disabilities, illnesses, and conditions, and claims under the Compensation Program under this subsection shall be processed and decided using the best available evidence, including information from adverse event reporting or other monitoring of those individuals who were administered the countermeasure, whether evidence from clinical trials or other scientific studies in humans is available.

''(v) APPLICATION OF SECTION 2115.—With respect to section 2115(a)(2) as applied for purposes of this subsection, an award for the estate of the deceased shall be—

''(I) if the deceased was under the age of 18, an amount equal to the amount that may be paid to a survivor or survivors as death benefits under the Public Safety Officers' Benefits Program under subpart 1 of part L of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796 et seq.); or

''(II) if the deceased was 18 years of age or older, the greater of—

''(aa) the amount described in subclause (I); or

''(bb) the projected loss of employment income, except that the amount under this item may not exceed an amount equal to 400 percent of the amount that applies under item (aa).

''(vi) APPLICATION OF SECTION 2116.—Section 2116(b) shall apply to injuries, disabilities, illnesses, and conditions initially specified or revised by the Secretary under clause (ii), except that the exceptions contained in paragraphs (1) and (2) of such section shall not apply.

''(C) RULE OF CONSTRUCTION.—Section 13632 (a)(3) of Public Law 103–66 (107 Stat. 646) (making revisions by Secretary to the Vaccine Injury Table effective on the effective date of a corresponding tax) shall not be construed to apply to any revision to the Vaccine Injury Table made under regulations under this paragraph.

''(5) APPLICATION.—The Compensation Program applies to any death or injury, illness, disability, or condition that is likely (based on best available evidence) to have been caused by the administration of a covered countermeasure to an individual pursuant to a declaration under subsection (p)(2).

''(6) SPECIAL MASTERS.—

''(A) HIRING.—In accordance with section 2112, the judges of the United States Claims Court shall appoint a sufficient number of special masters to address claims for compensation under this subsection.

''(B) BUDGET AUTHORITY.—There are appropriated to carry out this subsection such sums as may be necessary for fiscal year 2006 and each fiscal year thereafter. This subparagraph constitutes budget authority in advance of appropriations and represents the obligation of the Federal Government.

''(7) COVERED COUNTERMEASURE.—For purposes of this subsection, the term 'covered countermeasure' has the meaning given to such term in subsection (p)(7)(A).

''(8) FUNDING.—Compensation made under the Compensation Program shall be made from the same source of funds as payments made under subsection (p).''.

(b) EFFECTIVE DATE.—This section shall take effect as of November 25, 2002 (the date of enactment of the Homeland Security Act of 2002 (Pub. L. 107–296; 116 Stat. 2135)).

SEC. ___04. INDEMNIFICATION FOR MANUFACTURERS AND HEALTH CARE PROFESSIONALS WHO ADMINISTER MEDICAL PRODUCTS NEEDED FOR BIODEFENSE.

Section 224(p) of the Public Health Service Act (42 U.S.C. 233(p)) is amended—

(1) in the subsection heading by striking ''SMALLPOX'';

(2) in paragraph (1), by striking ''against smallpox'';

(3) in paragraph (2)—

(A) in the paragraph heading, by striking ''AGAINST SMALLPOX''; and

(B) in subparagraph (B), by striking clause (ii);

(4) by striking paragraph (3) and inserting the following:

''(3) EXCLUSIVITY; OFFSET.—

''(A) EXCLUSIVITY.—With respect to an individual to which this subsection applies, such individual may bring a claim for relief under—

''(i) this subsection;

''(ii) subsection (q); or

''(iii) part C.

''(B) ELECTION OF ALTERNATIVES.—An individual may only pursue one remedy under subparagraph (A) at any one time based on the same incident or series of incidents. An individual who elects to pursue the remedy under subsection (q) or part C may decline any compensation awarded with respect to such remedy and subsequently pursue the remedy provided for under this subsection. An individual who elects to pursue the remedy provided for under this subsection may

not subsequently pursue the remedy provided for under subsection (q) or part C.

''(C) STATUTE OF LIMITATIONS.—For purposes of determining how much time has lapsed when applying statute of limitations requirements relating to remedies under subparagraph (A), any limitation of time for commencing an action, or filing an application, petition, or claim for such remedies, shall be deemed to have been suspended for the periods during which an individual pursues a remedy under such subparagraph.

''(D) OFFSET.—The value of all compensation and benefits provided under subsection (q) or part C of this title for an incident or series of incidents shall be offset against the amount of an award, compromise, or settlement of money damages in a claim or suit under this subsection based on the same incident or series of incidents.'';

(5) in paragraph (6)—

(A) in subparagraph (A), by inserting ''or under subsection (q) or part C'' after ''under this subsection''; and

(B) by redesignating subparagraph (B) as subparagraph (C);

(C) by inserting after subparagraph (A), the following:

''(B) GROSSLY NEGLIGENT, RECKLESS, OR ILLEGAL CONDUCT AND WILLFUL MISCONDUCT.—For purposes of subparagraph (A), grossly negligent, reckless, or illegal conduct or willful misconduct shall include the administration by a qualified person of a covered countermeasure to an individual who was not within a category of individuals covered by a declaration under subsection (p)(2) with respect to such countermeasure where the qualified person fails to have had reasonable grounds to believe such individual was within such a category.''; and

(D) by adding at the end the following:

''(D) LIABILITY OF THE UNITED STATES.—The United States shall be liable under this subsection with respect to a claim arising out of the manufacture, distribution, or administration of a covered countermeasure regardless of whether—

''(i) the cause of action seeking compensation is alleged as negligence, strict liability, breach of warranty, failure to warn, or other action; or

''(ii) the covered countermeasure is designated as a qualified anti-terrorism technology under the SAFETY Act (6 U.S.C. 441 et seq.).''

''(E) GOVERNING LAW.—Notwithstanding the provisions of section 1346(b)(1) and chapter 171 of title 28, United States Code, as they relate to governing law, the liability of the United States as provided in this subsection shall be in accordance with the law of the place of injury.

''(F) MILITARY PERSONNEL AND UNITED STATES CITIZENS OVERSEAS.—

''(i) MILITARY PERSONNEL.—The liability of the United States as provided in this subsection shall extend to claims brought by United States military personnel.

''(ii) CLAIMS ARISING IN A FOREIGN COUNTRY.—Notwithstanding the provisions of section 2680(k) of title 28, United States Code, the liability of the United States as provided for in the subsection shall extend to claims based on injuries arising in a foreign country where the injured party is a member of the United States military, is the spouse or child of a member of the United States military, or is a United States citizen.

''(iii) GOVERNING LAW.—With regard to all claims brought under clause (ii), and notwithstanding the provisions of section 1346(b)(1) and chapter 171 of title 28, United States Code, and of subparagraph (C), as they relate to governing law, the liability of the United States as provided in this subsection shall be in accordance with the law of the claimant's domicile in the United States or most recent domicile with the United States.''; and

(6) in paragraph (7)—

(A) by striking subparagraph (A) and inserting the following:

''(A) COVERED COUNTERMEASURE.—The term 'covered countermeasure', means—

''(i) a substance that is—

''(I)(aa) used to prevent or treat smallpox (including the vaccinia or another vaccine); or

''(bb) vaccinia immune globulin used to control or treat the adverse effects of vaccinia inoculation; and

''(II) specified in a declaration under paragraph (2); or

''(ii) a drug (as such term is defined in section 201(g)(1) of the Federal Food, Drug, and Cosmetic Act), biological product (as such term is defined in section 351(i) of this Act), or device (as such term is defined in section 201(h) of the Federal Food, Drug, and Cosmetic Act) that—

''(I) the Secretary determines to be a priority (consistent with sections 302(2) and 304(a) of the Homeland Security Act of 2002) to treat, identify, or prevent harm from any biological, chemical, radiological, or nuclear agent identified as a material threat under section 319F–2(c)(2)(A)(ii), or to treat, identify, or prevent harm from a condition that may result in adverse health consequences or death and may be caused by administering a drug, biological product, or device against such an agent;

''(II) is—

''(aa) authorized for emergency use under section 564 of the Federal Food, Drug, and Cosmetic Act, so long as the manufacturer of such drug, biological product, or device has—

''(AA) made all reasonable efforts to obtain applicable approval, clearance, or licensure; and

''(BB) cooperated fully with the requirements of the Secretary under such section 564; or

''(bb) approved or licensed solely pursuant to the regulations under subpart I of part 314 or under subpart H of part 601 of title 21, Code of Federal Regulations (as in effect on the date of enactment of the National Biodefense Act of 2005); and

''(III) is specified in a declaration under paragraph (2).''; and

(B) in subparagraph (B)—

(i) by striking clause (ii), and inserting the following:

''(ii) a health care entity, a State, or a political subdivision of a State under whose auspices such countermeasure was administered;'' and

(vi) in clause (viii), by inserting before the period ''if such individual performs a function for which a person described in clause (i), (ii), or (iv) is a covered person''.

SA 3691. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE ____—PUBLIC READINESS AND EMERGENCY PREPAREDNESS

SEC. ____01. SHORT TITLE,

This title may be cited as the ''Responsible Public Readiness and Emergency Preparedness Act''.

SEC. ____02. REPEAL.

The Public Readiness and Emergency Preparedness Act (division C of the Department of Defense, Emergency Supplemental Appropriations to Address Hurricanes in the Gulf of Mexico, and Pandemic Influenza Act, 2006 (Public Law 109-148)) is repealed.

SEC. ____03. NATIONAL BIODEFENSE INJURY COMPENSATION PROGRAM.

(a) ESTABLISHMENT.—Section 224 of the Public Health Service Act (42 U.S.C. 233) is amended by adding at the end the following:

''(q) BIODEFENSE INJURY COMPENSATION PROGRAM.—

''(1) ESTABLISHMENT.—There is established the Biodefense Injury Compensation Program (referred to in this subsection as the 'Compensation Program') under which compensation may be paid for death or any injury, illness, disability, or condition that is likely (based on best available evidence) to have been caused by the administration of a covered countermeasure to an individual pursuant to a declaration under subsection (p)(2).

''(2) ADMINISTRATION AND INTERPRETATION.—The statutory provisions governing the Compensation Program shall be administered and interpreted in consideration of the program goals described in paragraph (4)(B)(iii).

''(3) PROCEDURES AND STANDARDS.—The Secretary shall by regulation establish procedures and standards applicable to the Compensation Program that follow the procedures and standards applicable under the National Vaccine Injury Compensation Program established under section 2110, except that the regulations promulgated under this paragraph shall permit a person claiming injury or death related to the administration of any covered countermeasure to file either—

''(A) a civil action for relief under subsection (p); or

''(B) a petition for compensation under this subsection.

''(4) INJURY TABLE.—

''(A) INCLUSION.—For purposes of receiving compensation under the Compensation Program with respect to a countermeasure that is the subject of a declaration under subsection (p)(2), the Vaccine Injury Table under section 2114 shall be deemed to include death and the injuries, disabilities, illnesses, and conditions specified by the Secretary under subparagraph (B)(ii).

''(B) INJURIES, DISABILITIES, ILLNESSES, AND CONDITIONS.—

''(i) INSTITUTE OF MEDICINE.—Not later than 30 days after making a declaration described in subsection (p)(2), the Secretary shall enter into a contract with the Institute of Medicine, under which the Institute shall, within 180 days of the date on which the contract is entered into, and periodically thereafter as new information, including information derived from the monitoring of those who were administered the countermeasure, becomes available, provide its expert recommendations on the injuries, disabilities, illnesses, and conditions whose occurrence in one or more individuals are likely (based on best available evidence) to have been caused by the administration of a countermeasure that is the subject of the declaration.

''(ii) SPECIFICATION BY SECRETARY.—Not later than 30 days after the receipt of the expert recommendations described in clause (i), the Secretary shall, based on such recommendations, specify those injuries, disabilities, illnesses, and conditions deemed to be included in the Vaccine Injury Table under section 2114 for the purposes described in subparagraph (A).

''(iii) PROGRAM GOALS.—The Institute of Medicine, under the contract under clause (i), shall make such recommendations, the Secretary shall specify, under clause (ii), such injuries, disabilities, illnesses, and conditions, and claims under the Compensation

Program under this subsection shall be processed and decided taking into account the following goals of such program:

''(I) To encourage persons to develop, manufacture, and distribute countermeasures, and to administer covered countermeasures to individuals, by limiting such persons' liability for damages related to death and such injuries, disabilities, illnesses, and conditions.

''(II) To encourage individuals to consent to the administration of a covered countermeasure by providing adequate and just compensation for damages related to death and such injuries, disabilities, illnesses, or conditions.

''(III) To provide individuals seeking compensation for damages related to the administration of a countermeasure with a non-adversarial administrative process for obtaining adequate and just compensation.

''(iv) USE OF BEST AVAILABLE EVIDENCE.—The Institute of Medicine, under the contract under clause (i), shall make such recommendations, the Secretary shall specify, under clause (ii), such injuries, disabilities, illnesses, and conditions, and claims under the Compensation Program under this subsection shall be processed and decided using the best available evidence, including information from adverse event reporting or other monitoring of those individuals who were administered the countermeasure, whether evidence from clinical trials or other scientific studies in humans is available.

''(v) APPLICATION OF SECTION 2115.—With respect to section 2115(a)(2) as applied for purposes of this subsection, an award for the estate of the deceased shall be—

''(I) if the deceased was under the age of 18, an amount equal to the amount that may be paid to a survivor or survivors as death benefits under the Public Safety Officers' Benefits Program under subpart 1 of part L of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796 et seq.); or

''(II) if the deceased was 18 years of age or older, the greater of—

''(aa) the amount described in subclause (I); or

''(bb) the projected loss of employment income, except that the amount under this item may not exceed an amount equal to 400 percent of the amount that applies under item (aa).

''(vi) APPLICATION OF SECTION 2116.—Section 2116(b) shall apply to injuries, disabilities, illnesses, and conditions initially specified or revised by the Secretary under clause (ii), except that the exceptions contained in paragraphs (1) and (2) of such section shall not apply.

''(C) RULE OF CONSTRUCTION.—Section 13632 (a)(3) of Public Law 103–66 (107 Stat. 646) (making revisions by Secretary to the Vaccine Injury Table effective on the effective date of a corresponding tax) shall not be construed to apply to any revision to the Vaccine Injury Table made under regulations under this paragraph.

''(5) APPLICATION.—The Compensation Program applies to any death or injury, illness, disability, or condition that is likely (based on best available evidence) to have been caused by the administration of a covered countermeasure to an individual pursuant to a declaration under subsection (p)(2).

''(6) SPECIAL MASTERS.—

''(A) HIRING.—In accordance with section 2112, the judges of the United States Claims Court shall appoint a sufficient number of special masters to address claims for compensation under this subsection.

''(B) BUDGET AUTHORITY.—There are appropriated to carry out this subsection such sums as may be necessary for fiscal year 2006 and each fiscal year thereafter. This subparagraph constitutes budget authority in advance of appropriations and represents the obligation of the Federal Government.

''(7) COVERED COUNTERMEASURE.—For purposes of this subsection, the term 'covered countermeasure' has the meaning given to such term in subsection (p)(7)(A).

''(8) FUNDING.—Compensation made under the Compensation Program shall be made from the same source of funds as payments made under subsection (p).''.

(b) EFFECTIVE DATE.—This section shall take effect as of November 25, 2002 (the date of enactment of the Homeland Security Act of 2002 (Pub. L. 107–296; 116 Stat. 2135)).

SEC. ___04. INDEMNIFICATION FOR MANUFACTURERS AND HEALTH CARE PROFESSIONALS WHO ADMINISTER MEDICAL PRODUCTS NEEDED FOR BIODEFENSE.

Section 224(p) of the Public Health Service Act (42 U.S.C. 233(p)) is amended—

(1) in the subsection heading by striking ''SMALLPOX'';

(2) in paragraph (1), by striking ''against smallpox'';

(3) in paragraph (2)—

(A) in the paragraph heading, by striking ''AGAINST SMALLPOX''; and

(B) in subparagraph (B), by striking clause (ii);

(4) by striking paragraph (3) and inserting the following:

''(3) EXCLUSIVITY; OFFSET.—

''(A) EXCLUSIVITY.—With respect to an individual to which this subsection applies, such individual may bring a claim for relief under—

''(i) this subsection;

''(ii) subsection (q); or

''(iii) part C.

''(B) ELECTION OF ALTERNATIVES.—An individual may only pursue one remedy under subparagraph (A) at any one time based on the same incident or series of incidents. An individual who elects to pursue the remedy under subsection (q) or part C may decline any compensation awarded with respect to such remedy and subsequently pursue the remedy provided for under this subsection. An individual who elects to pursue the remedy provided for under this subsection may not subsequently pursue the remedy provided for under subsection (q) or part C.

''(C) STATUTE OF LIMITATIONS.—For purposes of determining how much time has lapsed when applying statute of limitations requirements relating to remedies under subparagraph (A), any limitation of time for commencing an action, or filing an application, petition, or claim for such remedies, shall be deemed to have been suspended for the periods during which an individual pursues a remedy under such subparagraph.

''(D) OFFSET.—The value of all compensation and benefits provided under subsection (q) or part C of this title for an incident or series of incidents shall be offset against the amount of an award, compromise, or settlement of money damages in a claim or suit under this subsection based on the same incident or series of incidents.'';

(5) in paragraph (6)—

(A) in subparagraph (A), by inserting ''or under subsection (q) or part C'' after ''under this subsection''; and

(B) by redesignating subparagraph (B) as subparagraph (C);

(C) by inserting after subparagraph (A), the following:

''(B) GROSSLY NEGLIGENT, RECKLESS, OR ILLEGAL CONDUCT AND WILLFUL MISCONDUCT.—For purposes of subparagraph (A), grossly negligent, reckless, or illegal conduct or willful misconduct shall include the administration by a qualified person of a covered countermeasure to an individual who was not within a category of individuals covered by a declaration under subsection (p)(2) with respect to such countermeasure where the qualified person fails to have had reasonable grounds to believe such individual was within such a category.''; and

(D) by adding at the end the following:

''(D) LIABILITY OF THE UNITED STATES.—The United States shall be liable under this subsection with respect to a claim arising out of the manufacture, distribution, or administration of a covered countermeasure regardless of whether—

''(i) the cause of action seeking compensation is alleged as negligence, strict liability, breach of warranty, failure to warn, or other action; or

''(ii) the covered countermeasure is designated as a qualified anti-terrorism technology under the SAFETY Act (6 U.S.C. 441 et seq.).''

''(E) GOVERNING LAW.—Notwithstanding the provisions of section 1346(b)(1) and chapter 171 of title 28, United States Code, as they relate to governing law, the liability of the United States as provided in this subsection shall be in accordance with the law of the place of injury.

''(F) MILITARY PERSONNEL AND UNITED STATES CITIZENS OVERSEAS.—

''(i) MILITARY PERSONNEL.—The liability of the United States as provided in this subsection shall extend to claims brought by United States military personnel.

''(ii) CLAIMS ARISING IN A FOREIGN COUNTRY.—Notwithstanding the provisions of section 2680(k) of title 28, United States Code, the liability of the United States as provided for in the subsection shall extend to claims based on injuries arising in a foreign country where the injured party is a member of the United States military, is the spouse or child of a member of the United States military, or is a United States citizen.

''(iii) GOVERNING LAW.—With regard to all claims brought under clause (ii), and notwithstanding the provisions of section 1346(b)(1) and chapter 171 of title 28, United States Code, and of subparagraph (C), as they relate to governing law, the liability of the United States as provided in this subsection shall be in accordance with the law of the claimant's domicile in the United States or most recent domicile with the United States.''; and

(6) in paragraph (7)—

(A) by striking subparagraph (A) and inserting the following:

''(A) COVERED COUNTERMEASURE.—The term 'covered countermeasure', means—

''(i) a substance that is—

''(I)(aa) used to prevent or treat smallpox (including the vaccinia or another vaccine); or

''(bb) vaccinia immune globulin used to control or treat the adverse effects of vaccinia inoculation; and

''(II) specified in a declaration under paragraph (2); or

''(ii) a drug (as such term is defined in section 201(g)(1) of the Federal Food, Drug, and Cosmetic Act), biological product (as such term is defined in section 351(i) of this Act), or device (as such term is defined in section 201(h) of the Federal Food, Drug, and Cosmetic Act) that—

''(I) the Secretary determines to be a priority (consistent with sections 302(2) and 304(a) of the Homeland Security Act of 2002) to treat, identify, or prevent harm from any biological, chemical, radiological, or nuclear agent identified as a material threat under section 319F–2(c)(2)(A)(ii), or to treat, identify, or prevent harm from a condition that may result in adverse health consequences or death and may be caused by administering a drug, biological product, or device against such an agent;

''(II) is—

''(aa) authorized for emergency use under section 564 of the Federal Food, Drug, and Cosmetic Act, so long as the manufacturer of such drug, biological product, or device has—

''(AA) made all reasonable efforts to obtain applicable approval, clearance, or licensure; and

''(BB) cooperated fully with the requirements of the Secretary under such section 564; or

''(bb) approved or licensed solely pursuant to the regulations under subpart I of part 314 or under subpart H of part 601 of title 21, Code of Federal Regulations (as in effect on the date of enactment of the National Biodefense Act of 2005); and

''(III) is specified in a declaration under paragraph (2).''; and

(B) in subparagraph (B)—

(i) by striking clause (ii), and inserting the following:

''(ii) a health care entity, a State, or a political subdivision of a State under whose auspices such countermeasure was administered;'' and

(vi) in clause (viii), by inserting before the period ''if such individual performs a function for which a person described in clause (i), (ii), or (iv) is a covered person''.

SEC. ___05. PREPAREDNESS AND RESPONSE.

(a) IN GENERAL.—The Secretary of Labor and the Secretary of Health and Human Services shall develop and issue workplace standards, recommendations and plans to protect health care workers and first responders, including police, firefighters, and emergency medical personnel from workplace exposure to pandemic influenza. Such standards, recommendations and plans shall set forth appropriate measures to protect workers both in preparation for a potential pandemic influenza occurrence and in response to an actual occurrence of pandemic influenza.

(b) WORKPLACE SAFETY AND HEALTH STANDARDS.—

(1) IN GENERAL.—Within 6 months after the date of the enactment of this Act, pursuant to section 6(c) of the Occupational Safety and Health Act, the Secretary of Labor, in consultation with the Director of the National Institute for Occupational Safety and Health, shall develop and issue an emergency temporary standard for the protection of health care workers and first responders against occupational exposure to pandemic influenza, including avian influenza caused by the H5N1 virus. Within 6 months after the issuance of an emergency standard, the Secretary of Labor shall issue a final permanent standard for occupational exposure to pandemic influenza under section 6(b) of the Occupational Safety and Health Act. The emergency temporary standard and final permanent standard shall provide, at a minimum, for the following:

(A) The development and implementation of an exposure control plan to protect workers from airborne and contact hazards in conformance with the Guideline for Protecting Workers Against Avian Flu issued by the Occupational Safety and Health Administration March 2004, the Centers for Disease Control and Prevention Interim Recommendations for Infection Control in Health-Care Facilities Caring for Patients with Known or Suspected Avian Influenza issued May 21, 2004, and the World Health Organization (WHO) Global Influenza Preparedness Plan issued April 2005.

(B) Personal protective equipment, in conformance with the requirements of 29 CFR 1910.134 and 29 CFR 1910.132.

(C) Training and information in conformance with the OSHA Bloodborne Pathogens standard under 29 CFR 1910.1030(g).

(D) Appropriate medical surveillance for workers exposed to the pandemic influenza virus, including the H5N1 virus.

(E) Immunization against the pandemic influenza virus, if such a vaccine has been approved by the Food and Drug Administration and is available.

(2) EFFECTIVE DATE.—The emergency standard issued under paragraph (1) shall take effect not later than 90 days after the promulgation of such standard, except that the effective date for any requirements for engineering controls shall go into effect not later than 90 days after the promulgation of the final permanent standard. The provisions of the emergency temporary standard shall remain in effect until the final permanent standard is in effect.

(c) PANDEMIC INFLUENZA PREPAREDNESS PLAN REVISIONS.—

(1) MINIMAL REQUIREMENTS.—Within 30 days after the date of the enactment of this Act, the Secretary of Health and Human Services shall revise the provisions of the pandemic influenza plan of the Department of Health and Human Services to conform with the minimal worker protection requirements set forth in subsection (b).

(2) FINAL STANDARD.—Within 30 days of the promulgation of a final standard under subsection (b), the Secretary of Health and Human Services shall modify the pandemic influenza plan of the Department of Health and Human Services to conform with the provisions of the occupational safety and health standard issued by the Secretary of Labor.

SEC. ___06. RELATION TO STATES AND POLITICAL SUBDIVISIONS RECEIVING FUNDS UNDER SECTION 319 of PHSA.

An award of a grant, cooperative agreement, or contract may not be made to any State or political subdivision of a State under any program receiving funds under section 319 of the Public Health Service Act (42 U.S.C. 247d) unless the State or political subdivision agrees to comply with the standards issued under section ___05 for protecting health care workers and first responders from pandemic influenza.

SEC. ___07. PROTECTION OF POULTRY WORKERS.

(a) IN GENERAL.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Health and Human Services, in coordination with the Secretary of Agriculture, the Secretary of Interior, and the Secretary of Labor, shall convene a meeting of experts, representatives of the poultry industry, representatives of poultry workers and other appropriate parties to evaluate the risks to poultry workers posed by exposure to the H5N1 virus, the likelihood of transmission of the virus from birds to poultry workers and the necessary measures to protect poultry workers from exposure.

(b) REVISION OF PREPAREDNESS PLAN.—Not later than 30 days after the meeting under subsection (a), the Secretary shall revise the HHS Pandemic Influenza Plan to include the findings and recommendations of the participants in the meeting.

(c) IMPLEMENTATION OF RECOMMENDATIONS.—The Secretary of Health and Human Services, the Secretary of Agriculture, the Secretary of Interior, and the Secretary of Labor shall take the recommended steps to implement the recommendations of the participants in the meeting under subsection (a).

SA 3692. Mr. FRIST (for himself, Mr. SANTORUM, and Mr. ENSIGN) submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

SEC. ____. None of the funds appropriated or otherwise made available by this Act or any other Act may be obligated or expended in connection with United States participation in, or support for, the activities of the United Nations Human Rights Council.

SEC. ____. (a) Of the amounts appropriated or otherwise made available for the Secretary of State for each of fiscal years 2006 and 2007 to pay the United States share of assessed contributions for the regular budget of the United Nations, $4,300,000 shall be withheld from such payment, and shall be available instead for the purposes described in subsection (b).

(b) The purposes referred to in subsection (a) are the establishment and operation of a state-of-the-art advanced training skills facility to rehabilitate injured veterans at Brooke Army Medical Center in San Antonio, Texas.

(c) Amounts withheld under subsection (a) shall remain available until expended for the purposes described in subsection (b).

SA 3693. Mr. OBAMA (for himself and Mr. COBURN) submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 253, between lines 19 and 20, insert the following:

LIMITS ON ADMINISTRATIVE COSTS UNDER FEDERAL CONTRACTS

SEC. 7032. None of the funds appropriated by this Act may be used by an executive agency to enter into any Federal contract (including any subcontract or follow-on contract) for which the administrative overhead and contract management expenses exceed the reasonable industry standard as published by the Director of the Office of Management and Budget unless, not later than 3 days before entering into the contract, the head of the executive agency provides to the chair and ranking member of the relevant oversight committees of the Senate and the House of Representatives a copy of the contract, any other documentation requested by Congress, and a justification for excessive overhead expense.

SA 3694. Mr. OBAMA (for himself and Mr. COBURN) submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 253, between lines 19 and 20, insert the following:

ACCOUNTABILITY IN HURRICANE RECOVERY CONTRACTING

SEC. 7032. None of the funds appropriated by this Act that are made available for relief and recovery efforts related to Hurricane Katrina and the other hurricanes of the 2005 season may be used by an executive agency to enter into any Federal contract (including any follow-on contract) exceeding $1,000,000 through the use of procedures other than competitive procedures as required by the Federal Acquisition Regulation and, as applicable, section 303(a) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253(a)) or section 2304(a) of title 10, United States Code, unless the Director of the Office of Management and Budget specifically approves the use of such procedures for such contract, and not later than 7 days

after entering into the contract, the executive agency provides to the chair and ranking member of the relevant oversight committees of the Senate and the House of Representatives a copy of the contract, the justification for the procedures used, the date when the contract will end, and the steps being taken to ensure that any future contracts for the product or service or with the same vendor will follow the appropriate competitive procedures.

SA 3695. Mr. OBAMA (for himself and Mr. COBURN) submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 253, between lines 19 and 20, insert the following:

FINANCIAL TRANSPARENCY IN HURRICANE RECOVERY CONTRACTING

SEC. 7032. None of the funds appropriated by this Act that are made available for relief and recovery efforts related to Hurricane Katrina and other hurricanes of the 2005 season may be used by an executive agency to enter into any Federal contract (including any follow-on contract) exceeding $250,000 unless the Director of the Office of Management and Budget publishes on an accessible Federal Internet website an electronically searchable monthly report that includes an electronic mail address and phone number that can be used to report waste, fraud, or abuse, the number and outcome of fraud investigations related to such recovery efforts conducted by executive agencies, and for each entity that has received more than $250,000 in amounts appropriated or otherwise made available by this Act, the name of the entity and a unique identifier, the total amount of Federal funds that the entity has received since August 25, 2005, the geographic location and official tax domicile of the entity and the primary location of performance of contracts paid for with such amounts, and an itemized breakdown of each contract exceeding $100,000 that specifies the funding agency, program source, contract type, number of bids received, and a description of the purpose of the contract.

SA 3696. Mr. OBAMA (for himself and Mr. COBURN) submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 253, between lines 19 and 20, insert the following:

ACCOUNTABILITY IN HURRICANE RECOVERY CONTRACTING

SEC. 7032. (a) None of the funds appropriated by this Act that are made available for relief and recovery efforts related to Hurricane Katrina and the other hurricanes of the 2005 season may be used by an executive agency to enter into any Federal contract (including any follow-on contract) exceeding $1,000,000 through the use of procedures other than competitive procedures as required by the Federal Acquisition Regulation and, as applicable, section 303(a) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253(a)) or section 2304(a) of title 10, United States Code, unless the Director of the Office of Management and Budget specifically approves the use of such procedures for such contract, and not later than 7 days after entering into the contract, the executive agency provides to the chair and ranking member of the relevant oversight committees of the Senate and the House of Representatives a copy of the contract, the justification for the procedures used, the date when the contract will end, and the steps being taken to ensure that any future contracts for the product or service or with the same vendor will follow the appropriate competitive procedures.

(b) None of the funds appropriated by this Act may be used by an executive agency to enter into any Federal contract (including any subcontract or follow-on contract) for which the administrative overhead and contract management expenses exceed the reasonable industry standard as published by the Director of the Office of Management and Budget unless, not later than 3 days before entering into the contract, the head of the executive agency provides to the chair and ranking member of the relevant oversight committees of the Senate and the House of Representatives a copy of the contract, any other documentation requested by Congress, and a justification for excessive overhead expense.

(c) None of the funds appropriated by this Act that are made available for relief and recovery efforts related to Hurricane Katrina and other hurricanes of the 2005 season may be used by an executive agency to enter into any Federal contract (including any follow-on contract) exceeding $250,000 unless the Director of the Office of Management and Budget publishes on an accessible Federal Internet website an electronically searchable monthly report that includes an electronic mail address and phone number that can be used to report waste, fraud, or abuse, the number and outcome of fraud investigations related to such recovery efforts conducted by executive agencies, and for each entity that has received more than $250,000 in amounts appropriated or otherwise made available by this Act, the name of the entity and a unique identifier, the total amount of Federal funds that the entity has received since August 25, 2005, the geographic location and official tax domicile of the entity and the primary location of performance of contracts paid for with such amounts, and an itemized breakdown of each contract exceeding $100,000 that specifies the funding agency, program source, contract type, number of bids received, and a description of the purpose of the contract.

SA 3697. Mr. OBAMA (for himself and Mr. COBURN) submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 253, between lines 19 and 20, insert the following:

TITLE VII—EMERGENCY RECOVERY SPENDING OVERSIGHT

SEC. 8001. SHORT TITLE.

This title may be cited as the ''Oversight of Vital Emergency Recovery Spending Enhancement and Enforcement Act of 2006''.

SEC. 8002. DEFINITIONS.

(a) CHIEF FINANCIAL OFFICER.—The term ''Chief Financial Officer'' means the Hurricane Katrina Recovery Chief Financial Officer.

(b) OFFICE.—The term ''Office'' means the Office of the Hurricane Katrina Recovery Chief Financial Officer.

SEC. 8003. ESTABLISHMENT AND FUNCTIONS.

(a) ESTABLISHMENT.—There is established within the Executive Office of the President, the Office of the Hurricane Katrina Recovery Chief Financial Officer.

(b) CHIEF FINANCIAL OFFICER.—

(1) APPOINTMENT.—The Hurricane Katrina Recovery Chief Financial Officer shall be the head of the Office. The Chief Financial Officer shall be appointed by the President, by and with the advice and consent of the Senate.

(2) QUALIFICATIONS.—The Chief Financial Officer shall—

(A) have the qualifications required under section 901(a)(3) of title 31, United States Code; and

(B) have knowledge of Federal contracting and policymaking functions.

(c) AUTHORITIES AND FUNCTIONS.—

(1) IN GENERAL.—The Chief Financial Officer shall—

(A) be responsible for the efficient and effective use of Federal funds in all activities relating to the recovery from Hurricane Katrina;

(B) strive to ensure that—

(i) priority in the distribution of Federal relief funds is given to individuals and organizations most in need of financial assistance; and

(ii) priority in the distribution of Federal reconstruction funds is given to business entities that are based in Louisiana, Mississippi, Alabama, or Florida or business entities that hire workers who resided in those States on August 24, 2005;

(C) perform risk assessments of all programs and operations related to recovery from Hurricane Katrina and implement internal controls and program oversight based on risk of waste, fraud, or abuse;

(D) oversee all financial management activities relating to the programs and operations of the Hurricane Katrina recovery effort;

(E) develop and maintain an integrated accounting and financial management system, including financial reporting and internal controls, which—

(i) complies with applicable accounting principles, standards, and requirements, and internal control standards;

(ii) complies with such policies and requirements as may be prescribed by the Director of the Office of Management and Budget;

(iii) complies with any other requirements applicable to such systems; and

(iv) provides for—

(I) complete, reliable, consistent, and timely information which is prepared on a uniform basis and which is responsive to the financial information needs of the Office;

(II) the development and reporting of cost information;

(III) the integration of accounting and budgeting information; and

(IV) the systematic measurement of performance;

(F) monitor the financial execution of the budget of Federal agencies relating to recovery from Hurricane Katrina in relation to actual expenditures;

(G) have access to all records, reports, audits, reviews, documents, papers, recommendations, or other material which are the property of Federal agencies or which are available to the agencies, and which relate to programs and operations with respect to which the Chief Financial Officer has responsibilities;

(H) request such information or assistance as may be necessary for carrying out the duties and responsibilities provided by this section from any Federal, State, or local governmental entity, including any Chief Financial Officer under section 902 of title 31, United States Code, and, upon receiving such request, insofar as is practicable and not in contravention of any existing law, any such Federal Governmental entity or Chief Financial Officer under section 902 shall cooperate

and furnish such requested information or assistance;

(I) to the extent and in such amounts as may be provided in advance by appropriations Acts, be authorized to—

(i) enter into contracts and other arrangements with public agencies and with private persons for the preparation of financial statements, studies, analyses, and other services; and

(ii) make such payments as may be necessary to carry out the provisions of this section;

(J) for purposes of the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note), perform, in consultation with the Office of Management and Budget, the functions of the head of an agency for any activity relating to the recovery from Hurricane Katrina that is not currently the responsibility of the head of an agency under that Act; and

(K) transmit a report, on a quarterly basis, regarding any program or activity identified by the Chief Financial Officer as susceptible to significant improper payments under section 2(a) of the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note) to the appropriate inspector general.

(2) ACCESS.—Except as provided in paragraph (1)(H), this subsection does not provide to the Chief Financial Officer any access greater than permitted under any other law to records, reports, audits, reviews, documents, papers, recommendations, or other material of any Office of Inspector General established under the Inspector General Act of 1978 (5 U.S.C. App.).

(3) COORDINATION OF AGENCIES.—In the performance of the authorities and functions under paragraph (1) by the Chief Financial Officer the President (or the President's designee) shall act as the head of the Office and the Chief Financial Officer shall have management and oversight of all agencies performing activities relating to the recovery from Hurricane Katrina.

(4) REGULAR REPORTS.—

(A) IN GENERAL.—Every month the Chief Financial Officer shall submit a financial report on the activities for which the Chief Financial Officer has management and oversight responsibilities to—

(i) the Committee on Homeland Security and Governmental Affairs of the Senate;

(ii) the Committee on Homeland Security of the House of Representatives;

(iii) the Committees on Appropriations of the Senate and House of Representatives; and

(iv) the Committee on Government Reform of the House of Representatives.

(B) CONTENTS.—Each report under this paragraph shall include—

(i) the extent to which Federal relief funds have been given to individuals and organizations most in need of financial assistance;

(ii) the extent to which Federal reconstruction funds have been made available to business entities that are based in Louisiana, Mississippi, Alabama, or Florida or business entities that hire workers who resided in those States on August 24, 2005;

(iii) the extent to which Federal agencies have made use of sole source, no-bid or cost-plus contracts; and

(iv) an assessment of the financial execution of the budget of Federal agencies relating to recovery from Hurricane Katrina in relation to actual expenditures.

(C) FIRST REPORT.—The first report under this paragraph shall be submitted for the first full month for which a Chief Financial Officer has been appointed.

(d) RESPONSIBILITIES OF CHIEF FINANCIAL OFFICERS.—Nothing in this Act shall be construed to relieve the responsibilities of any Chief Financial Officer under section 902 of title 31, United States Code.

(e) AVAILABILITY OF RECORDS.—Upon request to the Chief Financial Officer, the Office shall make the records of the Office available to the Inspector General of any Federal agency performing recovery activities relating to Hurricane Katrina, or to any Special Inspector General designated to investigate such activities, for the purpose of performing the duties of that Inspector General under the Inspector General Act of 1978 (5 U.S.C. App.).

SEC. 8004. REPORTS OF THE GOVERNMENT ACCOUNTABILITY OFFICE.

The Government Accountability Office shall provide quarterly reports to the committees described under section 8003(c)(4)(A) relating to all activities and expenditures overseen by the Office, including—

(1) the accuracy of reports submitted by the Chief Financial Officer to Congress;

(2) the extent to which agencies performing activities relating to the recovery from Hurricane Katrina have made use of sole source, no-bid or cost-plus contracts;

(3) whether Federal funds expended by State and local government agencies were spent for their intended use;

(4) the extent to which Federal relief funds have been distributed to individuals and organizations most affected by Hurricane Katrina and Federal reconstruction funds have been made available to business entities that are based in Louisiana, Mississippi, Alabama, or Florida or business entities that hire workers who resided in those States on August 24, 2005; and

(5) the extent to which internal controls to prevent waste, fraud, or abuse exist in the use of Federal funds relating to the recovery from Hurricane Katrina.

SEC. 8005. ADMINISTRATIVE AND SUPPORT SERVICES.

(a) IN GENERAL.—The President shall provide administrative and support services (including office space) for the Office and the Chief Financial Officer.

(b) PERSONNEL.—The President shall provide for personnel for the Office through the detail of Federal employees. Any Federal employee may be detailed to the Office without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

SEC. 8006. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as necessary to carry out this title.

SEC. 8007. TERMINATION OF OFFICE.

(a) IN GENERAL.—The Office and position of Chief Financial Officer shall terminate 1 year after the date of the enactment of this Act.

(b) EXTENSION.—The President may extend the date of termination annually under subsection (a) to any date occurring before 5 years after the date of the enactment of this Act.

(c) NOTIFICATION.—The President shall notify the committees described under section 8003(c)(4)(A) 60 days before any extension of the date of termination under this section.

SA 3698. Mr. BURNS (for himself and Mr. ROCKEFELLER) submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ——. EXTENSION OF REQUIREMENT FOR AIR CARRIERS TO HONOR TICKETS FOR SUSPENDED AIR PASSENGER SERVICE.

Section 145(c) of the Aviation and Transportation Security Act (49 U.S.C. 40101 note) is amended by striking ''November 19, 2005.'' and inserting ''November 30, 2007.''.

SA 3699. Mr. CORNYN (for himself, Ms. LANDRIEU, Mrs. HUTCHISON, and Mr. NELSON of Florida) submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 200, line 21, insert ''Provided further, That as long as $5,200,000,000 is provided under this heading no State shall be allocated less than 3.5 percent of the amount provided under this heading:'' after ''impacted areas:''.

SA 3700. Mr. DOMENICI (for himself, Mr. GRASSLEY, and Mr. STEVENS) submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 253, between lines 19 and 20, insert the following:

TITLE VIII—GAS TAX RELIEF AND REBATE

Subtitle A—Fuel Tax Holiday Rebate

SEC. 8101. FUEL TAX HOLIDAY REBATE.

(a) IN GENERAL.—Subchapter B of chapter 65 of the Internal Revenue Code of 1986 (relating to rules of special application in the case of abatements, credits, and refunds) is amended by adding at the end the following new section:

''SEC. 6430. FUEL TAX HOLIDAY REBATE.

''(a) GENERAL RULE.—Except as otherwise provided in this section, each individual shall be treated as having made a payment against the tax imposed by chapter 1 for the taxable year beginning in 2006 in an amount equal to $100.

''(b) REMITTANCE OF PAYMENT.—The Secretary shall remit to each taxpayer the payment described in subsection (a) not later than August 30, 2006.

''(c) CERTAIN PERSONS NOT ELIGIBLE.—This section shall not apply to—

''(1) any taxpayer who did not have any adjusted gross income for the preceding taxable year or whose adjusted gross income for such preceding taxable year exceeded the threshold amount (as determined under section 151(d)(3)(C) for such preceding taxable year),

''(2) any individual with respect to whom a deduction under section 151 is allowable to another taxpayer for the taxable year beginning in 2006,

''(3) any estate or trust, or

''(4) any nonresident alien individual.''.

(b) CONFORMING AMENDMENT.—Section 1324(b)(2) of title 31, United States Code, is amended by inserting before the period '', or from section 6430 of such Code''.

(c) CLERICAL AMENDMENT.—The table of sections for subchapter B of chapter 65 of the Internal Revenue Code of 1986 is amended by adding at the end the following new item:

''Sec. 6430. Fuel tax holiday rebate.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

Subtitle B—Price Gouging

SEC. 8201. SHORT TITLE.

This subtitle may be cited as the ''Gasoline Consumer Anti-Price-Gouging Protection Act''.

SEC. 8202. PROTECTION OF CONSUMERS AGAINST PRICE GOUGING.

It is unlawful for any person to increase the price at which that person sells, or offers

to sell, gasoline or petroleum distillates to the public (for purposes other than resale) in, or for use in, an area covered by an emergency proclamation by an unconscionable amount while the proclamation is in effect.

SEC. 8203. JUSTIFIABLE PRICE INCREASES.

(a) IN GENERAL.—The prohibition in section 8202 does not apply to the extent that the increase in the retail price of the gasoline or petroleum distillate is attributable to—

(1) an increase in the wholesale cost of gasoline and petroleum distillates for the region in which the area to which a proclamation under section 8202 applies is located;

(2) an increase in the replacement costs for gasoline or petroleum distillate sold;

(3) an increase in operational costs; or

(4) regional, national, or international market conditions.

(b) OTHER MITIGATING FACTORS.—In determining whether a violation of section 8202 has occurred, there also shall be taken into account, among other factors, the price that would reasonably equate supply and demand in a competitive and freely functioning market and whether the price at which the gasoline or petroleum distillate was sold reasonably reflects additional costs, not within the control of the seller, that were paid or incurred by the seller.

SEC. 8204. FEDERAL AND STATE PROCLAMATIONS.

(a) IN GENERAL.—For purposes of this subtitle—

(1) the President may issue an emergency proclamation for any area within the United States in which an abnormal market disruption has occurred or is reasonably expected to occur; and

(2) the chief executive officer of any State may issue an emergency proclamation for any such area within that State.

(b) SCOPE AND DURATION.—

(1) IN GENERAL.—An emergency proclamation issued under subsection (a) shall specify with particularity—

(A) the geographic area to which it applies;

(B) the period for which the proclamation applies; and

(C) the event, circumstance, or condition that is the reason such a proclamation is determined to be necessary.

(2) LIMITATIONS.—An emergency proclamation issued under subsection (a)—

(A) may not apply for a period of more than 30 consecutive days (renewable for a consecutive period of not more than 30 days); and

(B) may apply to a period of not more than 7 days preceding the occurrence of an event, circumstance, or condition that is the reason such a proclamation is determined to be necessary.

SEC. 8205. ENFORCEMENT BY FEDERAL TRADE COMMISSION.

(a) VIOLATION IS UNFAIR OR DECEPTIVE ACT OR PRACTICE.—This subtitle shall be enforced by the Federal Trade Commission as if the violation of section 8202 were an unfair or deceptive act or practice proscribed under a rule issued under section 18(a)(1)(B) of the Federal Trade Commission Act (15 U.S.C. 57a(a)(1)(B)).

(b) ACTIONS BY THE COMMISSION.—The Commission shall prevent any person from violating this subtitle in the same manner, by the same means, and with the same jurisdiction, powers, and duties as though all applicable terms and provisions of the Federal Trade Commission Act (15 U.S.C. 41 et seq.) were incorporated into and made a part of this subtitle. Any entity that violates any provision of this subtitle is subject to the penalties and entitled to the privileges and immunities provided in the Federal Trade Commission Act in the same manner, by the same means, and with the same jurisdiction, power, and duties as though all applicable terms and provisions of the Federal Trade Commission Act were incorporated into and made a part of this subtitle.

(c) REGULATIONS.—Not later than 180 days after the date of enactment of this Act, the Federal Trade Commission shall prescribe such regulations as may be necessary or appropriate to implement this subtitle.

SEC. 8206. ENFORCEMENT BY STATES.

(a) IN GENERAL.—A State, as parens patriae, may bring a civil action on behalf of its residents in an appropriate district court of the United States to enforce the provisions of this subtitle, whenever the chief legal officer of the State has reason to believe that the interests of the residents of the State have been or are being threatened or adversely affected by a violation of this subtitle or a regulation under this subtitle.

(b) NOTICE.—The State shall serve written notice to the Federal Trade Commission of any civil action under subsection (a) prior to initiating such civil action. The notice shall include a copy of the complaint to be filed to initiate such civil action, except that if it is not feasible for the State to provide such prior notice, the State shall provide such notice immediately upon instituting such civil action.

(c) AUTHORITY TO INTERVENE.—Upon receiving the notice required by subsection (b), the Commission may intervene in such civil action and upon intervening—

(1) be heard on all matters arising in such civil action; and

(2) file petitions for appeal of a decision in such civil action.

(d) CONSTRUCTION.—For purposes of bringing any civil action under subsection (a), nothing in this section shall prevent the chief legal officer of a State from exercising the powers conferred on that officer by the laws of such State to conduct investigations or to administer oaths or affirmations or to compel the attendance of witnesses or the production of documentary and other evidence.

(e) VENUE; SERVICE OF PROCESS.—In a civil action brought under subsection (a)—

(1) the venue shall be a judicial district in which the violation occurred;

(2) process may be served without regard to the territorial limits of the district or of the State in which the civil action is instituted; and

(3) a person who participated in an alleged violation that is being litigated in the civil action may be joined in the civil action without regard to the residence of the person.

(f) LIMITATION ON STATE ACTION WHILE FEDERAL ACTION IS PENDING.—If the Commission has instituted a civil action or an administrative action for violation of this subtitle, the chief legal officer of the State in which the violation occurred may not bring an action under this section during the pendency of that action against any defendant named in the complaint of the Commission or the other agency for any violation of this subtitle alleged in the complaint.

(g) ENFORCEMENT OF STATE LAW.—Nothing contained in this section shall prohibit an authorized State official from proceeding in State court to enforce a civil or criminal statute of such State.

SEC. 8207. PENALTIES.

(a) CIVIL PENALTY.—

(1) IN GENERAL.—In addition to any penalty applicable under the Federal Trade Commission Act any person who violates this subtitle is punishable by a civil penalty of—

(A) not more than $500,000, in the case of an independent small business marketer of gasoline (within the meaning of section 324(c) of the Clean Air Act (42 U.S.C. 7625(c)); and

(B) not more than $5,000,000 in the case of any other person.

(2) METHOD OF ASSESSMENT.—The penalty provided by paragraph (1) shall be assessed in the same manner as civil penalties imposed under section 5 of the Federal Trade Commission Act (15 U.S.C. 45).

(3) MULTIPLE OFFENSES; MITIGATING FACTORS.—In assessing the penalty provided by subsection (a)—

(A) each day of a continuing violation shall be considered a separate violation; and

(B) the Commission shall take into consideration the seriousness of the violation and the efforts of the person committing the violation to remedy the harm caused by the violation in a timely manner.

(b) CRIMINAL PENALTY.—

(1) IN GENERAL.—In addition to any penalty applicable under the Federal Trade Commission Act, the violation of this subtitle is punishable by a fine of not more than $1,000,000, imprisonment for not more than 2 years, or both.

(2) ENFORCEMENT.—The criminal penalty provided by paragraph (1) may be imposed only pursuant to a criminal action brought by the Attorney General or other officer of the Department of Justice, or any attorney specially appointed by the Attorney General of the United States, in accordance with section 515 of title 28, United States Code.

SEC. 8208. DEFINITIONS.

In this subtitle:

(1) ABNORMAL MARKET DISRUPTION.—The term ''abnormal market disruption'' means there is a reasonable likelihood that, in the absence of a proclamation under section 8204(a), there will be an increase in the average retail price of gasoline or petroleum distillates in the area to which the proclamation applies as a result of a change in the market, whether actual or imminently threatened, resulting from weather, a natural disaster, strike, civil disorder, war, military action, a national or local emergency, or other similar cause, that adversely affects the availability or delivery gasoline or petroleum distillates.

(2) STATE.—The term ''State'' means the several States of the United States and the District of Columbia.

(3) UNCONSCIONABLE AMOUNT.—The term ''unconscionable amount'' means, with respect to any person to whom section 8202 applies, a significant increase in the price at which gasoline or petroleum distillates are sold or offered for sale by that person that increases the price, for the same grade of gasoline or petroleum distillate, to an amount that—

(A) substantially exceeds the average price at which gasoline or petroleum distillates were sold or offered for sale by that person during the 30-day period immediately preceding the sale or offer; and

(B) cannot be justified by taking into account the factors described in section —03(b).

SEC. 8209. EFFECTIVE DATE.

This subtitle shall take effect on the date on which a final rule issued by the Federal Trade Commission under section 8205(c) is published in the Federal Register.

Subtitle C—Tax Provisions

SEC. 8301. REPEAL OF THE LIMITATION ON NUMBER OF NEW QUALIFIED HYBRID AND ADVANCED LEAN -BURN TECHNOLOGY VEHICLES ELIGIBLE FOR CREDIT.

(a) IN GENERAL.—Subsection (f) of section 30B of the Internal Revenue Code of 1986 is repealed.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect as if included in the amendment made by section 1341(a) of the Energy Policy Act of 2005.

SEC. 8302. EXCEPTION FROM DEPRECIATION LIMITATION FOR CERTAIN ALTERNATIVE AND ELECTRIC PASSENGER AUTOMOBILES.

(a) IN GENERAL.—Paragraph (1) of section 280F(a) of the Internal Revenue Code of 1986 (relating to limitation) is amended by adding at the end the following new subparagraph:

''(D) SPECIAL RULE FOR CERTAIN ALTERNATIVE MOTOR VEHICLES AND QUALIFIED ELECTRIC VEHICLES.—Subparagraph (A) shall not apply to any motor vehicle for which a credit is allowable under section 30 or 30B.''.

(b) CONFORMING AMENDMENT.—Subparagraph (C) of section 280F(a)(1) of the Internal Revenue Code of 1986 is amended by striking clause (ii) and by redesignating clause (iii) as clause (ii).

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after the date of the enactment of this Act.

SEC. 8303. EXTENSION OF ELECTION TO EXPENSE CERTAIN REFINERIES.

(a) IN GENERAL.—Section 179C(c)(1) of the Internal Revenue Code of 1986 (defining qualified refinery property) is amended—

(1) by striking ''and before January 1, 2012'' in subparagraph (B) and inserting ''and, in the case of any qualified refinery described in subsection (d)(1), before January 1, 2012'', and

(2) by inserting ''if described in subsection (d)(1)'' after ''of which'' in subparagraph (F)(i).

(b) CONFORMING AMENDMENT.—Subsection (d) of section 179C of the Internal Revenue Code of 1986 is amended to read as follows:

''(d) QUALIFIED REFINERY.—For purposes of this section, the term 'qualified refinery' means any refinery located in the United States which is designed to serve the primary purpose of processing liquid fuel from—

''(1) crude oil, or

''(2) qualified fuels (as defined in section 45K(c)).''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the amendment made by section 1323(a) of the Energy Policy Act of 2005.

SEC. 8304. 5-YEAR AMORTIZATION OF GEOLOGICAL AND GEOPHYSICAL EXPENDITURES FOR CERTAIN MAJOR INTEGRATED OIL COMPANIES.

(a) IN GENERAL.—Section 167(h) of the Internal Revenue Code of 1986 (relating to amortization of geological and geophysical expenditures) is amended by adding at the end the following new paragraph:

''(5) SPECIAL RULE FOR MAJOR INTEGRATED OIL COMPANIES.—

''(A) IN GENERAL.—In the case of an integrated oil company described in subparagraph (B), paragraphs (1) and (4) shall be applied by substituting '5-year' for '24 month'.

''(B) INTEGRATED OIL COMPANY DESCRIBED.—An integrated oil company is described in this subparagraph if such company is an integrated oil company (as defined in section 291(b)(4)) which—

''(i) has an average daily worldwide production of crude oil of at least 500,000 barrels for the taxable year,

''(ii) had gross receipts in excess of $1,000,000,000 for its last taxable year ending during calendar year 2005, and

''(iii) has an ownership interest (within the meaning of section 613A(d)(3)) in crude oil refiner of 15 percent or more.

For purposes of the preceding sentence, all persons treated as a single employer under subsections (a) and (b) of section shall be treated as 1 person and, in case of a short taxable year, the rule under section 448(c)(3)(B) shall apply''.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect as if included in the amendment made by section 1329 of the Energy Policy Act of 2005.

SEC. 8305. REPEAL OF LIFO METHOD OF INVENTORY ACCOUNTING.

(a) IN GENERAL.—Sections 472, 473, and 474 of the Internal Revenue Code of 1986 are repealed.

(b) CONFORMING AMENDMENTS.—

(1) Section 56(g)(4)(D)(iii) of such Code is repealed.

(2) Section 312(n)(4) of such Code is repealed.

(3) Section 1363(d) of such Code is repealed.

(c) EFFECTIVE DATE.—The repeals made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

(d) CHANGE IN METHOD OF ACCOUNTING.—In the case of any taxpayer required by the repeals made by subsection (a) to change its method accounting for its first taxable year beginning after the date of the enactment of this Act—

(1) such change shall be treated as initiated by the taxpayer,

(2) such change shall be treated as made with the consent of the Secretary of the Treasury, and

(3) the net amount of the adjustments required to be taken into account by the taxpayer under section 481 of the Internal Revenue Code of 1986 shall be taken into account ratably over the 20-taxable year period beginning with the first taxable year beginning after such date of enactment.

Subtitle D—CAFE Standards

SEC. 8401. CLARIFICATION OF AUTHORITY OF SECRETARY OF TRANSPORTATION TO AMEND FUEL ECONOMY STANDARDS FOR PASSENGER VEHICLES.

Section 32902(c) of title 49, United States Code, is amended—

(1) in paragraph (1), by striking ''(1) Subject to paragraph (2) of this subsection, the'' and inserting ''The''; and

(2) by striking paragraph (2).

Subtitle E—Alternative Fuels

SEC. 8501. PRODUCTION INCENTIVES FOR CELLULOSIC BIOFUELS.

Section 942(f) of the Energy Policy Act of 2005 (42 U.S.C. 16251(f)) is amended by striking ''$250,000,000'' and inserting ''$150,000,000 for fiscal year 2007, $200,000,000 for fiscal year 2008, and $250,000,000 for each of fiscal years 2009 through 2011''.

SEC. 8502. ADVANCED ENERGY INITIATIVE FOR VEHICLES.

(a) PURPOSES.—The purposes of this section are—

(1) to enable and promote, in partnership with industry, comprehensive development, demonstration, and commercialization of a wide range of electric drive components, systems, and vehicles using diverse electric drive transportation technologies;

(2) to make critical public investments to help private industry, institutions of higher education, National Laboratories, and research institutions to expand innovation, industrial growth, and jobs in the United States;

(3) to expand the availability of the existing electric infrastructure for fueling light duty transportation and other on-road and nonroad vehicles that are using petroleum and are mobile sources of emissions—

(A) including the more than 3,000,000 reported units (such as electric forklifts, golf carts, and similar nonroad vehicles) in use on the date of enactment of this Act; and

(B) with the goal of enhancing the energy security of the United States, reduce dependence on imported oil, and reduce emissions through the expansion of grid-supported mobility;

(4) to accelerate the widespread commercialization of all types of electric drive vehicle technology into all sizes and applications of vehicles, including commercialization of plug-in hybrid electric vehicles and plug-in hybrid fuel cell vehicles; and

(5) to improve the energy efficiency of and reduce the petroleum use in transportation.

(b) DEFINITIONS.—In this section:

(1) BATTERY.—The term ''battery'' means an energy storage device used in an on-road or nonroad vehicle powered in whole or in part using an off-board or on-board source of electricity.

(2) ELECTRIC DRIVE TRANSPORTATION TECHNOLOGY.—The term ''electric drive transportation technology'' means—

(A) a vehicle that—

(i) uses an electric motor for all or part of the motive power of the vehicle; and

(ii) may use off-board electricity, including battery electric vehicles, fuel cell vehicles, engine dominant hybrid electric vehicles, plug-in hybrid electric vehicles, plug-in hybrid fuel cell vehicles, and electric rail; or

(B) equipment relating to transportation or mobile sources of air pollution that uses an electric motor to replace an internal combustion engine for all or part of the work of the equipment, including corded electric equipment linked to transportation or mobile sources of air pollution.

(3) ENGINE DOMINANT HYBRID ELECTRIC VEHICLE.—The term ''engine dominant hybrid electric vehicle'' means an on-road or nonroad vehicle that—

(A) is propelled by an internal combustion engine or heat engine using—

(i) any combustible fuel; and

(ii) an on-board, rechargeable storage device; and

(B) has no means of using an off-board source of electricity.

(4) FUEL CELL VEHICLE.—The term ''fuel cell vehicle'' means an on-road or nonroad vehicle that uses a fuel cell (as defined in section 803 of the Energy Policy Act of 2005 (42 U.S.C. 16152)).

(5) INITIATIVE.—The term ''Initiative'' means the Advanced Battery Initiative established by the Secretary under subsection (f)(1).

(6) NONROAD VEHICLE.—The term ''nonroad vehicle'' has the meaning given the term in section 216 of the Clean Air Act (42 U.S.C. 7550).

(7) PLUG-IN HYBRID ELECTRIC VEHICLE.—The term ''plug-in hybrid electric vehicle'' means an on-road or nonroad vehicle that is propelled by an internal combustion engine or heat engine using—

(A) any combustible fuel;

(B) an on-board, rechargeable storage device; and

(C) a means of using an off-board source of electricity.

(8) PLUG-IN HYBRID FUEL CELL VEHICLE.—The term ''plug-in hybrid fuel cell vehicle'' means a fuel cell vehicle with a battery powered by an off-board source of electricity.

(9) INDUSTRY ALLIANCE.—The term ''Industry Alliance'' means the entity selected by the Secretary under subsection (f)(2).

(10) INSTITUTION OF HIGHER EDUCATION.—The term ''institution of higher education'' has the meaning given the term in section 2 of the Energy Policy Act of 2005 (42 U.S.C. 15801).

(11) SECRETARY.—The term ''Secretary'' means the Secretary of Energy.

(c) GOALS.—The goals of the electric drive transportation technology program established under subsection (e) shall be to develop, in partnership with industry and institutions of higher education, projects that focus on—

(1) innovative electric drive technology developed in the United States;

(2) growth of employment in the United States in electric drive design and manufacturing;

(3) validation of the plug-in hybrid potential through fleet demonstrations; and

(4) acceleration of fuel cell commercialization through comprehensive development and commercialization of the electric drive technology systems that are the foundational technology of the fuel cell vehicle system.

(d) ASSESSMENT.—Not later than 120 days after the date of enactment of this Act, the Secretary shall offer to enter into an arrangement with the National Academy of Sciences—

(1) to conduct an assessment (in cooperation with industry, standards development organizations, and other entities, as appropriate), of state-of-the-art battery technologies with potential application for electric drive transportation;

(2) to identify knowledge gaps in the scientific and technological bases of battery manufacture and use;

(3) to identify fundamental research areas that would likely have a significant impact on the development of superior battery technologies for electric drive vehicle applications; and

(4) to recommend steps to the Secretary to accelerate the development of battery technologies for electric drive transportation.

(e) PROGRAM.—The Secretary shall conduct a program of research, development, demonstration, and commercial application for electric drive transportation technology, including—

(1) high-capacity, high-efficiency batteries;

(2) high-efficiency on-board and off-board charging components;

(3) high-powered drive train systems for passenger and commercial vehicles and for nonroad equipment;

(4) control system development and power train development and integration for plug-in hybrid electric vehicles, plug-in hybrid fuel cell vehicles, and engine dominant hybrid electric vehicles, including—

(A) development of efficient cooling systems;

(B) analysis and development of control systems that minimize the emissions profile when clean diesel engines are part of a plug-in hybrid drive system; and

(C) development of different control systems that optimize for different goals, including—

(i) battery life;

(ii) reduction of petroleum consumption; and

(iii) green house gas reduction;

(5) nanomaterial technology applied to both battery and fuel cell systems;

(6) large-scale demonstrations, testing, and evaluation of plug-in hybrid electric vehicles in different applications with different batteries and control systems, including—

(A) military applications;

(B) mass market passenger and light-duty truck applications;

(C) private fleet applications; and

(D) medium- and heavy-duty applications;

(7) a nationwide education strategy for electric drive transportation technologies providing secondary and high school teaching materials and support for education offered by institutions of higher education that is focused on electric drive system and component engineering;

(8) development, in consultation with the Administrator of the Environmental Protection Agency, of procedures for testing and certification of criteria pollutants, fuel economy, and petroleum use for light-, medium-, and heavy-duty vehicle applications, including consideration of—

(A) the vehicle and fuel as a system, not just an engine; and

(B) nightly off-board charging; and

(9) advancement of battery and corded electric transportation technologies in mobile source applications by—

(A) improvement in battery, drive train, and control system technologies; and

(B) working with industry and the Administrator of the Environmental Protection Agency—

(i) to understand and inventory markets; and

(ii) to identify and implement methods of removing barriers for existing and emerging applications.

(f) ADVANCED BATTERY INITIATIVE.—

(1) IN GENERAL.—The Secretary shall establish and carry out an Advanced Battery Initiative in accordance with this subsection to support research, development, demonstration, and commercial application of battery technologies.

(2) INDUSTRY ALLIANCE.—Not later than 180 days after the date of enactment of this Act, the Secretary shall competitively select an Industry Alliance to represent participants who are private, for-profit firms, the primary business of which is the manufacturing of batteries.

(3) RESEARCH.—

(A) GRANTS.—The Secretary shall carry out research activities of the Initiative through competitively-awarded grants to—

(i) researchers, including Industry Alliance participants;

(ii) small businesses;

(iii) National Laboratories; and

(iv) institutions of higher education.

(B) INDUSTRY ALLIANCE.—The Secretary shall annually solicit from the Industry Alliance—

(i) comments to identify advanced battery technology needs relevant to electric drive technology;

(ii) an assessment of the progress of research activities of the Initiative; and

(iii) assistance in annually updating advanced battery technology roadmaps.

(4) AVAILABILITY TO THE PUBLIC.—The information and roadmaps developed under this subsection shall be available to the public.

(5) PREFERENCE.—In making awards under this subsection, the Secretary shall give preference to participants in the Industry Alliance.

(g) COST SHARING.—In carrying out this section, the Secretary shall require cost sharing in accordance with section 988 of the Energy Policy Act of 2005 (42 U.S.C. 16352).

(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $300,000,000 for each of fiscal years 2007 through 2012.

Subtitle F—Strategic Petroleum Reserve

SEC. 8601. STRATEGIC PETROLEUM RESERVE.

(a) FINDINGS.—The Senate finds that—

(1) the Strategic Petroleum Reserve, as established by the Energy Policy and Conservation Act (42 U.S.C. 6201 et seq.), provides the United States with an emergency crude oil supply reserve that ensures that a disruption in commercial oil supplies will not threaten the United States economy;

(2) the Energy Policy Act of 2005 (42 U.S.C. 15801 et seq.) strengthened the Strategic Petroleum Reserve by authorizing a capacity of 1,000,000,000 barrels of crude oil;

(3) as of the date of enactment of this Act, the inventory in the Strategic Petroleum Reserve is sufficiently large enough to guard against supply disruptions during the time period for the temporary cessation of deposits described in subsection (b)(1); and

(4) the cessation of deposits to the Strategic Petroleum Reserve will add approximately 2,000,000 barrels of crude oil supply into the market.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) consistent with the authority granted under the Energy Policy and Conservation Act (42 U.S.C. 6201 et seq.), the Secretary of Energy should cease deposits to the Strategic Petroleum Reserve for a period of not less than 6 months;

(2) the Secretary of Energy should continue to work toward establishing the infrastructure necessary to achieve the 1,000,0000,0000 barrels of crude oil capacity authorized under the Energy Policy Act of 2005 (42 U.S.C. 15801 et seq.); and

(3) after the temporary cessation of deposits to the Strategic Petroleum Reserve, the Secretary of Energy should continue to increase the inventory of crude oil in the Strategic Petroleum Reserve to work toward meeting the authorized capacity level to enhance the energy security of the United States.

Subtitle G—Arctic Coastal Plain Domestic Energy

SEC. 8701. SHORT TITLE.

This subtitle may be cited as the ''Arctic Coastal Plain Domestic Energy Security Act of 2006''.

SEC. 8702. DEFINITIONS.

In this subtitle:

(1) COASTAL PLAIN.—The term ''Coastal Plain'' means that area identified as such in the map entitled ''Arctic National Wildlife Refuge'', dated August 1980, as referenced in section 1002(b) of the Alaska National Interest Lands Conservation Act of 1980 (16 U.S.C. 3142(b)(1)), comprising approximately 1,549,000 acres, and as described in appendix I to part 37 of title 50, Code of Federal Regulations.

(2) SECRETARY.—The term ''Secretary'', except as otherwise provided, means the Secretary of the Interior or the Secretary's designee.

SEC. 8703. LEASING PROGRAM FOR LANDS WITHIN THE COASTAL PLAIN.

(a) IN GENERAL.—The Secretary shall take such actions as are necessary—

(1) to establish and implement in accordance with this Act a competitive oil and gas leasing program under the Mineral Leasing Act (30 U.S.C. 181 et seq.) that will result in an environmentally sound program for the exploration, development, and production of the oil and gas resources of the Coastal Plain; and

(2) to administer the provisions of this subtitle through regulations, lease terms, conditions, restrictions, prohibitions, stipulations, and other provisions that ensure the oil and gas exploration, development, and production activities on the Coastal Plain will result in no significant adverse effect on fish and wildlife, their habitat, subsistence resources, and the environment, and including, in furtherance of this goal, by requiring the application of the best commercially available technology for oil and gas exploration, development, and production to all exploration, development, and production operations under this subtitle in a manner that ensures the receipt of fair market value by the public for the mineral resources to be leased.

(b) REPEAL.—Section 1003 of the Alaska National Interest Lands Conservation Act of 1980 (16 U.S.C. 3143) is repealed.

(c) COMPLIANCE WITH REQUIREMENTS UNDER CERTAIN OTHER LAWS.—

(1) COMPATIBILITY.—For purposes of the National Wildlife Refuge System Administration Act of 1966, the oil and gas leasing program and activities authorized by this section in the Coastal Plain are deemed to be compatible with the purposes for which the Arctic National Wildlife Refuge was established, and that no further findings or decisions are required to implement this determination.

(2) ADEQUACY OF THE DEPARTMENT OF THE INTERIOR'S LEGISLATIVE ENVIRONMENTAL IMPACT STATEMENT.—The ''Final Legislative Environmental Impact Statement'' (April 1987) on the Coastal Plain prepared pursuant to section 1002 of the Alaska National Interest Lands Conservation Act of 1980 (16 U.S.C. 3142) and section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)) is deemed to satisfy the requirements under the National Environmental Policy Act of 1969 that apply with respect to actions authorized to be taken by the Secretary to develop and promulgate the regulations for the establishment of a leasing program authorized by this subtitle before the conduct of the first lease sale.

(3) COMPLIANCE WITH NEPA FOR OTHER ACTIONS.—Before conducting the first lease sale under this subtitle, the Secretary shall prepare an environmental impact statement under the National Environmental Policy Act of 1969 with respect to the actions authorized by this subtitle that are not referred to in paragraph (2). Notwithstanding any other law, the Secretary is not required to identify nonleasing alternative courses of action or to analyze the environmental effects of such courses of action. The Secretary shall only identify a preferred action for such leasing and a single leasing alternative, and analyze the environmental effects and potential mitigation measures for those two alternatives. The identification of the preferred action and related analysis for the first lease sale under this subtitle shall be completed within 18 months after the date of the enactment of this Act. The Secretary shall only consider public comments that specifically address the Secretary's preferred action and that are filed within 20 days after publication of an environmental analysis. Notwithstanding any other law, compliance with this paragraph is deemed to satisfy all requirements for the analysis and consideration of the environmental effects of proposed leasing under this subtitle.

(d) RELATIONSHIP TO STATE AND LOCAL AUTHORITY.—Nothing in this subtitle shall be considered to expand or limit State and local regulatory authority.

(e) SPECIAL AREAS.—

(1) IN GENERAL.—The Secretary, after consultation with the State of Alaska, the city of Kaktovik, and the North Slope Borough, may designate up to a total of 45,000 acres of the Coastal Plain as a Special Area if the Secretary determines that the Special Area is of such unique character and interest so as to require special management and regulatory protection. The Secretary shall designate as such a Special Area the Sadlerochit Spring area, comprising approximately 4,000 acres as depicted on such map as shall be identified by the Secretary.

(2) MANAGEMENT.—Each such Special Area shall be managed so as to protect and preserve the area's unique and diverse character including its fish, wildlife, and subsistence resource values.

(3) EXCLUSION FROM LEASING OR SURFACE OCCUPANCY.—The Secretary may exclude any Special Area from leasing. If the Secretary leases a Special Area, or any part thereof, for purposes of oil and gas exploration, development, production, and related activities, there shall be no surface occupancy of the lands comprising the Special Area.

(4) DIRECTIONAL DRILLING.—Notwithstanding the other provisions of this subsection, the Secretary may lease all or a portion of a Special Area under terms that permit the use of horizontal drilling technology from sites on leases located outside the area.

(f) LIMITATION ON CLOSED AREAS.—The Secretary's sole authority to close lands within the Coastal Plain to oil and gas leasing and to exploration, development, and production is that set forth in this subtitle.

(g) REGULATIONS.—

(1) IN GENERAL.—The Secretary shall prescribe such regulations as may be necessary to carry out this subtitle, including rules and regulations relating to protection of the fish and wildlife, their habitat, subsistence resources, and environment of the Coastal Plain, by no later than 15 months after the date of the enactment of this Act.

(2) REVISION OF REGULATIONS.—The Secretary shall periodically review and, if appropriate, revise the rules and regulations issued under subsection (a) to reflect any significant biological, environmental, or engineering data that come to the Secretary's attention.

SEC. 8704. LEASE SALES.

(a) IN GENERAL.—Lands may be leased pursuant to this subtitle to any person qualified to obtain a lease for deposits of oil and gas under the Mineral Leasing Act (30 U.S.C. 181 et seq.).

(b) PROCEDURES.—The Secretary shall, by regulation, establish procedures for—

(1) receipt and consideration of sealed nominations for any area in the Coastal Plain for inclusion in, or exclusion (as provided in subsection (c)) from, a lease sale;

(2) the holding of lease sales after such nomination process; and

(3) public notice of and comment on designation of areas to be included in, or excluded from, a lease sale.

(c) LEASE SALE BIDS.—Bidding for leases under this subtitle shall be by sealed competitive cash bonus bids.

(d) ACREAGE MINIMUM IN FIRST SALE.—In the first lease sale under this subtitle, the Secretary shall offer for lease those tracts the Secretary considers to have the greatest potential for the discovery of hydrocarbons, taking into consideration nominations received pursuant to subsection (b)(1), but in no case less than 200,000 acres.

(e) TIMING OF LEASE SALES.—The Secretary shall—

(1) conduct the first lease sale under this subtitle within 22 months after the date of the enactment of this Act; and

(2) conduct additional sales so long as sufficient interest in development exists to warrant, in the Secretary's judgment, the conduct of such sales.

SEC. 8705. GRANT OF LEASES BY THE SECRETARY.

(a) IN GENERAL.—The Secretary may grant to the highest responsible qualified bidder in a lease sale conducted pursuant to section 8704 any lands to be leased on the Coastal Plain upon payment by the lessee of such bonus as may be accepted by the Secretary.

(b) SUBSEQUENT TRANSFERS.—No lease issued under this subtitle may be sold, exchanged, assigned, sublet, or otherwise transferred except with the approval of the Secretary. Prior to any such approval the Secretary shall consult with, and give due consideration to the views of, the Attorney General.

SEC. 8706. LEASE TERMS AND CONDITIONS.

(a) IN GENERAL.—An oil or gas lease issued pursuant to this subtitle shall—

(1) provide for the payment of a royalty of not less than 12½ percent in amount or value of the production removed or sold from the lease, as determined by the Secretary under the regulations applicable to other Federal oil and gas leases;

(2) provide that the Secretary may close, on a seasonal basis, portions of the Coastal Plain to exploratory drilling activities as necessary to protect caribou calving areas and other species of fish and wildlife;

(3) require that the lessee of lands within the Coastal Plain shall be fully responsible and liable for the reclamation of lands within the Coastal Plain and any other Federal lands that are adversely affected in connection with exploration, development, production, or transportation activities conducted under the lease and within the Coastal Plain by the lessee or by any of the subcontractors or agents of the lessee;

(4) provide that the lessee may not delegate or convey, by contract or otherwise, the reclamation responsibility and liability to another person without the express written approval of the Secretary;

(5) provide that the standard of reclamation for lands required to be reclaimed under this subtitle shall be, as nearly as practicable, a condition capable of supporting the uses which the lands were capable of supporting prior to any exploration, development, or production activities, or upon application by the lessee, to a higher or better use as approved by the Secretary;

(6) contain terms and conditions relating to protection of fish and wildlife, their habitat, and the environment as required pursuant to section 8703(a)(2);

(7) provide that the lessee, its agents, and its contractors use best efforts to provide a fair share, as determined by the level of obligation previously agreed to in the 1974 agreement implementing section 29 of the Federal Agreement and Grant of Right of Way for the Operation of the Trans-Alaska Pipeline, of employment and contracting for Alaska Natives and Alaska Native Corporations from throughout the State;

(8) prohibit the export of oil produced under the lease; and

(9) contain such other provisions as the Secretary determines necessary to ensure compliance with the provisions of this subtitle and the regulations issued under this subtitle.

(b) PROJECT LABOR AGREEMENTS.—The Secretary, as a term and condition of each lease under this subtitle and in recognizing the Government's proprietary interest in labor stability and in the ability of construction labor and management to meet the particular needs and conditions of projects to be developed under the leases issued pursuant to this subtitle and the special concerns of the parties to such leases, shall require that the lessee and its agents and contractors negotiate to obtain a project labor agreement for the employment of laborers and mechanics on production, maintenance, and construction under the lease.

SEC. 8707. COASTAL PLAIN ENVIRONMENTAL PROTECTION.

(a) NO SIGNIFICANT ADVERSE EFFECT STANDARD TO GOVERN AUTHORIZED COASTAL PLAIN ACTIVITIES.—The Secretary shall, consistent with the requirements of section 8703, administer the provisions of this subtitle through regulations, lease terms, conditions, restrictions, prohibitions, stipulations, and other provisions that—

(1) ensure the oil and gas exploration, development, and production activities on the Coastal Plain will result in no significant adverse effect on fish and wildlife, their habitat, and the environment;

(2) require the application of the best commercially available technology for oil and gas exploration, development, and production on all new exploration, development, and production operations; and

(3) ensure that the maximum amount of surface acreage covered by production and support facilities, including airstrips and any areas covered by gravel berms or piers for support of pipelines, does not exceed 2,000 acres on the Coastal Plain.

(b) SITE-SPECIFIC ASSESSMENT AND MITIGATION.—The Secretary shall also require, with respect to any proposed drilling and related activities, that—

(1) a site-specific analysis be made of the probable effects, if any, that the drilling or related activities will have on fish and wildlife, their habitat, and the environment;

(2) a plan be implemented to avoid, minimize, and mitigate (in that order and to the extent practicable) any significant adverse effect identified under paragraph (1); and

(3) the development of the plan shall occur after consultation with the agency or agencies having jurisdiction over matters mitigated by the plan.

(c) REGULATIONS TO PROTECT COASTAL PLAIN FISH AND WILDLIFE RESOURCES, SUBSISTENCE USERS, AND THE ENVIRONMENT.—Before implementing the leasing program authorized by this subtitle, the Secretary shall prepare and promulgate regulations, lease terms, conditions, restrictions, prohibitions, stipulations, and other measures designed to ensure that the activities undertaken on the Coastal Plain under this subtitle are conducted in a manner consistent with the purposes and environmental requirements of this subtitle.

(d) COMPLIANCE WITH FEDERAL AND STATE ENVIRONMENTAL LAWS AND OTHER REQUIREMENTS.—The proposed regulations, lease terms, conditions, restrictions, prohibitions, and stipulations for the leasing program under this subtitle shall require compliance with all applicable provisions of Federal and State environmental law and shall also require the following:

(1) Standards at least as effective as the safety and environmental mitigation measures set forth in items 1 through 29 at pages 167 through 169 of the ''Final Legislative Environmental Impact Statement'' (April 1987) on the Coastal Plain.

(2) Seasonal limitations on exploration, development, and related activities, where necessary, to avoid significant adverse effects during periods of concentrated fish and wildlife breeding, denning, nesting, spawning, and migration.

(3) That exploration activities, except for surface geological studies, be limited to the period between approximately November 1 and May 1 each year and that exploration activities shall be supported by ice roads, winter trails with adequate snow cover, ice pads, ice airstrips, and air transport methods, except that such exploration activities may occur at other times, if the Secretary finds that such exploration will have no significant adverse effect on the fish and wildlife, their habitat, and the environment of the Coastal Plain.

(4) Design safety and construction standards for all pipelines and any access and service roads, that—

(A) minimize, to the maximum extent possible, adverse effects upon the passage of migratory species such as caribou; and

(B) minimize adverse effects upon the flow of surface water by requiring the use of culverts, bridges, and other structural devices.

(5) Prohibitions on public access and use on all pipeline access and service roads.

(6) Stringent reclamation and rehabilitation requirements, consistent with the standards set forth in this subtitle, requiring the removal from the Coastal Plain of all oil and gas development and production facilities, structures, and equipment upon completion of oil and gas production operations, except that the Secretary may exempt from the requirements of this paragraph those facilities, structures, or equipment that the Secretary determines would assist in the management of the Arctic National Wildlife Refuge and that are donated to the United States for that purpose.

(7) Appropriate prohibitions or restrictions on access by all modes of transportation.

(8) Appropriate prohibitions or restrictions on sand and gravel extraction.

(9) Consolidation of facility siting.

(10) Appropriate prohibitions or restrictions on use of explosives.

(11) Avoidance, to the extent practicable, of springs, streams, and river system; the protection of natural surface drainage patterns, wetlands, and riparian habitats; and the regulation of methods or techniques for developing or transporting adequate supplies of water for exploratory drilling.

(12) Avoidance or reduction of air traffic-related disturbance to fish and wildlife.

(13) Treatment and disposal of hazardous and toxic wastes, solid wastes, reserve pit fluids, drilling muds and cuttings, and domestic wastewater, including an annual waste management report, a hazardous materials tracking system, and a prohibition on chlorinated solvents, in accordance with applicable Federal and State environmental law.

(14) Fuel storage and oil spill contingency planning.

(15) Research, monitoring, and reporting requirements.

(16) Field crew environmental briefings.

(17) Avoidance of significant adverse effects upon subsistence hunting, fishing, and trapping by subsistence users.

(18) Compliance with applicable air and water quality standards.

(19) Appropriate seasonal and safety zone designations around well sites, within which subsistence hunting and trapping shall be limited.

(20) Reasonable stipulations for protection of cultural and archeological resources.

(21) All other protective environmental stipulations, restrictions, terms, and conditions deemed necessary by the Secretary.

(e) CONSIDERATIONS.—In preparing and promulgating regulations, lease terms, conditions, restrictions, prohibitions, and stipulations under this section, the Secretary shall consider the following:

(1) The stipulations and conditions that govern the National Petroleum Reserve-Alaska leasing program, as set forth in the 1999 Northeast National Petroleum Reserve-Alaska Final Integrated Activity Plan/Environmental Impact Statement.

(2) The environmental protection standards that governed the initial Coastal Plain seismic exploration program under parts 37.31 to 37.33 of title 50, Code of Federal Regulations.

(3) The land use stipulations for exploratory drilling on the KIC–ASRC private lands that are set forth in Appendix 2 of the August 9, 1983, agreement between Arctic Slope Regional Corporation and the United States.

(f) FACILITY CONSOLIDATION PLANNING.—

(1) IN GENERAL.—The Secretary shall, after providing for public notice and comment, prepare and update periodically a plan to govern, guide, and direct the siting and construction of facilities for the exploration, development, production, and transportation of Coastal Plain oil and gas resources.

(2) OBJECTIVES.—The plan shall have the following objectives:

(A) Avoiding unnecessary duplication of facilities and activities.

(B) Encouraging consolidation of common facilities and activities.

(C) Locating or confining facilities and activities to areas that will minimize impact on fish and wildlife, their habitat, and the environment.

(D) Utilizing existing facilities wherever practicable.

(E) Enhancing compatibility between wildlife values and development activities.

(g) ACCESS TO PUBLIC LANDS.—The Secretary shall—

(1) manage public lands in the Coastal Plain subject to section subsections (a) and (b) of section 811 of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3121); and

(2) ensure that local residents shall have reasonable access to public lands in the Coastal Plain for traditional uses.

SEC. 8708. EXPEDITED JUDICIAL REVIEW.

(a) FILING OF COMPLAINT.—

(1) DEADLINE.—Subject to paragraph (2), any complaint seeking judicial review of any provision of this subtitle or any action of the Secretary under this subtitle shall be filed in any appropriate district court of the United States—

(A) except as provided in subparagraph (B), within the 90-day period beginning on the date of the action being challenged; or

(B) in the case of a complaint based solely on grounds arising after such period, within 90 days after the complainant knew or reasonably should have known of the grounds for the complaint.

(2) VENUE.—Any complaint seeking judicial review of an action of the Secretary under this subtitle may be filed only in the United States Court of Appeals for the District of Columbia.

(3) LIMITATION ON SCOPE OF CERTAIN REVIEW.—Judicial review of a Secretarial decision to conduct a lease sale under this subtitle, including the environmental analysis thereof, shall be limited to whether the Secretary has complied with the terms of this subtitle and shall be based upon the administrative record of that decision. The Secretary's identification of a preferred course of action to enable leasing to proceed and the Secretary's analysis of environmental effects under this subtitle shall be presumed to be correct unless shown otherwise by clear and convincing evidence to the contrary.

(b) LIMITATION ON OTHER REVIEW.—Actions of the Secretary with respect to which review could have been obtained under this section shall not be subject to judicial review in any civil or criminal proceeding for enforcement.

SEC. 8709. FEDERAL AND STATE DISTRIBUTION OF REVENUES.

(a) IN GENERAL.—Notwithstanding any other provision of law, of the amount of adjusted bonus, rental, and royalty revenues from oil and gas leasing and operations authorized under this subtitle—

(1) 50 percent shall be paid to the State of Alaska; and

(2) except as provided in section 712(d), the balance shall be deposited into the Treasury as miscellaneous receipts.

(b) PAYMENTS TO ALASKA.—Payments to the State of Alaska under this section shall be made semiannually.

(c) USE OF BONUS PAYMENTS FOR LOW-INCOME HOME ENERGY ASSISTANCE.—Amounts that are received by the United States as bonuses for leases under this subtitle and deposited into the Treasury under subsection (a)(2) may be appropriated to the Secretary of the Health and Human Services, in addition to amounts otherwise available, to provide assistance under the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8621 et seq.).

SEC. 8710. RIGHTS-OF-WAY ACROSS THE COASTAL PLAIN.

(a) EXEMPTION.—Title XI of the Alaska National Interest Lands Conservation Act of 1980 (16 U.S.C. 3161 et seq.) shall not apply to the issuance by the Secretary under section 28 of the Mineral Leasing Act (30 U.S.C. 185) of rights-of-way and easements across the Coastal Plain for the transportation of oil and gas.

(b) TERMS AND CONDITIONS.—The Secretary shall include in any right-of-way or easement referred to in subsection (a) such terms and conditions as may be necessary to ensure that transportation of oil and gas does

not result in a significant adverse effect on the fish and wildlife, subsistence resources, their habitat, and the environment of the Coastal Plain, including requirements that facilities be sited or designed so as to avoid unnecessary duplication of roads and pipelines.

(c) REGULATIONS.—The Secretary shall include in regulations under section 8703(g) provisions granting rights-of-way and easements described in subsection (a) of this section.

SEC. 8711. CONVEYANCE.

In order to maximize Federal revenues by removing clouds on title to lands and clarifying land ownership patterns within the Coastal Plain, the Secretary, notwithstanding the provisions of section 1302(h)(2) of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3192(h)(2)), shall convey—

(1) to the Kaktovik Inupiat Corporation the surface estate of the lands described in paragraph 1 of Public Land Order 6959, to the extent necessary to fulfill the Corporation's entitlement under section 12 of the Alaska Native Claims Settlement Act (43 U.S.C. 1611) in accordance with the terms and conditions of the Agreement between the Department of the Interior, the United States Fish and Wildlife Service, the Bureau of Land Management, and the Kaktovik Inupiat Corporation effective January 22, 1993; and

(2) to the Arctic Slope Regional Corporation the remaining subsurface estate to which it is entitled pursuant to the August 9, 1983, agreement between the Arctic Slope Regional Corporation and the United States of America.

SEC. 8712. LOCAL GOVERNMENT IMPACT AID AND COMMUNITY SERVICE ASSISTANCE.

(a) FINANCIAL ASSISTANCE AUTHORIZED.—

(1) IN GENERAL.—The Secretary may use amounts available from the Coastal Plain Local Government Impact Aid Assistance Fund established by subsection (d) to provide timely financial assistance to entities that are eligible under paragraph (2) and that are directly impacted by the exploration for or production of oil and gas on the Coastal Plain under this subtitle.

(2) ELIGIBLE ENTITIES.—The North Slope Borough, Kaktovik, and other boroughs, municipal subdivisions, villages, and any other community organized under Alaska State law shall be eligible for financial assistance under this section.

(b) USE OF ASSISTANCE.—Financial assistance under this section may be used only for—

(1) planning for mitigation of the potential effects of oil and gas exploration and development on environmental, social, cultural, recreational and subsistence values;

(2) implementing mitigation plans and maintaining mitigation projects;

(3) developing, carrying out, and maintaining projects and programs that provide new or expanded public facilities and services to address needs and problems associated with such effects, including firefighting, police, water, waste treatment, medivac, and medical services; and

(4) establishment of a coordination office, by the North Slope Borough, in the City of Kaktovik, which shall—

(A) coordinate with and advise developers on local conditions, impact, and history of the areas utilized for development; and

(B) provide to the Committee on Resources of the Senate and the Committee on Energy and Resources of the Senate an annual report on the status of coordination between developers and the communities affected by development.

(c) APPLICATION.—

(1) IN GENERAL.—Any community that is eligible for assistance under this section may submit an application for such assistance to the Secretary, in such form and under such procedures as the Secretary may prescribe by regulation.

(2) NORTH SLOPE BOROUGH COMMUNITIES.—A community located in the North Slope Borough may apply for assistance under this section either directly to the Secretary or through the North Slope Borough.

(3) APPLICATION ASSISTANCE.—The Secretary shall work closely with and assist the North Slope Borough and other communities eligible for assistance under this section in developing and submitting applications for assistance under this section.

(d) ESTABLISHMENT OF FUND.—

(1) IN GENERAL.—There is established in the Treasury the Coastal Plain Local Government Impact Aid Assistance Fund.

(2) USE.—Amounts in the fund may be used only for providing financial assistance under this section.

(3) DEPOSITS.—Subject to paragraph (4), there shall be deposited into the fund amounts received by the United States as revenues derived from rents, bonuses, and royalties under on leases and lease sales authorized under this subtitle.

(4) LIMITATION ON DEPOSITS.—The total amount in the fund may not exceed $11,000,000.

(5) INVESTMENT OF BALANCES.—The Secretary of the Treasury shall invest amounts in the fund in interest bearing government securities.

(e) AUTHORIZATION OF APPROPRIATIONS.—To provide financial assistance under this section there is authorized to be appropriated to the Secretary from the Coastal Plain Local Government Impact Aid Assistance Fund $5,000,000 for each fiscal year.

SA 3701. Mr. ALLARD (for himself, Mr. DURBIN, and Ms. MIKULSKI) submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; as follows:

At the appropriate place, insert the following:

TITLE ___—OTHER MATTERS

LEGISLATIVE BRANCH

ARCHITECT OF THE CAPITOL

CAPITOL POWER PLANT

For an additional amount for ''Capitol Power Plant'', $27,600,000, to remain available until September 30, 2011: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

SA 3702. Mr. CHAMBLISS (for himself and Mr. ISAKSON) submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 253, between lines 19 and 20, insert the following:

COMPREHENSIVE REVIEW ON PROCEDURES OF THE DEPARTMENT OF DEFENSE ON MORTUARY AFFAIRS

SEC. 7032. (a) REPORT.—As soon as practicable after the completion of the comprehensive review of the procedures of the Department of Defense on mortuary affairs, the Secretary of Defense shall submit to the congressional defense committees a report on the review.

(b) ADDITIONAL ELEMENTS.—In conducting the comprehensive review described in subsection (a), the Secretary shall also address, in addition to any other matters covered by the review, the following:

(1) The utilization of additional or increased refrigeration (including icing) in combat theaters in order to enhance preservation of remains.

(2) The relocation of refrigeration assets further forward in the field.

(3) Specific time standards for the movement of remains from combat units.

(4) The forward location of autopsy and embalming operations.

(5) Any other matters that the Secretary considers appropriate in order to speed the return of remains to the United States in a non-decomposed state.

(c) ADDITIONAL ELEMENT OF POLICY ON CASUALTY ASSISTANCE TO SURVIVORS OF MILITARY DECEDENTS.—Section 562(b) of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3267; 10 U.S.C. 1475 note) is amended by adding at the end the following new paragraph:

''(12) The process by which the Department of Defense, upon request, briefs survivors of military decedents on the cause of, and any investigation into, the death of such military decedents and on the disposition and transportation of the remains of such decedents, which process shall—

''(A) provide for the provision of such briefings by fully qualified Department personnel;

''(B) ensure briefings take place as soon as possible after death and updates are provided in a timely manner when new information becomes available;

''(C) ensure that—

''(i) such briefings and updates relate the most complete and accurate information available at the time of such briefings or updates, as the case may be; and

''(ii) incomplete or unverified information is identified as such during the course of such briefings or updates; and

''(D) include procedures by which such survivors shall, upon request, receive updates or supplemental information on such briefings or updates from qualified Department personnel.''.

SA 3703. Mr. KOHL submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE _____

GENERIC DRUG APPLICATIONS

DEPARTMENT OF HEALTH AND HUMAN SERVICES

FOOD AND DRUG ADMINISTRATION

SALARIES AND EXPENSES

For an additional amount for the Food and Drug Administration, Office of Generic Drugs and related activities, $20,000,000, to remain available until expended: *Provided*, That the amount provided under this heading shall be applied to the Office of Generic Drugs and related activities to reduce the number of generic drug applications awaiting action by the Food and Drug Administration: *Provided further*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

SA 3704. Mr. THUNE submitted an amendment intended to be proposed by

him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 253, between lines 19 and 20, insert the following:

MEDICAL FACILITIES, DEPARTMENT OF VETERANS AFFAIRS

SEC. 7032. (a) AVAILABILITY OF AMOUNT.—There is appropriated for the Department of Veterans Affairs for the Veterans Health Administration for Medical Facilities, $20,000,000, with the entire amount designated as an emergency requirement pursuant to section 402 of H. Con. Res 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

(b) OFFSET.—The amount appropriated by chapter 7 of title II of this Act under the heading ''NATIONAL AND COMMUNITY SERVICE PROGRAMS, OPERATING EXPENSES'' is hereby reduced by $20,000,000.

SA 3705. Mr. OBAMA submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 253, between lines 19 and 20, insert the following:

REVIEW OF RECONSTRUCTION DESIGN, LAKE MICHIGAN SHORELINE, ILLINOIS

SEC. 7____. The District Engineers of the Buffalo and Seattle Districts of the Corps of Engineers shall use $150,000 of amounts made available for investigations of the Corps of Engineers pursuant to title I of Public Law 109–103 (119 Stat. 2247), to conduct an immediate review of a reconstruction design with the review based on the standards under section 68 of title 36, Code of Federal Regulations (or a successor regulation), for the portion between 54th and 57th Street of Reach 4 of the storm damage reduction project authorized by section 101(a)(12) of the Water Resources Development Act of 1996 (110 Stat. 3664; 113 Stat. 302).

SA 3706. Mr. LEVIN (for himself, Mr. DORGAN, Ms. STABENOW, and Mr. CONRAD) submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 126, between lines 14 and 15, insert the following:

CUSTOMS AND BORDER PROTECTION

For an additional amount for ''Air and Marine Interdiction, Operations, Maintenance, and Procurement'', $12,000,000, for the Northern Border airwings in Michigan and North Dakota: Provided, That the amount provided under this heading is designated as an emergency requirement under section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

SA 3707. Mr. FRIST submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. None of the funds appropriated or otherwise made available by this Act or any other Act may be obligated or expended in connection with United States participation in, or support for, the activities of the United Nations Human Rights Council.

SEC. ____. (a) Of the amounts appropriated or otherwise made available for the Secretary of State for each of fiscal years 2006 and 2007 to pay the United States share of assessed contributions for the regular budget of the United Nations, $4,300,000 shall be withheld from such payment, and shall be transferred to the Department of the Army and available instead for the purposes described in subsection (b).

(b) The purposes referred to in subsection (a) are the establishment and operation of a state-of-the-art advanced training skills facility to rehabilitate injured service persons at Brooke Army Medical Center in San Antonio, Texas.

(c) Amounts withheld under subsection (a) shall remain available until expended for the purposes described in subsection (b).

SA 3708. Mr. BYRD submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; as follows:

At the appropriate place, insert the following:

TITLE ——

DISASTER MANAGEMENT AND MITIGATION

EMERGENCY MANAGEMENT PERFORMANCE GRANTS

For an additional amount for necessary expenses for ''Emergency Management Performance Grants'', as authorized by the National Flood Insurance Act of 1968 and the Flood Disaster Protection Act of 1973 (42 U.S.C. 4001 et seq.), the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), the Earthquake Hazards Reductions Act of 1977 (42 U.S.C. 7701 et seq.), and Reorganization Plan No. 3 of 1978 (5 U.S.C. App.), $130,000,000, to remain available until expended: *Provided*, That the total costs in administering such grants shall not exceed 3 percent of the amounts provided in this heading: *Provided further*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the current resolution on the budget for fiscal year 2006.

FLOOD MAP MODERNIZATION FUND

For an additional amount for ''Flood Map Modernization Fund'' for necessary expenses pursuant to section 1360 of the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.), $50,000,000, and such additional sums as may be provided by State and local governments or other political subdivisions for cost-shared mapping activities under section 1360(f)(2) of such Act, to remain available until expended: *Provided*, That the total costs in administering such funds shall not exceed 3 percent of the amounts provided in this heading: *Provided further*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the current resolution on the budget for fiscal year 2006.

NATIONAL PREDISASTER MITIGATION FUND

For an additional amount for ''National Predisaster Mitigation Fund'' for the pre-disaster mitigation grant program pursuant to title II of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5131 et seq.), $100,000,000, to remain available until expended: *Provided*, That grants made for pre-disaster mitigation shall be awarded on a competitive basis subject to the criteria in section 203(g) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5133(g)), and notwithstanding section 203(f) of such Act, shall be made without reference to State allocations, quotas, or other formula-based allocation of funds: *Provided further*, That the total costs in administering such funds shall not exceed 3 percent of the amounts provided in this heading: *Provided further*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the current resolution on the budget for fiscal year 2006.

SEC. —001. Notwithstanding any other provision of this Act, the amount provided for ''Diplomatic and Consular Programs'' shall be $1,172,600,000.

SA 3709. Mr. BYRD (for himself, Mr. CARPER, and Mr. LAUTENBERG) proposed an amendment to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 117, between lines 9 and 10, insert the following:

SENSE OF SENATE ON REQUESTS FOR FUNDS FOR MILITARY OPERATIONS IN IRAQ AND AFGHANISTAN FOR FISCAL YEARS AFTER FISCAL YEAR 2007

SEC. 1312. (a) FINDINGS.—The Senate makes the following findings:

(1) Title IX of the Department of Defense Appropriations Act, 2006 (division A of Public Law 109–148) appropriated $50,000,000,000 for the cost of ongoing military operations overseas in fiscal year 2006, although those funds were not requested by the President.

(2) The President on February 16, 2006, submitted to Congress a request for supplemental appropriations in the amount of $67,600,000,000 for ongoing military operations in fiscal year 2006, none of which supplemental appropriations was included in the concurrent resolution on the budget for fiscal year 2006, as agreed to in the Senate on April 28, 2005.

(3) The President on February 6, 2006, included a $50,000,000,000 allowance for ongoing military operations in fiscal year 2007, but did not formally request the funds or provide any detail on how the allowance may be used.

(4) The concurrent resolution on the budget for fiscal year 2007, as agreed to in the Senate on March 16, 2007, anticipates as much as $86,300,000,000 in emergency spending in fiscal year 2007, indicating that the Senate expects to take up another supplemental appropriations bill to fund ongoing military operations during fiscal year 2007.

(b) SENSE OF SENATE.—It is the sense of the Senate that—

(1) any request for funds for a fiscal year after fiscal year 2007 for ongoing military operations in Afghanistan and Iraq should be included in the annual budget of the President for such fiscal year as submitted to Congress under section 1105(a) of title 31, United States Code;

(2) any request for funds for such a fiscal year for ongoing military operations should provide an estimate of all funds required in that fiscal year for such operations;

(3) any request for funds for ongoing military operations should include a detailed justification of the anticipated use of such funds for such operations; and

(4) any funds provided for ongoing military operations overseas should be provided in appropriations Acts for such fiscal year

through appropriations to specific accounts set forth in such appropriations Acts.

SA 3710. Mr. LEVIN (for himself, Ms. COLLINS, and Mr. REED) submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 126, between lines 12 and 13, insert the following:

REPORTS ON POLICY AND POLITICAL DEVELOPMENTS IN IRAQ

SEC. 1406. (a) REPORTS REQUIRED.—The President shall, not later than 30 days after the date of the enactment of this Act and every 30 days thereafter until a national unity government has been formed in Iraq and the Iraq Constitution has been amended in a manner that makes it a unifying document, submit to Congress a report on United States policy and political developments in Iraq.

(b) ELEMENTS.—Each report under subsection (a) shall include the following information:

(1) Whether the Administration has told the Iraqi political, religious, and tribal leaders that agreement by the Iraqis on a government of national unity, and subsequent agreement to amendments to the Iraq Constitution to make it more inclusive, within the deadlines that the Iraqis set for themselves in their Constitution, is a condition for the continued presence of United States military forces in Iraq.

(2) The progress that has been made in the formation of a national unity government and the obstacles, if any, that remain.

(3) The progress that has been made in the amendment of the Iraq Constitution to make it more of a unifying document and the obstacles, if any, that remain.

(4) An assessment of the effect that the formation of, or failure to form, a unity government, and the amendment of, or failure to amend, the Iraq Constitution, will have on the ''significant transition to full Iraqi sovereignty, with Iraqi security forces taking the lead for the security of a free and sovereign Iraq, thereby creating the conditions for the phased redeployment of United States forces from Iraq'' as expressed in the United States Policy in Iraq Act (section 1227 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3465; 50 U.S.C. 1541 note)).

(5) The specific conditions on the ground, including the capability and leadership of Iraqi security forces, that would lead to the phased redeployment of United States ground combat forces from Iraq.

SA 3711. Mr. NELSON of Florida submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 253, between lines 19 and 20, insert the following:

SATELLITE ALERT FACILITY, CAPE CANAVERAL AIR STATION, FLORIDA

SEC. 7032. The amount appropriated by the Military Quality of Life and Veterans Affairs Appropriations Act, 2006 (Public Law 109–114) for the Air Force for military construction that remains available for the Satellite Processing Operations Support Facility at Cape Canaveral Air Station, Florida, shall be made available instead solely for the Satellite Alert Facility at Cape Canaveral Air Station, Florida.

SA 3712. Mr. ALLARD submitted an amendment intended to be proposed to amendment SA 3645 proposed by Mr. SALAZAR (for himself and Mr. BAUCUS) to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

Strike all after line 2 and insert the following:

REPORT ON FIRE SEASON

SEC. _____. Not later than June 1, 2006, the Secretary of the Interior shall submit to Congress a report that—

(1) assesses the projected severity of the pending fire season;

(2) taking into consideration drought, hazardous fuel buildup, and insect infestation, identifies the areas in which the threat of the pending fire season is the most serious;

(3) describes any actions recommended by the Secretary of the Interior to mitigate the threat of the pending fire season; and

(4) specifies the amount of funds that would be necessary to carry out the actions recommended by the Secretary under paragraph (3).

SA 3713. Mr. BURR proposed an amendment to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 238, line 23, strike ''Control and Prevention, and'' and insert ''Control and Prevention, $5,000,000 shall be for the Smithsonian Institution to carry out global and domestic disease surveillance, and''.

SA 3714. Mrs. MURRAY (for Mr. HARKIN) proposed an amendment to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 126, between lines 12 and 13, insert the following:

UNITED STATES INSTITUTE OF PEACE PROGRAMS IN IRAQ AND AFGHANISTAN

SEC. 1406. (a) The amount appropriated by this chapter for other bilateral assistance under the heading ''ECONOMIC SUPPORT FUND'' is hereby increased by $8,500,000.

(b) Of the amount appropriated by this chapter for other bilateral assistance under the heading ''ECONOMIC SUPPORT FUND'', as increased by subsection (a), $8,500,000 shall be made available to the United States Institute of Peace for programs in Iraq and Afghanistan.

(c) Of the funds made available by chapter 2 of title II of division A of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief, 2005'' (Public Law 109-13) for military assistance under the heading ''PEACEKEEPING OPERATIONS'' and available for the Coalition Solidarity Initiative, $8,500,000 is rescinded.

SA 3715. Mr. CONRAD (for himself, Mrs. CLINTON, and Mr. DODD) proposed an amendment to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 253, between lines 19 and 20, insert the following:

TITLE VIII—REVENUE PROVISIONS

SEC. 8000. AMENDMENT OF CODE; TABLE OF CONTENTS.

(a) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

(b) TABLE OF CONTENTS.—The table of contents for this title is as follows:

TITLE VIII—REVENUE PROVISIONS

Sec. 8000. Amendment of Code; table of contents.

Subtitle A—Provisions Relating to Tax Shelters

Sec. 8101. Clarification of economic substance doctrine.
Sec. 8102. Penalty for understatements attributable to transactions lacking economic substance, etc.
Sec. 8103. Denial of deduction for interest on underpayments attributable to noneconomic substance transactions.
Sec. 8104. Modifications of effective dates of leasing provisions of the American Jobs Creation Act of 2004.
Sec. 8105. Revaluation of LIFO inventories of large integrated oil companies.
Sec. 8106. Modification of effective date of exception from suspension rules for certain listed and reportable transactions.
Sec. 8107. Doubling of certain penalties, fines, and interest on underpayments related to certain offshore financial arrangements.
Sec. 8108. Penalty for aiding and abetting the understatement of tax liability.

Subtitle B—Provisions to Close Corporate and Individual Loopholes

Sec. 8111. Tax treatment of inverted entities.
Sec. 8112. Grant of Treasury regulatory authority to address foreign tax credit transactions involving inappropriate separation of foreign taxes from related foreign income.
Sec. 8113. Treatment of contingent payment convertible debt instruments.
Sec. 8114. Application of earnings stripping rules to partners which are corporations.
Sec. 8115. Denial of deduction for certain fines, penalties, and other amounts.
Sec. 8116. Disallowance of deduction for punitive damages.
Sec. 8117. Limitation of employer deduction for certain entertainment expenses.
Sec. 8118. Imposition of mark-to-market tax on individuals who expatriate.
Sec. 8119. Tax treatment of controlled foreign corporations established in tax havens.
Sec. 8120. Modification of exclusion for citizens living abroad.
Sec. 8121. Limitation on annual amounts which may be deferred under nonqualified deferred compensation arrangements.
Sec. 8122. Increase in age of minor children whose unearned income is taxed as if parent's income.
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Subtitle C—Oil and Gas Provisions

Sec. 8131. Extension of superfund taxes.

Sec. 8132. Modifications of foreign tax credit rules applicable to dual capacity taxpayers.
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Subtitle D—Tax Administration Provisions

Sec. 8141. Imposition of withholding on certain payments made by government entities.
Sec. 8142. Increase in certain criminal penalties.
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Sec. 8144. Increase in penalty for bad checks and money orders.
Sec. 8145. Frivolous tax submissions.
Sec. 8146. Partial payments required with submission of offers-in-compromise.
Sec. 8147. Waiver of user fee for installment agreements using automated withdrawals.
Sec. 8148. Termination of installment agreements.

Subtitle E—Additional Provisions

Sec. 8151. Loan and redemption requirements on pooled financing requirements.
Sec. 8152. Repeal of the scheduled phaseout of the limitations on personal exemptions and itemized deductions.

Subtitle A—Provisions Relating to Tax Shelters

SEC. 8101. CLARIFICATION OF ECONOMIC SUBSTANCE DOCTRINE.

(a) IN GENERAL.—Section 7701 is amended by redesignating subsection (o) as subsection (p) and by inserting after subsection (n) the following new subsection:

''(o) CLARIFICATION OF ECONOMIC SUBSTANCE DOCTRINE; ETC.—

''(1) GENERAL RULES.—

''(A) IN GENERAL.—In any case in which a court determines that the economic substance doctrine is relevant for purposes of this title to a transaction (or series of transactions), such transaction (or series of transactions) shall have economic substance only if the requirements of this paragraph are met.

''(B) DEFINITION OF ECONOMIC SUBSTANCE.—For purposes of subparagraph (A)—

''(i) IN GENERAL.—A transaction has economic substance only if—

''(I) the transaction changes in a meaningful way (apart from Federal tax effects) the taxpayer's economic position, and

''(II) the taxpayer has a substantial nontax purpose for entering into such transaction and the transaction is a reasonable means of accomplishing such purpose.

In applying subclause (II), a purpose of achieving a financial accounting benefit shall not be taken into account in determining whether a transaction has a substantial nontax purpose if the origin of such financial accounting benefit is a reduction of income tax.

''(ii) SPECIAL RULE WHERE TAXPAYER RELIES ON PROFIT POTENTIAL.—A transaction shall not be treated as having economic substance by reason of having a potential for profit unless—

''(I) the present value of the reasonably expected pre-tax profit from the transaction is substantial in relation to the present value of the expected net tax benefits that would be allowed if the transaction were respected, and

''(II) the reasonably expected pre-tax profit from the transaction exceeds a risk-free rate of return.

''(C) TREATMENT OF FEES AND FOREIGN TAXES.—Fees and other transaction expenses and foreign taxes shall be taken into account as expenses in determining pre-tax profit under subparagraph (B)(ii).

''(2) SPECIAL RULES FOR TRANSACTIONS WITH TAX-INDIFFERENT PARTIES.—

''(A) SPECIAL RULES FOR FINANCING TRANSACTIONS.—The form of a transaction which is in substance the borrowing of money or the acquisition of financial capital directly or indirectly from a tax-indifferent party shall not be respected if the present value of the deductions to be claimed with respect to the transaction is substantially in excess of the present value of the anticipated economic returns of the person lending the money or providing the financial capital. A public offering shall be treated as a borrowing, or an acquisition of financial capital, from a tax-indifferent party if it is reasonably expected that at least 50 percent of the offering will be placed with tax-indifferent parties.

''(B) ARTIFICIAL INCOME SHIFTING AND BASIS ADJUSTMENTS.—The form of a transaction with a tax-indifferent party shall not be respected if—

''(i) it results in an allocation of income or gain to the tax-indifferent party in excess of such party's economic income or gain, or

''(ii) it results in a basis adjustment or shifting of basis on account of overstating the income or gain of the tax-indifferent party.

''(3) DEFINITIONS AND SPECIAL RULES.—For purposes of this subsection—

''(A) ECONOMIC SUBSTANCE DOCTRINE.—The term 'economic substance doctrine' means the common law doctrine under which tax benefits under subtitle A with respect to a transaction are not allowable if the transaction does not have economic substance or lacks a business purpose.

''(B) TAX-INDIFFERENT PARTY.—The term 'tax-indifferent party' means any person or entity not subject to tax imposed by subtitle A. A person shall be treated as a tax-indifferent party with respect to a transaction if the items taken into account with respect to the transaction have no substantial impact on such person's liability under subtitle A.

''(C) EXCEPTION FOR PERSONAL TRANSACTIONS OF INDIVIDUALS.—In the case of an individual, this subsection shall apply only to transactions entered into in connection with a trade or business or an activity engaged in for the production of income.

''(D) TREATMENT OF LESSORS.—In applying paragraph (1)(B)(ii) to the lessor of tangible property subject to a lease—

''(i) the expected net tax benefits with respect to the leased property shall not include the benefits of—

''(I) depreciation,

''(II) any tax credit, or

''(III) any other deduction as provided in guidance by the Secretary, and

''(ii) subclause (II) of paragraph (1)(B)(ii) shall be disregarded in determining whether any of such benefits are allowable.

''(4) OTHER COMMON LAW DOCTRINES NOT AFFECTED.—Except as specifically provided in this subsection, the provisions of this subsection shall not be construed as altering or supplanting any other rule of law, and the requirements of this subsection shall be construed as being in addition to any such other rule of law.

''(5) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this subsection. Such regulations may include exemptions from the application of this subsection.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to transactions entered into after the date of the enactment of this Act.

SEC. 8102. PENALTY FOR UNDERSTATEMENTS ATTRIBUTABLE TO TRANSACTIONS LACKING ECONOMIC SUBSTANCE, ETC.

(a) IN GENERAL.—Subchapter A of chapter 68 is amended by inserting after section 6662A the following new section:

''SEC. 6662B. PENALTY FOR UNDERSTATEMENTS ATTRIBUTABLE TO TRANSACTIONS LACKING ECONOMIC SUBSTANCE, ETC.

''(a) IMPOSITION OF PENALTY.—If a taxpayer has an noneconomic substance transaction understatement for any taxable year, there shall be added to the tax an amount equal to 40 percent of the amount of such understatement.

''(b) REDUCTION OF PENALTY FOR DISCLOSED TRANSACTIONS.—Subsection (a) shall be applied by substituting '20 percent' for '40 percent' with respect to the portion of any noneconomic substance transaction understatement with respect to which the relevant facts affecting the tax treatment of the item are adequately disclosed in the return or a statement attached to the return.

''(c) NONECONOMIC SUBSTANCE TRANSACTION UNDERSTATEMENT.—For purposes of this section—

''(1) IN GENERAL.—The term 'noneconomic substance transaction understatement' means any amount which would be an understatement under section 6662A(b)(1) if section 6662A were applied by taking into account items attributable to noneconomic substance transactions rather than items to which section 6662A would apply without regard to this paragraph.

''(2) NONECONOMIC SUBSTANCE TRANSACTION.—The term 'noneconomic substance transaction' means any transaction if—

''(A) there is a lack of economic substance (within the meaning of section 7701(o)(1)) for the transaction giving rise to the claimed benefit or the transaction was not respected under section 7701(o)(2), or

''(B) the transaction fails to meet the requirements of any similar rule of law.

''(d) RULES APPLICABLE TO COMPROMISE OF PENALTY.—

''(1) IN GENERAL.—If the 1st letter of proposed deficiency which allows the taxpayer an opportunity for administrative review in the Internal Revenue Service Office of Appeals has been sent with respect to a penalty to which this section applies, only the Commissioner of Internal Revenue may compromise all or any portion of such penalty.

''(2) APPLICABLE RULES.—The rules of paragraphs (2) and (3) of section 6707A(d) shall apply for purposes of paragraph (1).

''(e) COORDINATION WITH OTHER PENALTIES.—Except as otherwise provided in this part, the penalty imposed by this section shall be in addition to any other penalty imposed by this title.

''(f) CROSS REFERENCES.—

''(1) For coordination of penalty with understatements under section 6662 and other special rules, see section 6662A(e)

''(2) For reporting of penalty imposed under this section to the Securities and Exchange Commission, see section 6707A(e)''.

(b) COORDINATION WITH OTHER UNDERSTATEMENTS AND PENALTIES.—

(1) The second sentence of section 6662(d)(2)(A) is amended by inserting ''and without regard to items with respect to which a penalty is imposed by section 6662B'' before the period at the end.

(2) Subsection (e) of section 6662A is amended—

(A) in paragraph (1), by inserting ''and noneconomic substance transaction understatements'' after ''reportable transaction understatements'' both places it appears,

(B) in paragraph (2)(A), by inserting ''and a noneconomic substance transaction understatement'' after ''reportable transaction understatement'',

(C) in paragraph (2)(B), by inserting ''6662B or'' before ''6663'',

(D) in paragraph (2)(C)(i), by inserting ''or section 6662B'' before the period at the end,

(E) in paragraph (2)(C)(ii), by inserting ''and section 6662B'' after ''This section'',

(F) in paragraph (3), by inserting ''or noneconomic substance transaction understatement'' after ''reportable transaction understatement'', and

(G) by adding at the end the following new paragraph:

''(4) NONECONOMIC SUBSTANCE TRANSACTION UNDERSTATEMENT.—For purposes of this subsection, the term 'noneconomic substance transaction understatement' has the meaning given such term by section 6662B(c).''.

(3) Subsection (e) of section 6707A is amended—

(A) by striking ''or'' at the end of subparagraph (B), and

(B) by striking subparagraph (C) and inserting the following new subparagraphs:

''(C) is required to pay a penalty under section 6662B with respect to any noneconomic substance transaction, or

''(D) is required to pay a penalty under section 6662(h) with respect to any transaction and would (but for section 6662A(e)(2)(C)) have been subject to penalty under section 6662A at a rate prescribed under section 6662A(c) or under section 6662B,''.

(c) CLERICAL AMENDMENT.—The table of sections for part II of subchapter A of chapter 68 is amended by inserting after the item relating to section 6662A the following new item:

''Sec. 6662B. Penalty for understatements attributable to transactions lacking economic substance, etc''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to transactions entered into after the date of the enactment of this Act.

SEC. 8103. DENIAL OF DEDUCTION FOR INTEREST ON UNDERPAYMENTS ATTRIBUTABLE TO NONECONOMIC SUBSTANCE TRANSACTIONS.

(a) IN GENERAL.—Section 163(m) (relating to interest on unpaid taxes attributable to nondisclosed reportable transactions) is amended—

(1) by striking ''attributable'' and all that follows and inserting the following: ''attributable to—

''(1) the portion of any reportable transaction understatement (as defined in section 6662A(b)) with respect to which the requirement of section 6664(d)(2)(A) is not met, or

''(2) any noneconomic substance transaction understatement (as defined in section 6662B(c)).'', and

(2) by inserting ''AND NONECONOMIC SUBSTANCE TRANSACTIONS'' in the heading thereof after ''TRANSACTIONS''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to transactions after the date of the enactment of this Act in taxable years ending after such date.

SEC. 8104. MODIFICATIONS OF EFFECTIVE DATES OF LEASING PROVISIONS OF THE AMERICAN JOBS CREATION ACT OF 2004.

(a) IN GENERAL.—Section 849(b) of the American Jobs Creation Act of 2004 is amended by striking paragraphs (1) and (2), by redesignating paragraphs (3) and (4) as paragraphs (1) and (2), respectively, and by adding at the end the following new paragraph:

''(3) LEASES TO FOREIGN ENTITIES.—In the case of tax-exempt use property leased to a tax-exempt entity which is a foreign person or entity, the amendments made by this part shall apply to taxable years beginning after December 31, 2004, with respect to leases entered into on or before March 12, 2004.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the enactment of the American Jobs Creation Act of 2004.

SEC. 8105. REVALUATION OF LIFO INVENTORIES OF LARGE INTEGRATED OIL COMPANIES.

(a) GENERAL RULE.—Notwithstanding any other provision of law, if a taxpayer is an applicable integrated oil company for its last taxable year ending in calendar year 2005, the taxpayer shall—

(1) increase, effective as of the close of such taxable year, the value of each historic LIFO layer of inventories of crude oil, natural gas, or any other petroleum product (within the meaning of section 4611) by the layer adjustment amount, and

(2) decrease its cost of goods sold for such taxable year by the aggregate amount of the increases under paragraph (1).

If the aggregate amount of the increases under paragraph (1) exceed the taxpayer's cost of goods sold for such taxable year, the taxpayer's gross income for such taxable year shall be increased by the amount of such excess.

(b) LAYER ADJUSTMENT AMOUNT.—For purposes of this section—

(1) IN GENERAL.—The term ''layer adjustment amount'' means, with respect to any historic LIFO layer, the product of—

(A) $18.75, and

(B) the number of barrels of crude oil (or in the case of natural gas or other petroleum products, the number of barrel-of-oil equivalents) represented by the layer.

(2) BARREL-OF-OIL EQUIVALENT.—The term ''barrel-of-oil equivalent'' has the meaning given such term by section 29(d)(5) (as in effect before its redesignation by the Energy Tax Incentives Act of 2005).

(c) APPLICATION OF REQUIREMENT.—

(1) NO CHANGE IN METHOD OF ACCOUNTING.—Any adjustment required by this section shall not be treated as a change in method of accounting.

(2) UNDERPAYMENTS OF ESTIMATED TAX.—No addition to the tax shall be made under section 6655 of the Internal Revenue Code of 1986 (relating to failure by corporation to pay estimated tax) with respect to any underpayment of an installment required to be paid with respect to the taxable year described in subsection (a) to the extent such underpayment was created or increased by this section.

(d) APPLICABLE INTEGRATED OIL COMPANY.—For purposes of this section, the term ''applicable integrated oil company'' means an integrated oil company (as defined in section 291(b)(4) of the Internal Revenue Code of 1986) which—

(1) had gross receipts in excess of $1,000,000,000 for its last taxable year ending during calendar year 2005, and

(2) uses the last-in, first-out (LIFO) method of accounting with respect to its crude oil inventories for such taxable year.

For purposes of paragraph (1), all persons treated as a single employer under subsections (a) and (b) of section 52 of the Internal Revenue Code of 1986 shall be treated as 1 person and, in the case of a short taxable year, the rule under section 448(c)(3)(B) shall apply.

SEC. 8106. MODIFICATION OF EFFECTIVE DATE OF EXCEPTION FROM SUSPENSION RULES FOR CERTAIN LISTED AND REPORTABLE TRANSACTIONS.

(a) IN GENERAL.—Paragraph (2) of section 903(d) of the American Jobs Creation Act of 2004 is amended to read as follows:

''(2) EXCEPTION FOR REPORTABLE OR LISTED TRANSACTIONS.—

''(A) IN GENERAL.—The amendments made by subsection (c) shall apply with respect to interest accruing after October 3, 2004.

''(B) SPECIAL RULE FOR CERTAIN LISTED AND REPORTABLE TRANSACTIONS.—

''(i) IN GENERAL.—Except as provided in clause (ii), the amendments made by subsection (c) shall also apply with respect to interest accruing on or before October 3, 2004.

''(ii) PARTICIPANTS IN SETTLEMENT INITIATIVES.—Clause (i) shall not apply to any transaction if, as of January 23, 2006—

''(I) the taxpayer is participating in a settlement initiative described in Internal Revenue Service Announcement 2005-80 with respect to such transaction, or

''(II) the taxpayer has entered into a settlement agreement pursuant to such an initiative.

''(iii) TERMINATION OF EXCEPTION.—Clause (ii)(I) shall not apply to any taxpayer if, after January 23, 2006, the taxpayer withdraws from, or terminates, participation in the initiative or the Secretary of the Treasury or the Secretary's delegate determines that a settlement agreement will not be reached pursuant to the initiative within a reasonable period of time.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect as if included in the provisions of the American Jobs Creation Act of 2004 to which it relates.

SEC. 8107. DOUBLING OF CERTAIN PENALTIES, FINES, AND INTEREST ON UNDERPAYMENTS RELATED TO CERTAIN OFFSHORE FINANCIAL ARRANGEMENTS.

(a) DETERMINATION OF PENALTY.—

(1) IN GENERAL.—Notwithstanding any other provision of law, in the case of an applicable taxpayer—

(A) the determination as to whether any interest or applicable penalty is to be imposed with respect to any arrangement described in paragraph (2), or to any underpayment of Federal income tax attributable to items arising in connection with any such arrangement, shall be made without regard to the rules of subsections (b), (c), and (d) of section 6664 of the Internal Revenue Code of 1986, and

(B) if any such interest or applicable penalty is imposed, the amount of such interest or penalty shall be equal to twice that determined without regard to this section.

(2) APPLICABLE TAXPAYER.—For purposes of this subsection—

(A) IN GENERAL.—The term ''applicable taxpayer'' means a taxpayer which—

(i) has underreported its United States income tax liability with respect to any item which directly or indirectly involves—

(I) any financial arrangement which in any manner relies on the use of offshore payment mechanisms (including credit, debit, or charge cards) issued by banks or other entities in foreign jurisdictions, or

(II) any offshore financial arrangement (including any arrangement with foreign banks, financial institutions, corporations, partnerships, trusts, or other entities), and

(ii) has neither signed a closing agreement pursuant to the Voluntary Offshore Compliance Initiative established by the Department of the Treasury under Revenue Procedure 2003-11 nor voluntarily disclosed its participation in such arrangement by notifying the Internal Revenue Service of such arrangement prior to the issue being raised by

the Internal Revenue Service during an examination.

(B) AUTHORITY TO WAIVE.—The Secretary of the Treasury or the Secretary's delegate may waive the application of paragraph (1) to any taxpayer if the Secretary or the Secretary's delegate determines that the use of such offshore payment mechanisms is incidental to the transaction and, in addition, in the case of a trade or business, such use is conducted in the ordinary course of the type of trade or business of the taxpayer.

(C) ISSUES RAISED.—For purposes of subparagraph (A)(ii), an item shall be treated as an issue raised during an examination if the individual examining the return—

(i) communicates to the taxpayer knowledge about the specific item, or

(ii) has made a request to the taxpayer for information and the taxpayer could not make a complete response to that request without giving the examiner knowledge of the specific item.

(b) DEFINITIONS AND RULES.—For purposes of this section—

(1) APPLICABLE PENALTY.—The term ''applicable penalty'' means any penalty, addition to tax, or fine imposed under chapter 68 of the Internal Revenue Code of 1986.

(2) FEES AND EXPENSES.—The Secretary of the Treasury may retain and use an amount not in excess of 25 percent of all additional interest, penalties, additions to tax, and fines collected under this section to be used for enforcement and collection activities of the Internal Revenue Service. The Secretary shall keep adequate records regarding amounts so retained and used. The amount credited as paid by any taxpayer shall be determined without regard to this paragraph.

(c) REPORT BY SECRETARY.—The Secretary shall each year conduct a study and report to Congress on the implementation of this section during the preceding year, including statistics on the number of taxpayers affected by such implementation and the amount of interest and applicable penalties asserted, waived, and assessed during such preceding year.

(d) EFFECTIVE DATE.—The provisions of this section shall apply to interest, penalties, additions to tax, and fines with respect to any taxable year if, as of the date of the enactment of this Act, the assessment of any tax, penalty, or interest with respect to such taxable year is not prevented by the operation of any law or rule of law.

SEC. 8108. PENALTY FOR AIDING AND ABETTING THE UNDERSTATEMENT OF TAX LIABILITY.

(a) IN GENERAL.—Section 6701(a) (relating to imposition of penalty) is amended—

(1) by inserting ''the tax liability or'' after ''respect to,'' in paragraph (1),

(2) by inserting ''aid, assistance, procurement, or advice with respect to such'' before ''portion'' both places it appears in paragraphs (2) and (3), and

(3) by inserting ''instance of aid, assistance, procurement, or advice or each such'' before ''document'' in the matter following paragraph (3).

(b) AMOUNT OF PENALTY.—Subsection (b) of section 6701 (relating to penalties for aiding and abetting understatement of tax liability) is amended to read as follows:

''(b) AMOUNT OF PENALTY; CALCULATION OF PENALTY; LIABILITY FOR PENALTY.—

''(1) AMOUNT OF PENALTY.—The amount of the penalty imposed by subsection (a) shall not exceed 100 percent of the gross income derived (or to be derived) from such aid, assistance, procurement, or advice provided by the person or persons subject to such penalty.

''(2) CALCULATION OF PENALTY.—The penalty amount determined under paragraph (1) shall be calculated with respect to each instance of aid, assistance, procurement, or advice described in subsection (a), each instance in which income was derived by the person or persons subject to such penalty, and each person who made such an understatement of the liability for tax.

''(3) LIABILITY FOR PENALTY.—If more than 1 person is liable under subsection (a) with respect to providing such aid, assistance, procurement, or advice, all such persons shall be jointly and severally liable for the penalty under such subsection.''.

(c) PENALTY NOT DEDUCTIBLE.—Section 6701 is amended by adding at the end the following new subsection:

''(g) PENALTY NOT DEDUCTIBLE.—The payment of any penalty imposed under this section or the payment of any amount to settle or avoid the imposition of such penalty shall not be deductible by the person who is subject to such penalty or who makes such payment.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to activities after the date of the enactment of this Act.

Subtitle B—Provisions to Close Corporate and Individual Loopholes

SEC. 8111. TAX TREATMENT OF INVERTED ENTITIES.

(a) IN GENERAL.—Section 7874 is amended—

(1) by striking ''March 4, 2003'' in subsection (a)(2)(B)(i) and in the matter following subsection (a)(2)(B)(iii) and inserting ''March 20, 2002'',

(2) by striking ''at least 60 percent'' in subsection (a)(2)(B)(ii) and inserting ''more than 50 percent'',

(3) by striking ''80 percent'' in subsection (b) and inserting ''at least 80 percent'',

(4) by striking ''60 percent'' in subsection (b) and inserting ''more than 50 percent'',

(5) by adding at the end of subsection (a)(2) the following new sentence: ''Except as provided in regulations, an acquisition of properties of a domestic corporation shall not be treated as described in subparagraph (B) if none of the corporation's stock was readily tradeable on an established securities market at any time during the 4-year period ending on the date of the acquisition.'', and

(6) by redesignating subsection (g) as subsection (h) and by inserting after subsection (f) the following new subsection:

''(g) SPECIAL RULES APPLICABLE TO EXPATRIATED ENTITIES.—

''(1) INCREASES IN ACCURACY-RELATED PENALTIES.—In the case of any underpayment of tax of an expatriated entity—

''(A) section 6662(a) shall be applied with respect to such underpayment by substituting '30 percent' for '20 percent', and

''(B) if such underpayment is attributable to one or more gross valuation understatements, the increase in the rate of penalty under section 6662(h) shall be to 50 percent rather than 40 percent.

''(2) MODIFICATIONS OF LIMITATION ON INTEREST DEDUCTION.—In the case of an expatriated entity, section 163(j) shall be applied—

''(A) without regard to paragraph (2)(A)(ii) thereof, and

''(B) by substituting '25 percent' for '50 percent' each place it appears in paragraph (2)(B) thereof.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years ending after March 20, 2002.

SEC. 8112. GRANT OF TREASURY REGULATORY AUTHORITY TO ADDRESS FOREIGN TAX CREDIT TRANSACTIONS INVOLVING INAPPROPRIATE SEPARATION OF FOREIGN TAXES FROM RELATED FOREIGN INCOME.

(a) IN GENERAL.—Section 901 (relating to taxes of foreign countries and of possessions of United States) is amended by redesignating subsection (m) as subsection (n) and by inserting after subsection (l) the following new subsection:

''(m) REGULATIONS.—The Secretary may prescribe regulations disallowing a credit under subsection (a) for all or a portion of any foreign tax, or allocating a foreign tax among 2 or more persons, in cases where the foreign tax is imposed on any person in respect of income of another person or in other cases involving the inappropriate separation of the foreign tax from the related foreign income.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to transactions entered into after the date of the enactment of this Act.

SEC. 8113. TREATMENT OF CONTINGENT PAYMENT CONVERTIBLE DEBT INSTRUMENTS.

(a) IN GENERAL.—Section 1275(d) (relating to regulation authority) is amended—

(1) by striking ''The Secretary'' and inserting the following:

''(1) IN GENERAL.—The Secretary'', and

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

''(2) TREATMENT OF CONTINGENT PAYMENT CONVERTIBLE DEBT.—

''(A) IN GENERAL.—In the case of a debt instrument which—

''(i) is convertible into stock of the issuing corporation, into stock or debt of a related party (within the meaning of section 267(b) or 707(b)(1)), or into cash or other property in an amount equal to the approximate value of such stock or debt, and

''(ii) provides for contingent payments,

any regulations which require original issue discount to be determined by reference to the comparable yield of a noncontingent fixed-rate debt instrument shall be applied as if the regulations require that such comparable yield be determined by reference to a noncontingent fixed-rate debt instrument which is convertible into stock.

''(B) SPECIAL RULE.—For purposes of subparagraph (A), the comparable yield shall be determined without taking into account the yield resulting from the conversion of a debt instrument into stock.''.

(b) CROSS REFERENCE.—Section 163(e)(6) (relating to cross references) is amended by adding at the end the following:

''For the treatment of contingent payment convertible debt, see section 1275(d)(2).''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to debt instruments issued on or after the date of the enactment of this Act.

SEC. 8114. APPLICATION OF EARNINGS STRIPPING RULES TO PARTNERS WHICH ARE CORPORATIONS.

(a) IN GENERAL.—Section 163(j) (relating to limitation on deduction for interest on certain indebtedness) is amended by redesignating paragraph (8) as paragraph (9) and by inserting after paragraph (7) the following new paragraph:

''(8) TREATMENT OF CORPORATE PARTNERS.—Except to the extent provided by regulations, in applying this subsection to a corporation which owns (directly or indirectly) an interest in a partnership—

''(A) such corporation's distributive share of interest income paid or accrued to such partnership shall be treated as interest income paid or accrued to such corporation,

''(B) such corporation's distributive share of interest paid or accrued by such partnership shall be treated as interest paid or accrued by such corporation, and

''(C) such corporation's share of the liabilities of such partnership shall be treated as liabilities of such corporation.''.

(b) ADDITIONAL REGULATORY AUTHORITY.—Section 163(j)(9) (relating to regulations), as redesignated by subsection (a), is amended by striking ''and'' at the end of subparagraph (B), by striking the period at the end of subparagraph (C) and inserting '', and'', and by

adding at the end the following new subparagraph:

''(D) regulations providing for the reallocation of shares of partnership indebtedness, or distributive shares of the partnership's interest income or interest expense, as may be appropriate to carry out the purposes of this subsection.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning on or after the date of the enactment of this Act.

SEC. 8115. DENIAL OF DEDUCTION FOR CERTAIN FINES, PENALTIES, AND OTHER AMOUNTS.

(a) IN GENERAL.—Subsection (f) of section 162 (relating to trade or business expenses) is amended to read as follows:

''(f) FINES, PENALTIES, AND OTHER AMOUNTS.—

''(1) IN GENERAL.—Except as provided in paragraph (2), no deduction otherwise allowable shall be allowed under this chapter for any amount paid or incurred (whether by suit, agreement, or otherwise) to, or at the direction of, a government or entity described in paragraph (4) in relation to the violation of any law or the investigation or inquiry by such government or entity into the potential violation of any law.

''(2) EXCEPTION FOR AMOUNTS CONSTITUTING RESTITUTION OR PAID TO COME INTO COMPLIANCE WITH LAW.—Paragraph (1) shall not apply to any amount which—

''(A) the taxpayer establishes—

''(i) constitutes restitution (including remediation of property) for damage or harm caused by or which may be caused by the violation of any law or the potential violation of any law, or

''(ii) is paid to come into compliance with any law which was violated or involved in the investigation or inquiry, and

''(B) is identified as restitution or as an amount paid to come into compliance with the law, as the case may be, in the court order or settlement agreement.

Identification pursuant to subparagraph (B) alone shall not satisfy the requirement under subparagraph (A). This paragraph shall not apply to any amount paid or incurred as reimbursement to the government or entity for the costs of any investigation or litigation.

''(3) EXCEPTION FOR AMOUNTS PAID OR INCURRED AS THE RESULT OF CERTAIN COURT ORDERS.—Paragraph (1) shall not apply to any amount paid or incurred by order of a court in a suit in which no government or entity described in paragraph (4) is a party.

''(4) CERTAIN NONGOVERNMENTAL REGULATORY ENTITIES.—An entity is described in this paragraph if it is—

''(A) a nongovernmental entity which exercises self-regulatory powers (including imposing sanctions) in connection with a qualified board or exchange (as defined in section 1256(g)(7)), or

''(B) to the extent provided in regulations, a nongovernmental entity which exercises self-regulatory powers (including imposing sanctions) as part of performing an essential governmental function.

''(5) EXCEPTION FOR TAXES DUE.—Paragraph (1) shall not apply to any amount paid or incurred as taxes due.''.

(b) REPORTING OF DEDUCTIBLE AMOUNTS.—

(1) IN GENERAL.—Subpart B of part III of subchapter A of chapter 61 is amended by inserting after section 6050T the following new section:

''SEC. 6050U. INFORMATION WITH RESPECT TO CERTAIN FINES, PENALTIES, AND OTHER AMOUNTS.

''(a) REQUIREMENT OF REPORTING.—

''(1) IN GENERAL.—The appropriate official of any government or entity which is described in section 162(f)(4) which is involved in a suit or agreement described in paragraph (2) shall make a return in such form as determined by the Secretary setting forth—

''(A) the amount required to be paid as a result of the suit or agreement to which paragraph (1) of section 162(f) applies,

''(B) any amount required to be paid as a result of the suit or agreement which constitutes restitution or remediation of property, and

''(C) any amount required to be paid as a result of the suit or agreement for the purpose of coming into compliance with any law which was violated or involved in the investigation or inquiry.

''(2) SUIT OR AGREEMENT DESCRIBED.—

''(A) IN GENERAL.—A suit or agreement is described in this paragraph if—

''(i) it is—

''(I) a suit with respect to a violation of any law over which the government or entity has authority and with respect to which there has been a court order, or

''(II) an agreement which is entered into with respect to a violation of any law over which the government or entity has authority, or with respect to an investigation or inquiry by the government or entity into the potential violation of any law over which such government or entity has authority, and

''(ii) the aggregate amount involved in all court orders and agreements with respect to the violation, investigation, or inquiry is $600 or more.

''(B) ADJUSTMENT OF REPORTING THRESHOLD.—The Secretary may adjust the $600 amount in subparagraph (A)(ii) as necessary in order to ensure the efficient administration of the internal revenue laws.

''(3) TIME OF FILING.—The return required under this subsection shall be filed not later than—

''(A) 30 days after the date on which a court order is issued with respect to the suit or the date the agreement is entered into, as the case may be, or

''(B) the date specified Secretary.

''(b) STATEMENTS TO BE FURNISHED TO INDIVIDUALS INVOLVED IN THE SETTLEMENT.—Every person required to make a return under subsection (a) shall furnish to each person who is a party to the suit or agreement a written statement showing—

''(1) the name of the government or entity, and

''(2) the information supplied to the Secretary under subsection (a)(1).

The written statement required under the preceding sentence shall be furnished to the person at the same time the government or entity provides the Secretary with the information required under subsection (a).

''(c) APPROPRIATE OFFICIAL DEFINED.—For purposes of this section, the term 'appropriate official' means the officer or employee having control of the suit, investigation, or inquiry or the person appropriately designated for purposes of this section.''.

(2) CONFORMING AMENDMENT.—The table of sections for subpart B of part III of subchapter A of chapter 61 is amended by inserting after the item relating to section 6050T the following new item:

''Sec. 6050U. Information with respect to certain fines, penalties, and other amounts.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts paid or incurred on or after the date of the enactment of this Act, except that such amendments shall not apply to amounts paid or incurred under any binding order or agreement entered into before such date. Such exception shall not apply to an order or agreement requiring court approval unless the approval was obtained before such date.

SEC. 8116. DISALLOWANCE OF DEDUCTION FOR PUNITIVE DAMAGES.

(a) DISALLOWANCE OF DEDUCTION.—

(1) IN GENERAL.—Section 162(g) (relating to treble damage payments under the antitrust laws) is amended—

(A) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively,

(B) by striking ''If'' and inserting:

''(1) TREBLE DAMAGES.—If'', and

(C) by adding at the end the following new paragraph:

''(2) PUNITIVE DAMAGES.—No deduction shall be allowed under this chapter for any amount paid or incurred for punitive damages in connection with any judgment in, or settlement of, any action. This paragraph shall not apply to punitive damages described in section 104(c).''.

(2) CONFORMING AMENDMENT.—The heading for section 162(g) is amended by inserting ''OR PUNITIVE DAMAGES'' after ''LAWS''.

(b) INCLUSION IN INCOME OF PUNITIVE DAMAGES PAID BY INSURER OR OTHERWISE.—

(1) IN GENERAL.—Part II of subchapter B of chapter 1 (relating to items specifically included in gross income) is amended by adding at the end the following new section:

''SEC. 91. PUNITIVE DAMAGES COMPENSATED BY INSURANCE OR OTHERWISE.

''Gross income shall include any amount paid to or on behalf of a taxpayer as insurance or otherwise by reason of the taxpayer's liability (or agreement) to pay punitive damages.''.

(2) REPORTING REQUIREMENTS.—Section 6041 (relating to information at source) is amended by adding at the end the following new subsection:

''(f) SECTION TO APPLY TO PUNITIVE DAMAGES COMPENSATION.—This section shall apply to payments by a person to or on behalf of another person as insurance or otherwise by reason of the other person's liability (or agreement) to pay punitive damages.''.

(3) CONFORMING AMENDMENT.—The table of sections for part II of subchapter B of chapter 1 is amended by adding at the end the following new item:

''Sec. 91. Punitive damages compensated by insurance or otherwise.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to damages paid or incurred on or after the date of the enactment of this Act.

SEC. 8117. LIMITATION OF EMPLOYER DEDUCTION FOR CERTAIN ENTERTAINMENT EXPENSES.

(a) IN GENERAL.—Paragraph (2) of section 274(e) (relating to expenses treated as compensation) is amended to read as follows:

''(2) EXPENSES TREATED AS COMPENSATION.—Expenses for goods, services, and facilities, to the extent that the expenses do not exceed the amount of the expenses which are treated by the taxpayer, with respect to the recipient of the entertainment, amusement, or recreation, as compensation to an employee on the taxpayer's return of tax under this chapter and as wages to such employee for purposes of chapter 24 (relating to withholding of income tax at source on wages).''.

(b) PERSONS NOT EMPLOYEES.—Paragraph (9) of section 274(e) is amended by striking ''to the extent that the expenses are includible in the gross income'' and inserting ''to the extent that the expenses do not exceed the amount of the expenses which are includible in the gross income''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to expenses incurred after the date of the enactment of this Act.

SEC. 8118. IMPOSITION OF MARK-TO-MARKET TAX ON INDIVIDUALS WHO EXPATRIATE.

(a) IN GENERAL.—Subpart A of part II of subchapter N of chapter 1 is amended by inserting after section 877 the following new section:

"SEC. 877A. TAX RESPONSIBILITIES OF EXPATRIATION.

''(a) GENERAL RULES.—For purposes of this subtitle—

''(1) MARK TO MARKET.—Except as provided in subsections (d) and (f), all property of a covered expatriate to whom this section applies shall be treated as sold on the day before the expatriation date for its fair market value.

''(2) RECOGNITION OF GAIN OR LOSS.—In the case of any sale under paragraph (1)—

''(A) notwithstanding any other provision of this title, any gain arising from such sale shall be taken into account for the taxable year of the sale, and

''(B) any loss arising from such sale shall be taken into account for the taxable year of the sale to the extent otherwise provided by this title, except that section 1091 shall not apply to any such loss.

Proper adjustment shall be made in the amount of any gain or loss subsequently realized for gain or loss taken into account under the preceding sentence.

''(3) EXCLUSION FOR CERTAIN GAIN.—

''(A) IN GENERAL.—The amount which, but for this paragraph, would be includible in the gross income of any individual by reason of this section shall be reduced (but not below zero) by $600,000. For purposes of this paragraph, allocable expatriation gain taken into account under subsection (f)(2) shall be treated in the same manner as an amount required to be includible in gross income.

''(B) COST-OF-LIVING ADJUSTMENT.—

''(i) IN GENERAL.—In the case of an expatriation date occurring in any calendar year after 2005, the $600,000 amount under subparagraph (A) shall be increased by an amount equal to—

''(I) such dollar amount, multiplied by

''(II) the cost-of-living adjustment determined under section 1(f)(3) for such calendar year, determined by substituting 'calendar year 2004' for 'calendar year 1992' in subparagraph (B) thereof.

''(ii) ROUNDING RULES.—If any amount after adjustment under clause (i) is not a multiple of $1,000, such amount shall be rounded to the next lower multiple of $1,000.

''(4) ELECTION TO CONTINUE TO BE TAXED AS UNITED STATES CITIZEN.—

''(A) IN GENERAL.—If a covered expatriate elects the application of this paragraph—

''(i) this section (other than this paragraph and subsection (i)) shall not apply to the expatriate, but

''(ii) in the case of property to which this section would apply but for such election, the expatriate shall be subject to tax under this title in the same manner as if the individual were a United States citizen.

''(B) REQUIREMENTS.—Subparagraph (A) shall not apply to an individual unless the individual—

''(i) provides security for payment of tax in such form and manner, and in such amount, as the Secretary may require,

''(ii) consents to the waiver of any right of the individual under any treaty of the United States which would preclude assessment or collection of any tax which may be imposed by reason of this paragraph, and

''(iii) complies with such other requirements as the Secretary may prescribe.

''(C) ELECTION.—An election under subparagraph (A) shall apply to all property to which this section would apply but for the election and, once made, shall be irrevocable. Such election shall also apply to property the basis of which is determined in whole or in part by reference to the property with respect to which the election was made.

''(b) ELECTION TO DEFER TAX.—

''(1) IN GENERAL.—If the taxpayer elects the application of this subsection with respect to any property treated as sold by reason of subsection (a), the payment of the additional tax attributable to such property shall be postponed until the due date of the return for the taxable year in which such property is disposed of (or, in the case of property disposed of in a transaction in which gain is not recognized in whole or in part, until such other date as the Secretary may prescribe).

''(2) DETERMINATION OF TAX WITH RESPECT TO PROPERTY.—For purposes of paragraph (1), the additional tax attributable to any property is an amount which bears the same ratio to the additional tax imposed by this chapter for the taxable year solely by reason of subsection (a) as the gain taken into account under subsection (a) with respect to such property bears to the total gain taken into account under subsection (a) with respect to all property to which subsection (a) applies.

''(3) TERMINATION OF POSTPONEMENT.—No tax may be postponed under this subsection later than the due date for the return of tax imposed by this chapter for the taxable year which includes the date of death of the expatriate (or, if earlier, the time that the security provided with respect to the property fails to meet the requirements of paragraph (4), unless the taxpayer corrects such failure within the time specified by the Secretary).

''(4) SECURITY.—

''(A) IN GENERAL.—No election may be made under paragraph (1) with respect to any property unless adequate security is provided to the Secretary with respect to such property.

''(B) ADEQUATE SECURITY.—For purposes of subparagraph (A), security with respect to any property shall be treated as adequate security if—

''(i) it is a bond in an amount equal to the deferred tax amount under paragraph (2) for the property, or

''(ii) the taxpayer otherwise establishes to the satisfaction of the Secretary that the security is adequate.

''(5) WAIVER OF CERTAIN RIGHTS.—No election may be made under paragraph (1) unless the taxpayer consents to the waiver of any right under any treaty of the United States which would preclude assessment or collection of any tax imposed by reason of this section.

''(6) ELECTIONS.—An election under paragraph (1) shall only apply to property described in the election and, once made, is irrevocable. An election may be made under paragraph (1) with respect to an interest in a trust with respect to which gain is required to be recognized under subsection (f)(1).

''(7) INTEREST.—For purposes of section 6601—

''(A) the last date for the payment of tax shall be determined without regard to the election under this subsection, and

''(B) section 6621(a)(2) shall be applied by substituting '5 percentage points' for '3 percentage points' in subparagraph (B) thereof.

''(c) COVERED EXPATRIATE.—For purposes of this section—

''(1) IN GENERAL.—Except as provided in paragraph (2), the term 'covered expatriate' means an expatriate.

''(2) EXCEPTIONS.—An individual shall not be treated as a covered expatriate if—

''(A) the individual—

''(i) became at birth a citizen of the United States and a citizen of another country and, as of the expatriation date, continues to be a citizen of, and is taxed as a resident of, such other country, and

''(ii) has not been a resident of the United States (as defined in section 7701(b)(1)(A)(ii)) during the 5 taxable years ending with the taxable year during which the expatriation date occurs, or

''(B)(i) the individual's relinquishment of United States citizenship occurs before such individual attains age 18½, and

''(ii) the individual has been a resident of the United States (as so defined) for not more than 5 taxable years before the date of relinquishment.

''(d) EXEMPT PROPERTY; SPECIAL RULES FOR PENSION PLANS.—

''(1) EXEMPT PROPERTY.—This section shall not apply to the following:

''(A) UNITED STATES REAL PROPERTY INTERESTS.—Any United States real property interest (as defined in section 897(c)(1)), other than stock of a United States real property holding corporation which does not, on the day before the expatriation date, meet the requirements of section 897(c)(2).

''(B) SPECIFIED PROPERTY.—Any property or interest in property not described in subparagraph (A) which the Secretary specifies in regulations.

''(2) SPECIAL RULES FOR CERTAIN RETIREMENT PLANS.—

''(A) IN GENERAL.—If a covered expatriate holds on the day before the expatriation date any interest in a retirement plan to which this paragraph applies—

''(i) such interest shall not be treated as sold for purposes of subsection (a)(1), but

''(ii) an amount equal to the present value of the expatriate's nonforfeitable accrued benefit shall be treated as having been received by such individual on such date as a distribution under the plan.

''(B) TREATMENT OF SUBSEQUENT DISTRIBUTIONS.—In the case of any distribution on or after the expatriation date to or on behalf of the covered expatriate from a plan from which the expatriate was treated as receiving a distribution under subparagraph (A), the amount otherwise includible in gross income by reason of the subsequent distribution shall be reduced by the excess of the amount includible in gross income under subparagraph (A) over any portion of such amount to which this subparagraph previously applied.

''(C) TREATMENT OF SUBSEQUENT DISTRIBUTIONS BY PLAN.—For purposes of this title, a retirement plan to which this paragraph applies, and any person acting on the plan's behalf, shall treat any subsequent distribution described in subparagraph (B) in the same manner as such distribution would be treated without regard to this paragraph.

''(D) APPLICABLE PLANS.—This paragraph shall apply to—

''(i) any qualified retirement plan (as defined in section 4974(c)),

''(ii) an eligible deferred compensation plan (as defined in section 457(b)) of an eligible employer described in section 457(e)(1)(A), and

''(iii) to the extent provided in regulations, any foreign pension plan or similar retirement arrangements or programs.

''(e) DEFINITIONS.—For purposes of this section—

''(1) EXPATRIATE.—The term 'expatriate' means—

''(A) any United States citizen who relinquishes citizenship, and

''(B) any long-term resident of the United States who—

''(i) ceases to be a lawful permanent resident of the United States (within the meaning of section 7701(b)(6)), or

''(ii) commences to be treated as a resident of a foreign country under the provisions of a tax treaty between the United States and the foreign country and who does not waive the benefits of such treaty applicable to residents of the foreign country.

''(2) EXPATRIATION DATE.—The term 'expatriation date' means—

''(A) the date an individual relinquishes United States citizenship, or

''(B) in the case of a long-term resident of the United States, the date of the event described in clause (i) or (ii) of paragraph (1)(B).

''(3) RELINQUISHMENT OF CITIZENSHIP.—A citizen shall be treated as relinquishing United States citizenship on the earliest of—

''(A) the date the individual renounces such individual's United States nationality before a diplomatic or consular officer of the United States pursuant to paragraph (5) of section 349(a) of the Immigration and Nationality Act (8 U.S.C. 1481(a)(5)),

''(B) the date the individual furnishes to the United States Department of State a signed statement of voluntary relinquishment of United States nationality confirming the performance of an act of expatriation specified in paragraph (1), (2), (3), or (4) of section 349(a) of the Immigration and Nationality Act (8 U.S.C. 1481(a)(1)–(4)),

''(C) the date the United States Department of State issues to the individual a certificate of loss of nationality, or

''(D) the date a court of the United States cancels a naturalized citizen's certificate of naturalization.

Subparagraph (A) or (B) shall not apply to any individual unless the renunciation or voluntary relinquishment is subsequently approved by the issuance to the individual of a certificate of loss of nationality by the United States Department of State.

''(4) LONG-TERM RESIDENT.—The term 'long-term resident' has the meaning given to such term by section 877(e)(2).

''(f) SPECIAL RULES APPLICABLE TO BENEFICIARIES' INTERESTS IN TRUST.—

''(1) IN GENERAL.—Except as provided in paragraph (2), if an individual is determined under paragraph (3) to hold an interest in a trust on the day before the expatriation date—

''(A) the individual shall not be treated as having sold such interest,

''(B) such interest shall be treated as a separate share in the trust, and

''(C)(i) such separate share shall be treated as a separate trust consisting of the assets allocable to such share,

''(ii) the separate trust shall be treated as having sold its assets on the day before the expatriation date for their fair market value and as having distributed all of its assets to the individual as of such time, and

''(iii) the individual shall be treated as having recontributed the assets to the separate trust.

Subsection (a)(2) shall apply to any income, gain, or loss of the individual arising from a distribution described in subparagraph (C)(ii). In determining the amount of such distribution, proper adjustments shall be made for liabilities of the trust allocable to an individual's share in the trust.

''(2) SPECIAL RULES FOR INTERESTS IN QUALIFIED TRUSTS.—

''(A) IN GENERAL.—If the trust interest described in paragraph (1) is an interest in a qualified trust—

''(i) paragraph (1) and subsection (a) shall not apply, and

''(ii) in addition to any other tax imposed by this title, there is hereby imposed on each distribution with respect to such interest a tax in the amount determined under subparagraph (B).

''(B) AMOUNT OF TAX.—The amount of tax under subparagraph (A)(ii) shall be equal to the lesser of—

''(i) the highest rate of tax imposed by section 1(e) for the taxable year which includes the day before the expatriation date, multiplied by the amount of the distribution, or

''(ii) the balance in the deferred tax account immediately before the distribution determined without regard to any increases under subparagraph (C)(ii) after the 30th day preceding the distribution.

''(C) DEFERRED TAX ACCOUNT.—For purposes of subparagraph (B)(ii)—

''(i) OPENING BALANCE.—The opening balance in a deferred tax account with respect to any trust interest is an amount equal to the tax which would have been imposed on the allocable expatriation gain with respect to the trust interest if such gain had been included in gross income under subsection (a).

''(ii) INCREASE FOR INTEREST.—The balance in the deferred tax account shall be increased by the amount of interest determined (on the balance in the account at the time the interest accrues), for periods after the 90th day after the expatriation date, by using the rates and method applicable under section 6621 for underpayments of tax for such periods, except that section 6621(a)(2) shall be applied by substituting '5 percentage points' for '3 percentage points' in subparagraph (B) thereof.

''(iii) DECREASE FOR TAXES PREVIOUSLY PAID.—The balance in the tax deferred account shall be reduced—

''(I) by the amount of taxes imposed by subparagraph (A) on any distribution to the person holding the trust interest, and

''(II) in the case of a person holding a nonvested interest, to the extent provided in regulations, by the amount of taxes imposed by subparagraph (A) on distributions from the trust with respect to nonvested interests not held by such person.

''(D) ALLOCABLE EXPATRIATION GAIN.—For purposes of this paragraph, the allocable expatriation gain with respect to any beneficiary's interest in a trust is the amount of gain which would be allocable to such beneficiary's vested and nonvested interests in the trust if the beneficiary held directly all assets allocable to such interests.

''(E) TAX DEDUCTED AND WITHHELD.—

''(i) IN GENERAL.—The tax imposed by subparagraph (A)(ii) shall be deducted and withheld by the trustees from the distribution to which it relates.

''(ii) EXCEPTION WHERE FAILURE TO WAIVE TREATY RIGHTS.—If an amount may not be deducted and withheld under clause (i) by reason of the distributee failing to waive any treaty right with respect to such distribution—

''(I) the tax imposed by subparagraph (A)(ii) shall be imposed on the trust and each trustee shall be personally liable for the amount of such tax, and

''(II) any other beneficiary of the trust shall be entitled to recover from the distributee the amount of such tax imposed on the other beneficiary.

''(F) DISPOSITION.—If a trust ceases to be a qualified trust at any time, a covered expatriate disposes of an interest in a qualified trust, or a covered expatriate holding an interest in a qualified trust dies, then, in lieu of the tax imposed by subparagraph (A)(ii), there is hereby imposed a tax equal to the lesser of—

''(i) the tax determined under paragraph (1) as if the day before the expatriation date were the date of such cessation, disposition, or death, whichever is applicable, or

''(ii) the balance in the tax deferred account immediately before such date.

Such tax shall be imposed on the trust and each trustee shall be personally liable for the amount of such tax and any other beneficiary of the trust shall be entitled to recover from the covered expatriate or the estate the amount of such tax imposed on the other beneficiary.

''(G) DEFINITIONS AND SPECIAL RULES.—For purposes of this paragraph—

''(i) QUALIFIED TRUST.—The term 'qualified trust' means a trust which is described in section 7701(a)(30)(E).

''(ii) VESTED INTEREST.—The term 'vested interest' means any interest which, as of the day before the expatriation date, is vested in the beneficiary.

''(iii) NONVESTED INTEREST.—The term 'nonvested interest' means, with respect to any beneficiary, any interest in a trust which is not a vested interest. Such interest shall be determined by assuming the maximum exercise of discretion in favor of the beneficiary and the occurrence of all contingencies in favor of the beneficiary.

''(iv) ADJUSTMENTS.—The Secretary may provide for such adjustments to the bases of assets in a trust or a deferred tax account, and the timing of such adjustments, in order to ensure that gain is taxed only once.

''(v) COORDINATION WITH RETIREMENT PLAN RULES.—This subsection shall not apply to an interest in a trust which is part of a retirement plan to which subsection (d)(2) applies.

''(3) DETERMINATION OF BENEFICIARIES' INTEREST IN TRUST.—

''(A) DETERMINATIONS UNDER PARAGRAPH (1).—For purposes of paragraph (1), a beneficiary's interest in a trust shall be based upon all relevant facts and circumstances, including the terms of the trust instrument and any letter of wishes or similar document, historical patterns of trust distributions, and the existence of and functions performed by a trust protector or any similar adviser.

''(B) OTHER DETERMINATIONS.—For purposes of this section—

''(i) CONSTRUCTIVE OWNERSHIP.—If a beneficiary of a trust is a corporation, partnership, trust, or estate, the shareholders, partners, or beneficiaries shall be deemed to be the trust beneficiaries for purposes of this section.

''(ii) TAXPAYER RETURN POSITION.—A taxpayer shall clearly indicate on its income tax return—

''(I) the methodology used to determine that taxpayer's trust interest under this section, and

''(II) if the taxpayer knows (or has reason to know) that any other beneficiary of such trust is using a different methodology to determine such beneficiary's trust interest under this section.

''(g) TERMINATION OF DEFERRALS, ETC.—In the case of any covered expatriate, notwithstanding any other provision of this title—

''(1) any period during which recognition of income or gain is deferred shall terminate on the day before the expatriation date, and

''(2) any extension of time for payment of tax shall cease to apply on the day before the expatriation date and the unpaid portion of such tax shall be due and payable at the time and in the manner prescribed by the Secretary.

''(h) IMPOSITION OF TENTATIVE TAX.—

''(1) IN GENERAL.—If an individual is required to include any amount in gross income under subsection (a) for any taxable year, there is hereby imposed, immediately before the expatriation date, a tax in an amount equal to the amount of tax which would be imposed if the taxable year were a short taxable year ending on the expatriation date.

''(2) DUE DATE.—The due date for any tax imposed by paragraph (1) shall be the 90th day after the expatriation date.

''(3) TREATMENT OF TAX.—Any tax paid under paragraph (1) shall be treated as a payment of the tax imposed by this chapter for the taxable year to which subsection (a) applies.

''(4) DEFERRAL OF TAX.—The provisions of subsection (b) shall apply to the tax imposed by this subsection to the extent attributable to gain includible in gross income by reason of this section.

''(i) SPECIAL LIENS FOR DEFERRED TAX AMOUNTS.—

''(1) IMPOSITION OF LIEN.—

''(A) IN GENERAL.—If a covered expatriate makes an election under subsection (a)(4) or (b) which results in the deferral of any tax imposed by reason of subsection (a), the deferred amount (including any interest, additional amount, addition to tax, assessable penalty, and costs attributable to the deferred amount) shall be a lien in favor of the United States on all property of the expatriate located in the United States (without regard to whether this section applies to the property).

''(B) DEFERRED AMOUNT.—For purposes of this subsection, the deferred amount is the amount of the increase in the covered expatriate's income tax which, but for the election under subsection (a)(4) or (b), would have occurred by reason of this section for the taxable year including the expatriation date.

''(2) PERIOD OF LIEN.—The lien imposed by this subsection shall arise on the expatriation date and continue until—

''(A) the liability for tax by reason of this section is satisfied or has become unenforceable by reason of lapse of time, or

''(B) it is established to the satisfaction of the Secretary that no further tax liability may arise by reason of this section.

''(3) CERTAIN RULES APPLY.—The rules set forth in paragraphs (1), (3), and (4) of section 6324A(d) shall apply with respect to the lien imposed by this subsection as if it were a lien imposed by section 6324A.

''(j) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this section.''.

(b) INCLUSION IN INCOME OF GIFTS AND BEQUESTS RECEIVED BY UNITED STATES CITIZENS AND RESIDENTS FROM EXPATRIATES.—Section 102 (relating to gifts, etc. not included in gross income) is amended by adding at the end the following new subsection:

''(d) GIFTS AND INHERITANCES FROM COVERED EXPATRIATES.—

''(1) IN GENERAL.—Subsection (a) shall not exclude from gross income the value of any property acquired by gift, bequest, devise, or inheritance from a covered expatriate after the expatriation date. For purposes of this subsection, any term used in this subsection which is also used in section 877A shall have the same meaning as when used in section 877A.

''(2) EXCEPTIONS FOR TRANSFERS OTHERWISE SUBJECT TO ESTATE OR GIFT TAX.—Paragraph (1) shall not apply to any property if either—

''(A) the gift, bequest, devise, or inheritance is—

''(i) shown on a timely filed return of tax imposed by chapter 12 as a taxable gift by the covered expatriate, or

''(ii) included in the gross estate of the covered expatriate for purposes of chapter 11 and shown on a timely filed return of tax imposed by chapter 11 of the estate of the covered expatriate, or

''(B) no such return was timely filed but no such return would have been required to be filed even if the covered expatriate were a citizen or long-term resident of the United States.''.

(c) DEFINITION OF TERMINATION OF UNITED STATES CITIZENSHIP.—Section 7701(a) is amended by adding at the end the following new paragraph:

''(49) TERMINATION OF UNITED STATES CITIZENSHIP.—

''(A) IN GENERAL.—An individual shall not cease to be treated as a United States citizen before the date on which the individual's citizenship is treated as relinquished under section 877A(e)(3).

''(B) DUAL CITIZENS.—Under regulations prescribed by the Secretary, subparagraph (A) shall not apply to an individual who became at birth a citizen of the United States and a citizen of another country.''.

(d) INELIGIBILITY FOR VISA OR ADMISSION TO UNITED STATES.—

(1) IN GENERAL.—Section 212(a)(10)(E) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(10)(E)) is amended to read as follows:

''(E) FORMER CITIZENS NOT IN COMPLIANCE WITH EXPATRIATION REVENUE PROVISIONS.—Any alien who is a former citizen of the United States who relinquishes United States citizenship (within the meaning of section 877A(e)(3) of the Internal Revenue Code of 1986) and who is not in compliance with section 877A of such Code (relating to expatriation).''.

(2) AVAILABILITY OF INFORMATION.—

(A) IN GENERAL.—Section 6103(l) (relating to disclosure of returns and return information for purposes other than tax administration) is amended by adding at the end the following new paragraph:

''(21) DISCLOSURE TO DENY VISA OR ADMISSION TO CERTAIN EXPATRIATES.—Upon written request of the Attorney General or the Attorney General's delegate, the Secretary shall disclose whether an individual is in compliance with section 877A (and if not in compliance, any items of noncompliance) to officers and employees of the Federal agency responsible for administering section 212(a)(10)(E) of the Immigration and Nationality Act solely for the purpose of, and to the extent necessary in, administering such section 212(a)(10)(E).''.

(B) SAFEGUARDS.—Section 6103(p)(4) (relating to safeguards) is amended by striking ''or (20)'' each place it appears and inserting ''(20), or (21)''.

(3) EFFECTIVE DATES.—The amendments made by this subsection shall apply to individuals who relinquish United States citizenship on or after the date of the enactment of this Act.

(e) CONFORMING AMENDMENTS.—

(1) Section 877 is amended by adding at the end the following new subsection:

''(h) APPLICATION.—This section shall not apply to an expatriate (as defined in section 877A(e)) whose expatriation date (as so defined) occurs on or after the date of the enactment of this subsection.''.

(2) Section 2107 is amended by adding at the end the following new subsection:

''(f) APPLICATION.—This section shall not apply to any expatriate subject to section 877A.''.

(3) Section 2501(a)(3) is amended by adding at the end the following new subparagraph:

''(C) APPLICATION.—This paragraph shall not apply to any expatriate subject to section 877A.''.

(4) Section 6039G(a) is amended by inserting ''or 877A'' after ''section 877(b)''.

(5) The second sentence of section 6039G(d) is amended by inserting ''or who relinquishes United States citizenship (within the meaning of section 877A(e)(3))'' after ''section 877(a))''.

(f) CLERICAL AMENDMENT.—The table of sections for subpart A of part II of subchapter N of chapter 1 is amended by inserting after the item relating to section 877 the following new item:

''Sec. 877A. Tax responsibilities of expatriation.''.

(g) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in this subsection, the amendments made by this section shall apply to expatriates (within the meaning of section 877A(e) of the Internal Revenue Code of 1986, as added by this section) whose expatriation date (as so defined) occurs on or after the date of the enactment of this Act.

(2) GIFTS AND BEQUESTS.—Section 102(d) of the Internal Revenue Code of 1986 (as added by subsection (b)) shall apply to gifts and bequests received on or after the date of the enactment of this Act, from an individual or the estate of an individual whose expatriation date (as so defined) occurs after such date.

(3) DUE DATE FOR TENTATIVE TAX.—The due date under section 877A(h)(2) of the Internal Revenue Code of 1986, as added by this section, shall in no event occur before the 90th day after the date of the enactment of this Act.

SEC. 8119. TAX TREATMENT OF CONTROLLED FOREIGN CORPORATIONS ESTABLISHED IN TAX HAVENS.

(a) IN GENERAL.—Subchapter C of chapter 80 (relating to provisions affecting more than one subtitle) is amended by adding at the end the following new section:

''SEC. 7875. CONTROLLED FOREIGN CORPORATIONS IN TAX HAVENS TREATED AS DOMESTIC CORPORATIONS.

''(a) GENERAL RULE.—If a controlled foreign corporation is a tax-haven CFC, then, notwithstanding section 7701(a)(4), such corporation shall be treated for purposes of this title as a domestic corporation.

''(b) TAX-HAVEN CFC.—For purposes of this section—

''(1) IN GENERAL.—The term 'tax-haven CFC' means, with respect to any taxable year, a foreign corporation which—

''(A) was created or organized under the laws of a tax-haven country, and

''(B) is a controlled foreign corporation (determined without regard to this section) for an uninterrupted period of 30 days or more during the taxable year.

''(2) EXCEPTION.—The term 'tax-haven CFC' does not include a foreign corporation for any taxable year if substantially all of its income for the taxable year is derived from the active conduct of trades or businesses within the country under the laws of which the corporation was created or organized.

''(c) TAX-HAVEN COUNTRY.—For purposes of this section—

''(1) IN GENERAL.—The term 'tax-haven country' means any of the following:

''Andorra	Gibraltar	Netherlands Antilles
Anguilla	Grenada	Niue
Antigua and Barbuda	Guernsey	Panama
Aruba	Isle of Man	Samoa
Commonwealth of the Bahamas	Jersey	San Marino
Bahrain	Liberia	Federation of Saint Christopher and Nevis
Barbados	Principality of Liechtenstein	Saint Lucia
Belize	Republic of the Maldives	Saint Vincent and the Grenadines
Bermuda	Malta	Republic of the Seychelles
British Virgin Islands	Republic of the Marshall Islands	Tonga
Cayman Islands	Mauritius	Turks and Caicos
Cook Islands	Principality of Monaco	Republic of Vanuatu
Cyprus	Montserrat	
Commonwealth of the Dominica	Republic of Nauru	

''(2) SECRETARIAL AUTHORITY.—The Secretary may remove or add a foreign jurisdiction from the list of tax-haven countries under paragraph (1) if the Secretary determines such removal or addition is consistent with the purposes of this section.''.

(b) CONFORMING AMENDMENT.—The table of sections for subchapter C of chapter 80 is amended by adding at the end the following new item:

''Sec. 7875. Controlled foreign corporations in tax havens treated as domestic corporations.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2007.

SEC. 8120. MODIFICATION OF EXCLUSION FOR CITIZENS LIVING ABROAD.

(a) INFLATION ADJUSTMENT OF FOREIGN EARNED INCOME LIMITATION.—Clause (ii) of section 911(b)(2)(D) (relating to inflation adjustment) is amended—

(1) by striking ''2007'' and inserting ''2005'', and

(2) by striking ''2006'' in subclause (II) and inserting ''2004''.

(b) MODIFICATION OF HOUSING COST AMOUNT.—

(1) MINIMUM AMOUNT.—Clause (i) of section 911(c)(1)(B) is amended to read as follows:

''(i) 16 percent of the amount (computed on a daily basis) in effect under subsection (b)(2)(D) for the calendar year in which such taxable year begins, multiplied by''.

(2) MAXIMUM AMOUNT OF EXCLUSION.—

(A) IN GENERAL.—Subparagraph (A) of section 911(c)(1) is amended by inserting ''to the extent such expenses do not exceed the amount determined under paragraph (2)'' after ''the taxable year''.

(B) LIMITATION.—Subsection (c) of section 911 is amended by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively, and by inserting after paragraph (1) the following new paragraph:

''(2) LIMITATION.—The amount determined under this paragraph is an amount equal to the product of—

''(A) 30 percent of the amount (computed on a daily basis) in effect under subsection (b)(2)(D) for the calendar year in which the taxable year of the individual begins, multiplied by

''(B) the number of days of such taxable year within the applicable period described in subparagraph (A) or (B) of subsection (d)(1).''.

(C) CONFORMING AMENDMENTS.—

(i) Section 911(d)(4) is amended by striking ''and (c)(1)(B)(ii)'' and inserting '', (c)(1)(B)(ii), and (c)(2)(B)''

(ii) Section 911(d)(7) is amended by striking ''subsection (c)(3)'' and inserting ''subsection (c)(4)''.

(c) RATES OF TAX APPLICABLE TO NONEXCLUDED INCOME.—Section 911 (relating to exclusion of certain income of citizens and residents of the United States living abroad) is amended by redesignating subsection (f) as subsection (g) and by inserting after subsection (e) the following new subsection:

''(f) DETERMINATION OF TAX LIABILITY ON NONEXCLUDED AMOUNTS.—If any amount is excluded from the gross income of a taxpayer under subsection (a) for any taxable year, then, notwithstanding section 1 or 55—

''(1) the tax imposed by section 1 on the taxpayer for such taxable year shall be equal to the excess (if any) of—

''(A) the tax which would be imposed by section 1 for the taxable year if the taxpayer's taxable income were equal to the sum of—

''(i) the taxpayer's taxable income for the taxable year (determined without regard to this subsection), plus

''(ii) the amount excluded under subsection (a) for the taxable year, over

''(B) the tax which would be imposed by section 1 for the taxable year if the taxpayer's taxable income were equal to the amount excluded under subsection (a) for the taxable year, and

''(2) the tax imposed by section 55 for such taxable year shall be equal to the excess (if any) of—

''(A) the amount which would be the tentative minimum tax under section 55 for the taxable year if the taxpayer's alternative minimum taxable income were equal to the sum of—

''(i) the taxpayer's alternative minimum taxable income for the taxable year (determined without regard to this subsection), plus

''(ii) the amount excluded under subsection (a) for the taxable year, over

''(B) the sum of—

''(i) the amount which would be the tentative minimum tax under section 55 for the taxable year if the taxpayer's alternative minimum taxable income were equal to the amount excluded under subsection (a) for the taxable year, plus

''(ii) the amount which would be the regular tax for the taxable year if the tax imposed by section 1 were the tax computed under paragraph (1).

For purposes of this subsection, the amount excluded under subsection (a) shall be reduced by the aggregate amount of any deductions or exclusions disallowed under subsection (d)(6) with respect to such excluded amount.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2005.

SEC. 8121. LIMITATION ON ANNUAL AMOUNTS WHICH MAY BE DEFERRED UNDER NONQUALIFIED DEFERRED COMPENSATION ARRANGEMENTS.

(a) IN GENERAL.—Section 409A (relating to inclusion of gross income under nonqualified deferred compensation plans) is amended by redesignating subsections (c), (d), and (e) as subsections (d), (e), and (f), respectively, and by inserting after subsection (b) the following new subsection:

''(c) ANNUAL LIMITATION ON AGGREGATE DEFERRED AMOUNTS.—

''(1) LIMITATION.—If the aggregate amount of compensation which—

''(A) is deferred for any taxable year with respect to a participant under 1 or more nonqualified deferred compensation plans maintained by the same employer, and

''(B) is not otherwise includible in gross income of the participant for the taxable year,

exceeds the applicable dollar amount for the taxable year, then such excess shall be included in the participant's gross income for the taxable year.

''(2) INCLUSION OF EARNINGS.—If—

''(A) an amount is includible under paragraph (1) in the gross income of a participant for any taxable year, and

''(B) any portion of any assets set aside in a trust or other arrangement under a nonqualified deferred compensation plan are properly allocable to such amount,

then any increase in value in, or earnings with respect to, such portion for the taxable year or any succeeding taxable year shall be included in gross income of the participant for such taxable year or succeeding taxable year.

''(3) APPLICABLE DOLLAR AMOUNT.—For purposes of this subsection—

''(A) IN GENERAL.—The term 'applicable dollar amount' means, with respect to any participant, the lesser of—

''(i) the average annual compensation which—

''(I) was payable during the base period to the participant by the employer described in paragraph (1)(A), and

''(II) was includible in the participant's gross income for taxable years in the base period, or

''(ii) $1,000,000.

''(B) BASE PERIOD.—The term 'base period' means, with respect to any computation year, the 5-taxable year period ending with the taxable year preceding the taxable year in which the election described in subsection (a)(4)(B) is made by the participant to have compensation for services performed in the computation year deferred under a nonqualified deferred compensation plan, except that if the election is made after the beginning of the computation year, such period shall be the 5-taxable year period ending with the taxable year preceding the computation year. For purposes of this subparagraph, the term 'computation year' means any taxable year of the participant for which the limitation under paragraph (1) is being determined.''.

(b) CONFORMING AMENDMENTS.—Sections 6041(g)(1) and 6051(a)(13) are each amended by striking ''409A(d)'' and inserting ''409A(e)''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2005, except that taxable years beginning on or before such date shall be taken into account in determining the average annual compensation of a participant during any base period for purposes of section 409A(c)(2) of the Internal Revenue Code of 1986 (as added by such amendments).

SEC. 8122. INCREASE IN AGE OF MINOR CHILDREN WHOSE UNEARNED INCOME IS TAXED AS IF PARENT'S INCOME.

(a) IN GENERAL.—Section 1(g)(2)(A) (relating to child to whom subsection applies) is amended by striking ''age 14'' and inserting ''age 18''.

(b) TREATMENT OF DISTRIBUTIONS FROM QUALIFIED DISABILITY TRUSTS.—Section 1(g)(4) (relating to net unearned income) is amended by adding at the end the following new subparagraph:

''(C) TREATMENT OF DISTRIBUTIONS FROM QUALIFIED DISABILITY TRUSTS.—For purposes of this subsection, in the case of any child who is a beneficiary of a qualified disability trust (as defined in section 642(b)(2)(C)(ii)), any amount included in the income of such child under sections 652 and 662 during a taxable year shall be considered earned income of such child for such taxable year.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2005.

SEC. 8123. TAXATION OF INCOME OF CONTROLLED FOREIGN CORPORATIONS ATTRIBUTABLE TO IMPORTED PROPERTY.

(a) GENERAL RULE.—Subsection (a) of section 954 (defining foreign base company income) is amended by striking ''and'' at the end of paragraph (4), by striking the period at the end of paragraph (5) and inserting '', and'', and by adding at the end the following new paragraph:

''(6) imported property income for the taxable year (determined under subsection (j) and reduced as provided in subsection (b)(5)).''.

(b) DEFINITION OF IMPORTED PROPERTY INCOME.—Section 954 is amended by adding at the end the following new subsection:

''(j) IMPORTED PROPERTY INCOME.—

''(1) IN GENERAL.—For purposes of subsection (a)(6), the term 'imported property income' means income (whether in the form of profits, commissions, fees, or otherwise) derived in connection with—

''(A) manufacturing, producing, growing, or extracting imported property;

''(B) the sale, exchange, or other disposition of imported property; or

''(C) the lease, rental, or licensing of imported property.

Such term shall not include any foreign oil and gas extraction income (within the meaning of section 907(c)) or any foreign oil related income (within the meaning of section 907(c)).

''(2) IMPORTED PROPERTY.—For purposes of this subsection—

''(A) IN GENERAL.—Except as otherwise provided in this paragraph, the term 'imported property' means property which is imported into the United States by the controlled foreign corporation or a related person.

''(B) IMPORTED PROPERTY INCLUDES CERTAIN PROPERTY IMPORTED BY UNRELATED PERSONS.—The term 'imported property' includes any property imported into the

United States by an unrelated person if, when such property was sold to the unrelated person by the controlled foreign corporation (or a related person), it was reasonable to expect that—

''(i) such property would be imported into the United States; or

''(ii) such property would be used as a component in other property which would be imported into the United States.

''(C) EXCEPTION FOR PROPERTY SUBSEQUENTLY EXPORTED.—The term 'imported property' does not include any property which is imported into the United States and which—

''(i) before substantial use in the United States, is sold, leased, or rented by the controlled foreign corporation or a related person for direct use, consumption, or disposition outside the United States; or

''(ii) is used by the controlled foreign corporation or a related person as a component in other property which is so sold, leased, or rented.

''(3) DEFINITIONS AND SPECIAL RULES.—

''(A) IMPORT.—For purposes of this subsection, the term 'import' means entering, or withdrawal from warehouse, for consumption or use. Such term includes any grant of the right to use intangible property (as defined in section 936(h)(3)(B)) in the United States.

''(B) UNITED STATES.—For purposes of this subsection, the term 'United States' includes the Commonwealth of Puerto Rico, the Virgin Islands of the United States, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

''(C) UNRELATED PERSON.—For purposes of this subsection, the term 'unrelated person' means any person who is not a related person with respect to the controlled foreign corporation.

''(D) COORDINATION WITH FOREIGN BASE COMPANY SALES INCOME.—For purposes of this section, the term 'foreign base company sales income' shall not include any imported property income.''.

(c) SEPARATE APPLICATION OF LIMITATIONS ON FOREIGN TAX CREDIT FOR IMPORTED PROPERTY INCOME.—

(1) BEFORE 2007.—

(A) IN GENERAL.—Paragraph (1) of section 904(d) (relating to separate application of section with respect to certain categories of income), as in effect for taxable years beginning before January 1, 2007, is amended by striking ''and'' at the end of subparagraph (H), by redesignating subparagraph (I) as subparagraph (J), and by inserting after subparagraph (H) the following new subparagraph:

''(I) imported property income, and''.

(B) IMPORTED PROPERTY INCOME DEFINED.—Paragraph (2) of section 904(d), as so in effect, is amended by redesignating subparagraphs (H) and (I) as subparagraphs (I) and (J), respectively, and by inserting after subparagraph (G) the following new subparagraph:

''(H) IMPORTED PROPERTY INCOME.—The term 'imported property income' means any income received or accrued by any person which is of a kind which would be imported property income (as defined in section 954(j)).''.

(C) LOOK-THRU RULES TO APPLY.—Subparagraph (F) of section 904(d)(3) of such Code, as so in effect, is amended by striking ''or (D)'' and inserting ''(D), or (I)''.

(2) AFTER 2006.—

(A) IN GENERAL.—Paragraph (1) of section 904(d) (relating to separate application of section with respect to certain categories of income), as in effect for taxable years beginning after December 31, 2006, is amended by striking ''and'' at the end of subparagraph (A), by redesignating subparagraph (B) as subparagraph (C), and by inserting after subparagraph (A) the following new subparagraph:

''(B) imported property income, and''.

(B) IMPORTED PROPERTY INCOME DEFINED.—Paragraph (2) of section 904(d), as so in effect, is amended by redesignating subparagraphs (J) and (K) as subparagraphs (K) and (L), respectively, and by inserting after subparagraph (I) the following new subparagraph:

''(J) IMPORTED PROPERTY INCOME.—The term 'imported property income' means any income received or accrued by any person which is of a kind which would be imported property income (as defined in section 954(j)).''.

(C) CONFORMING AMENDMENT.—Clause (ii) of section 904(d)(2)(A), as so in effect, is amended by inserting ''or imported property income'' after ''passive category income''.

(d) TECHNICAL AMENDMENTS.—

(1) Clause (iii) of section 952(c)(1)(B) (relating to certain prior year deficits may be taken into account) is amended—

(A) by redesignating subclauses (II), (III), (IV), and (V) as subclauses (III), (IV), (V), and (VI), and

(B) by inserting after subclause (I) the following new subclause:

''(II) imported property income,''.

(2) Paragraph (5) of section 954(b) (relating to deductions to be taken into account) is amended by striking ''and the foreign base company oil related income'' and inserting ''the foreign base company oil related income, and the imported property income''.

(e) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to taxable years of foreign corporations beginning after the date of the enactment of this Act, and to taxable years of United States shareholders within which or with which such taxable years of such foreign corporations end.

(2) SUBSECTION (c).—The amendments made by subsection (c)(1) shall apply to taxable years beginning after the date of the enactment of this Act and before January 1, 2007, and the amendments made by subsection (c)(2) shall apply to taxable years beginning after December 31, 2006.

Subtitle C—Oil and Gas Provisions

SEC. 8131. EXTENSION OF SUPERFUND TAXES.

(a) EXCISE TAXES.—Section 4611(e) is amended to read as follows:

''(e) APPLICATION OF HAZARDOUS SUBSTANCE SUPERFUND FINANCING RATE.—The Hazardous Substance Superfund financing rate under this section shall apply after December 31, 1986, and before January 1, 1996, and after December 31, 2005, and before January 1, 2015.''

(b) CORPORATE ENVIRONMENTAL INCOME TAX.—Section 59A(e) is amended to read as follows:

''(e) APPLICATION OF TAX.—The tax imposed by this section shall apply to taxable years beginning after December 31, 1986, and before January 1, 1996, and to taxable years beginning after December 31, 2005, and before January 1, 2015.''

(c) EFFECTIVE DATES.—

(1) EXCISE TAXES.—The amendments made by subsection (a) shall take effect on the date of the enactment of this Act.

(2) INCOME TAX.—The amendment made by subsection (b) shall apply to taxable years beginning after December 31, 2005.

SEC. 8132. MODIFICATIONS OF FOREIGN TAX CREDIT RULES APPLICABLE TO DUAL CAPACITY TAXPAYERS.

(a) IN GENERAL.—Section 901 (relating to credit for taxes of foreign countries and of possessions of the United States) is amended by redesignating subsection (m) as subsection (n) and by inserting after subsection (l) the following new subsection:

''(m) SPECIAL RULES RELATING TO DUAL CAPACITY TAXPAYERS.—

''(1) GENERAL RULE.—Notwithstanding any other provision of this chapter, any amount paid or accrued by a dual capacity taxpayer to a foreign country or possession of the United States for any period shall not be considered a tax—

''(A) if, for such period, the foreign country or possession does not impose a generally applicable income tax, or

''(B) to the extent such amount exceeds the amount (determined in accordance with regulations) which—

''(i) is paid by such dual capacity taxpayer pursuant to the generally applicable income tax imposed by the country or possession, or

''(ii) would be paid if the generally applicable income tax imposed by the country or possession were applicable to such dual capacity taxpayer.

Nothing in this paragraph shall be construed to imply the proper treatment of any such amount not in excess of the amount determined under subparagraph (B).

''(2) DUAL CAPACITY TAXPAYER.—For purposes of this subsection, the term 'dual capacity taxpayer' means, with respect to any foreign country or possession of the United States, a person who—

''(A) is subject to a levy of such country or possession, and

''(B) receives (or will receive) directly or indirectly a specific economic benefit (as determined in accordance with regulations) from such country or possession.

''(3) GENERALLY APPLICABLE INCOME TAX.—For purposes of this subsection—

''(A) IN GENERAL.—The term 'generally applicable income tax' means an income tax (or a series of income taxes) which is generally imposed under the laws of a foreign country or possession on income derived from the conduct of a trade or business within such country or possession.

''(B) EXCEPTIONS.—Such term shall not include a tax unless it has substantial application, by its terms and in practice, to—

''(i) persons who are not dual capacity taxpayers, and

''(ii) persons who are citizens or residents of the foreign country or possession.''

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply to taxes paid or accrued in taxable years beginning after the date of the enactment of this Act.

(2) CONTRARY TREATY OBLIGATIONS UPHELD.—The amendments made by this section shall not apply to the extent contrary to any treaty obligation of the United States.

SEC. 8133. RULES RELATING TO FOREIGN OIL AND GAS INCOME.

(a) SEPARATE BASKET FOR FOREIGN TAX CREDIT.—

(1) SEPARATE BASKET.—

(A) YEARS BEFORE 2007.—Paragraph (1) of section 904(d) (relating to separate application of section with respect to certain categories of income), as in effect for years beginning before 2007and as amended by this Act, is amended by striking ''and'' at the end of subparagraph (I), by redesignating subparagraph (J) as subparagraph (K), and by inserting after subparagraph (I) the following new subparagraph:

''(J) foreign oil and gas income, and''.

(B) 2007 AND AFTER.—Paragraph (1) of section 904(d), as in effect for years beginning after 2006 and as amended by this Act, is amended by striking ''and'' at the end of subparagraph (B), by striking the period at the end of subparagraph (C) and inserting '', and'', and by adding at the end the following:

''(D) foreign oil and gas income.''

(2) DEFINITION.—

(A) YEARS BEFORE 2007.—Paragraph (2) of section 904(d), as in effect for years beginning before 2007 and as amended by this Act, is amended by redesignating subparagraphs (I) and (J) as subparagraphs (J) and (K), respectively, and by inserting after subparagraph (H) the following new subparagraph:

''(I) FOREIGN OIL AND GAS INCOME.—The term 'foreign oil and gas income' has the meaning given such term by section 954(g).''

(B) 2007 AND AFTER.—Section 904(d)(2), as in effect for years after 2006 and as amended by this Act, is amended by redesignating subparagraphs (K) and (L) as subparagraphs (L) and (M) and by inserting after subparagraph (J) the following:

''(K) FOREIGN OIL AND GAS INCOME.—For purposes of this section—

''(i) IN GENERAL.—The term 'foreign oil and gas income' has the meaning given such term by section 954(g).

''(ii) COORDINATION.—Passive category income and general category income shall not include foreign oil and gas income (as so defined).''

(3) CONFORMING AMENDMENTS.—

(A) Section 904(d)(3)(F)(i) is amended by striking ''or (E)'' and inserting ''(E), or (J)''.

(B) Section 907(a) is hereby repealed.

(C) Section 907(c)(4) is hereby repealed.

(D) Section 907(f) is hereby repealed.

(4) EFFECTIVE DATES.—

(A) IN GENERAL.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

(B) YEARS AFTER 2006.—The amendments made by paragraphs (1)(B) and (2)(B) shall apply to taxable years beginning after December 31, 2006.

(C) TRANSITIONAL RULES.—

(i) SEPARATE BASKET TREATMENT.—Any taxes paid or accrued in a taxable year beginning on or before the date of the enactment of this Act, with respect to income which was described in subparagraph (I) of section 904(d)(1) of such Code (as in effect on the day before the date of the enactment of this Act), shall be treated as taxes paid or accrued with respect to foreign oil and gas income to the extent the taxpayer establishes to the satisfaction of the Secretary of the Treasury that such taxes were paid or accrued with respect to foreign oil and gas income.

(ii) CARRYOVERS.—Any unused oil and gas extraction taxes which under section 907(f) of such Code (as so in effect) would have been allowable as a carryover to the taxpayer's first taxable year beginning after the date of the enactment of this Act (without regard to the limitation of paragraph (2) of such section 907(f) for first taxable year) shall be allowed as carryovers under section 904(c) of such Code in the same manner as if such taxes were unused taxes under such section 904(c) with respect to foreign oil and gas extraction income.

(iii) LOSSES.—The amendment made by paragraph (3)(C) shall not apply to foreign oil and gas extraction losses arising in taxable years beginning on or before the date of the enactment of this Act.

(b) ELIMINATION OF DEFERRAL FOR FOREIGN OIL AND GAS EXTRACTION INCOME.—

(1) GENERAL RULE.—Paragraph (1) of section 954(g) (defining foreign base company oil related income) is amended to read as follows:

''(1) IN GENERAL.—Except as otherwise provided in this subsection, the term 'foreign oil and gas income' means any income of a kind which would be taken into account in determining the amount of—

''(A) foreign oil and gas extraction income (as defined in section 907(c)), or

''(B) foreign oil related income (as defined in section 907(c)).''

(2) CONFORMING AMENDMENTS.—

(A) Subsections (a)(5), (b)(5), and (b)(6) of section 954, and section 952(c)(1)(B)(ii)(I), are each amended by striking ''base company oil related income'' each place it appears (including in the heading of subsection (b)(8)) and inserting ''oil and gas income''.

(B) Subsection (b)(4) of section 954 is amended by striking ''base company oil-related income'' and inserting ''oil and gas income''.

(C) The subsection heading for subsection (g) of section 954 is amended by striking ''FOREIGN BASE COMPANY OIL RELATED INCOME'' and inserting ''FOREIGN OIL AND GAS INCOME''.

(D) Subparagraph (A) of section 954(g)(2) is amended by striking ''foreign base company oil related income'' and inserting ''foreign oil and gas income''.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to taxable years of foreign corporations beginning after the date of the enactment of this Act, and to taxable years of United States shareholders ending with or within such taxable years of foreign corporations.

SEC. 8134. MODIFICATION OF CREDIT FOR PRODUCING FUEL FROM A NONCONVENTIONAL SOURCE.

(a) TAXABLE YEARS ENDING BEFORE 2006.—

(1) MODIFICATION OF PHASEOUT.—

(A) IN GENERAL.—Section 29(b)(1)(A) is amended by inserting ''the calendar year preceding'' before ''the calendar year''.

(B) CONFORMING AMENDMENTS.—Section 29(b)((2) is amended—

(i) by striking ''The'' and inserting ''With respect to any calendar year, the'', and

(ii) by striking ''for the calendar year in which the sale occurs'' and inserting ''for such calendar year''.

(2) NO INFLATION ADJUSTMENT FOR THE CREDIT AMOUNT IN 2005.—Section 29(b)(2), as amended by paragraph (1), is amended by adding at the end the following new sentence: ''This paragraph shall not apply with respect to the $3 amount in subsection (a) for calendar year 2005 and the amount in effect under subsection (a) for sales in such calendar year shall be the amount which was in effect for sales in calendar year 2004.''.

(b) TAXABLE YEARS ENDING AFTER 2005.—

(1) MODIFICATION OF PHASEOUT.—

(A) IN GENERAL.—Section 45K(b)(1)(A) is amended by inserting ''the calendar year preceding'' before ''the calendar year''.

(B) CONFORMING AMENDMENTS.—Section 45K(b)((2) is amended—

(i) by striking ''The'' and inserting ''With respect to any calendar year, the'', and

(ii) by striking ''for the calendar year in which the sale occurs'' and inserting ''for such calendar year''.

(2) NO INFLATION ADJUSTMENT FOR THE CREDIT AMOUNT IN 2005, 2006, AND 2007.—Section 45K(b)(2), as amended by paragraph (1), is amended by adding at the end the following new sentence: ''This paragraph shall not apply with respect to the $3 amount in subsection (a) for calendar years 2005, 2006, and 2007 and the amount in effect under subsection (a) for sales in each such calendar year shall be the amount which was in effect for sales in calendar year 2004.''.

(3) TREATMENT OF COKE AND COKE GAS.—

(A) NONAPPLICATION OF PHASEOUT.—Section 45K(g)(2) is amended by adding at the end the following new subparagraph:

''(D) NONAPPLICATION OF PHASEOUT.—Subsection (b)(1) shall not apply.''.

(B) APPLICATION OF INFLATION ADJUSTMENT.—Section 45K(g)(2)(B) is amended by inserting ''and the last sentence of subsection (b)(2) shall not apply.''.

(C) CLARIFICATION OF QUALIFYING FACILITY.—Section 45K(g)(1) is amended by inserting ''(other than from petroleum based products)'' after ''coke or coke gas''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to fuel sold after December 31, 2004.

SEC. 8135. ELIMINATION OF AMORTIZATION OF GEOLOGICAL AND GEOPHYSICAL EXPENDITURES FOR MAJOR INTEGRATED OIL COMPANIES.

(a) IN GENERAL.—Section 167(h) is amended by adding at the end the following new paragraph:

''(5) NONAPPLICATION TO MAJOR INTEGRATED OIL COMPANIES.—This subsection shall not apply with respect to any expenses paid or incurred for any taxable year by any integrated oil company (as defined in section 291(b)(4)) which has an average daily worldwide production of crude oil of at least 500,000 barrels for such taxable year.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect as if included in the amendment made by section 1329(a) of the Energy Policy Act of 2005.

Subtitle D—Tax Administration Provisions

SEC. 8141. IMPOSITION OF WITHHOLDING ON CERTAIN PAYMENTS MADE BY GOVERNMENT ENTITIES.

(a) IN GENERAL.—Section 3402 is amended by adding at the end the following new subsection:

''(t) EXTENSION OF WITHHOLDING TO CERTAIN PAYMENTS MADE BY GOVERNMENT ENTITIES.—

''(1) GENERAL RULE.—The Government of the United States, every State, every political subdivision thereof, and every instrumentality of the foregoing (including multi-State agencies) making any payment for goods and services which is subject to withholding shall deduct and withhold form such payment a tax in an amount equal to 3 percent of such payment.

''(2) EXCEPTIONS.—Paragraph (1) shall not apply to any payment—

''(A) except as provided in subparagraph (B), which is subject to withholding under any other provision of this chapter or chapter 3,

''(B) which is subject to withholding under section 3406 and from which amounts are being withheld under such section,

''(C) of interest,

''(D) for real property,

''(E) to any tax-exempt entity, foreign government, or other entity subject to the requirements of paragraph (1),

''(F) made pursuant to a classified or confidential contract (as defined in section 6050M(e)(3)), and

''(G) made by a political subdivision of a State (or any instrumentality thereof) which makes less than $100,000,000 of such payments annually.

''(3) COORDINATION WITH OTHER SECTIONS.—For purposes of sections 3403 and 3404 and for purposes of so much of subtitle F (except section 7205) as relates to this chapter, payments to any person of any payment for goods and services which is subject to withholding shall be treated as if such payments were wages paid by an employer to an employee.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to payments made after December 31, 2005.

SEC. 8142. INCREASE IN CERTAIN CRIMINAL PENALTIES.

(a) IN GENERAL.—Section 7206 (relating to fraud and false statements) is amended—

(1) by striking ''Any person who—'' and inserting ''(a) IN GENERAL.—Any person who—'', and

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

''(b) INCREASE IN MONETARY LIMITATION FOR UNDERPAYMENT OR OVERPAYMENT OF TAX DUE TO FRAUD.—If any portion of any underpayment (as defined in section 6664(a)) or

overpayment (as defined in section 6401(a)) of tax required to be shown on a return is attributable to fraudulent action described in subsection (a), the applicable dollar amount under subsection (a) shall in no event be less than an amount equal to such portion. A rule similar to the rule under section 6663(b) shall apply for purposes of determining the portion so attributable.''.

(b) INCREASE IN PENALTIES.—

(1) ATTEMPT TO EVADE OR DEFEAT TAX.—Section 7201 is amended—

(A) by striking ''$100,000'' and inserting ''$500,000'',

(B) by striking ''$500,000'' and inserting ''$1,000,000'', and

(C) by striking ''5 years'' and inserting ''10 years''.

(2) WILLFUL FAILURE TO FILE RETURN, SUPPLY INFORMATION, OR PAY TAX.—Section 7203 is amended—

(A) in the first sentence—

(i) by striking ''Any person'' and inserting the following:

''(a) IN GENERAL.—Any person'', and

(ii) by striking ''$25,000'' and inserting ''$50,000'',

(B) in the third sentence, by striking ''section'' and inserting ''subsection'', and

(C) by adding at the end the following new subsection:

''(b) AGGRAVATED FAILURE TO FILE.—

''(1) IN GENERAL.—In the case of any failure described in paragraph (2), the first sentence of subsection (a) shall be applied by substituting—

''(A) 'felony' for 'misdemeanor',

''(B) '$500,000 ($1,000,000' for '$25,000 ($100,000', and

''(C) '10 years' for '1 year'.

''(2) FAILURE DESCRIBED.—A failure described in this paragraph is a failure to make a return described in subsection (a) for a period of 3 or more consecutive taxable years.''.

(3) FRAUD AND FALSE STATEMENTS.—Section 7206(a) (as redesignated by subsection (a)) is amended—

(A) by striking ''$100,000'' and inserting ''$500,000'',

(B) by striking ''$500,000'' and inserting ''$1,000,000'', and

(C) by striking ''3 years'' and inserting ''5 years''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to actions, and failures to act, occurring after the date of the enactment of this Act.

SEC. 8143. REPEAL OF SUSPENSION OF INTEREST AND CERTAIN PENALTIES WHERE SECRETARY FAILS TO CONTACT TAXPAYER.

(a) IN GENERAL.—Section 6404 (relating to abatements) is amended by striking subsection (g) and by redesignating subsections (h) and (i) as subsections (g) and (h), respectively.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to returns of tax filed after December 31, 2005.

SEC. 8144. INCREASE IN PENALTY FOR BAD CHECKS AND MONEY ORDERS.

(a) IN GENERAL.—Section 6657 (relating to bad checks) is amended—

(1) by striking ''$750'' and inserting ''$1,250'', and

(2) by striking ''$15'' and inserting ''$25''.

(b) EFFECTIVE DATE.—The amendments made by this section apply to checks or money orders received after the date of the enactment of this Act.

SEC. 8145. FRIVOLOUS TAX SUBMISSIONS.

(a) CIVIL PENALTIES.—Section 6702 is amended to read as follows:

''SEC. 6702. FRIVOLOUS TAX SUBMISSIONS.

''(a) CIVIL PENALTY FOR FRIVOLOUS TAX RETURNS.—A person shall pay a penalty of $5,000 if—

''(1) such person files what purports to be a return of a tax imposed by this title but which—

''(A) does not contain information on which the substantial correctness of the self-assessment may be judged, or

''(B) contains information that on its face indicates that the self-assessment is substantially incorrect; and

''(2) the conduct referred to in paragraph (1)—

''(A) is based on a position which the Secretary has identified as frivolous under subsection (c), or

''(B) reflects a desire to delay or impede the administration of Federal tax laws.

''(b) CIVIL PENALTY FOR SPECIFIED FRIVOLOUS SUBMISSIONS.—

''(1) IMPOSITION OF PENALTY.—Except as provided in paragraph (3), any person who submits a specified frivolous submission shall pay a penalty of $5,000.

''(2) SPECIFIED FRIVOLOUS SUBMISSION.—For purposes of this section—

''(A) SPECIFIED FRIVOLOUS SUBMISSION.—The term 'specified frivolous submission' means a specified submission if any portion of such submission—

''(i) is based on a position which the Secretary has identified as frivolous under subsection (c), or

''(ii) reflects a desire to delay or impede the administration of Federal tax laws.

''(B) SPECIFIED SUBMISSION.—The term 'specified submission' means—

''(i) a request for a hearing under—

''(I) section 6320 (relating to notice and opportunity for hearing upon filing of notice of lien), or

''(II) section 6330 (relating to notice and opportunity for hearing before levy), and

''(ii) an application under—

''(I) section 6159 (relating to agreements for payment of tax liability in installments),

''(II) section 7122 (relating to compromises), or

''(III) section 7811 (relating to taxpayer assistance orders).

''(3) OPPORTUNITY TO WITHDRAW SUBMISSION.—If the Secretary provides a person with notice that a submission is a specified frivolous submission and such person withdraws such submission within 30 days after such notice, the penalty imposed under paragraph (1) shall not apply with respect to such submission.

''(c) LISTING OF FRIVOLOUS POSITIONS.—The Secretary shall prescribe (and periodically revise) a list of positions which the Secretary has identified as being frivolous for purposes of this subsection. The Secretary shall not include in such list any position that the Secretary determines meets the requirement of section 6662(d)(2)(B)(ii)(II).

''(d) REDUCTION OF PENALTY.—The Secretary may reduce the amount of any penalty imposed under this section if the Secretary determines that such reduction would promote compliance with and administration of the Federal tax laws.

''(e) PENALTIES IN ADDITION TO OTHER PENALTIES.—The penalties imposed by this section shall be in addition to any other penalty provided by law.''.

(b) TREATMENT OF FRIVOLOUS REQUESTS FOR HEARINGS BEFORE LEVY.—

(1) FRIVOLOUS REQUESTS DISREGARDED.—Section 6330 (relating to notice and opportunity for hearing before levy) is amended by adding at the end the following new subsection:

''(g) FRIVOLOUS REQUESTS FOR HEARING, ETC.—Notwithstanding any other provision of this section, if the Secretary determines that any portion of a request for a hearing under this section or section 6320 meets the requirement of clause (i) or (ii) of section 6702(b)(2)(A), then the Secretary may treat such portion as if it were never submitted and such portion shall not be subject to any further administrative or judicial review.''.

(2) PRECLUSION FROM RAISING FRIVOLOUS ISSUES AT HEARING.—Section 6330(c)(4) is amended—

(A) by striking ''(A)'' and inserting ''(A)(i)'';

(B) by striking ''(B)'' and inserting ''(ii)'';

(C) by striking the period at the end of the first sentence and inserting ''; or''; and

(D) by inserting after subparagraph (A)(ii) (as so redesignated) the following:

''(B) the issue meets the requirement of clause (i) or (ii) of section 6702(b)(2)(A).''.

(3) STATEMENT OF GROUNDS.—Section 6330(b)(1) is amended by striking ''under subsection (a)(3)(B)'' and inserting ''in writing under subsection (a)(3)(B) and states the grounds for the requested hearing''.

(c) TREATMENT OF FRIVOLOUS REQUESTS FOR HEARINGS UPON FILING OF NOTICE OF LIEN.—Section 6320 is amended—

(1) in subsection (b)(1), by striking ''under subsection (a)(3)(B)'' and inserting ''in writing under subsection (a)(3)(B) and states the grounds for the requested hearing'', and

(2) in subsection (c), by striking ''and (e)'' and inserting ''(e), and (g)''.

(d) TREATMENT OF FRIVOLOUS APPLICATIONS FOR OFFERS-IN-COMPROMISE AND INSTALLMENT AGREEMENTS.—Section 7122 is amended by adding at the end the following new subsection:

''(e) FRIVOLOUS SUBMISSIONS, ETC.—Notwithstanding any other provision of this section, if the Secretary determines that any portion of an application for an offer-in-compromise or installment agreement submitted under this section or section 6159 meets the requirement of clause (i) or (ii) of section 6702(b)(2)(A), then the Secretary may treat such portion as if it were never submitted and such portion shall not be subject to any further administrative or judicial review.''.

(e) CLERICAL AMENDMENT.—The table of sections for part I of subchapter B of chapter 68 is amended by striking the item relating to section 6702 and inserting the following new item:

''Sec. 6702. Frivolous tax submissions.''.

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to submissions made and issues raised after the date on which the Secretary first prescribes a list under section 6702(c) of the Internal Revenue Code of 1986, as amended by subsection (a).

SEC. 8146. PARTIAL PAYMENTS REQUIRED WITH SUBMISSION OF OFFERS-IN-COMPROMISE.

(a) IN GENERAL.—Section 7122 (relating to compromises), as amended by this Act, is amended by redesignating subsections (c), (d), and (e) as subsections (d), (e), and (f), respectively, and by inserting after subsection (b) the following new subsection:

''(c) RULES FOR SUBMISSION OF OFFERS-IN-COMPROMISE.—

''(1) PARTIAL PAYMENT REQUIRED WITH SUBMISSION.—

''(A) LUMP-SUM OFFERS.—

''(i) IN GENERAL.—The submission of any lump-sum offer-in-compromise shall be accompanied by the payment of 20 percent of amount of such offer.

''(ii) LUMP-SUM OFFER-IN-COMPROMISE.—For purposes of this section, the term 'lump-sum offer-in-compromise' means any offer of payments made in 5 or fewer installments.

''(B) PERIODIC PAYMENT OFFERS.—The submission of any periodic payment offer-in-compromise shall be accompanied by the payment of the amount of the first proposed installment and each proposed installment due during the period such offer is being evaluated for acceptance and has not been rejected by the Secretary. Any failure to

make a payment required under the preceding sentence shall be deemed a withdrawal of the offer-in-compromise.

''(2) RULES OF APPLICATION.—

''(A) USE OF PAYMENT.—The application of any payment made under this subsection to the assessed tax or other amounts imposed under this title with respect to such tax may be specified by the taxpayer.

''(B) NO USER FEE IMPOSED.—Any user fee which would otherwise be imposed under this section shall not be imposed on any offer-in-compromise accompanied by a payment required under this subsection.

''(C) WAIVER AUTHORITY.—The Secretary may issue regulations waiving any payment required under paragraph (1) in a manner consistent with the practices established in accordance with the requirements under subsection (d)(3).''.

(b) ADDITIONAL RULES RELATING TO TREATMENT OF OFFERS.—

(1) UNPROCESSABLE OFFER IF PAYMENT REQUIREMENTS ARE NOT MET.—Paragraph (3) of section 7122(d) (relating to standards for evaluation of offers), as redesignated by subsection (a), is amended by striking ''; and'' at the end of subparagraph (A) and inserting a comma, by striking the period at the end of subparagraph (B) and inserting '', and'', and by adding at the end the following new subparagraph:

''(C) any offer-in-compromise which does not meet the requirements of subsection (c) shall be returned to the taxpayer as unprocessable.''.

(2) DEEMED ACCEPTANCE OF OFFER NOT REJECTED WITHIN CERTAIN PERIOD.—Section 7122, as amended by subsection (a), is amended by adding at the end the following new subsection:

''(g) DEEMED ACCEPTANCE OF OFFER NOT REJECTED WITHIN CERTAIN PERIOD.—Any offer-in-compromise submitted under this section shall be deemed to be accepted by the Secretary if such offer is not rejected by the Secretary before the date which is 24 months after the date of the submission of such offer (12 months for offers-in-compromise submitted after the date which is 5 years after the date of the enactment of this subsection). For purposes of the preceding sentence, any period during which any tax liability which is the subject of such offer-in-compromise is in dispute in any judicial proceeding shall not be taken in to account in determining the expiration of the 24-month period (or 12-month period, if applicable).''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to offers-in-compromise submitted on and after the date which is 60 days after the date of the enactment of this Act.

SEC. 8147. WAIVER OF USER FEE FOR INSTALLMENT AGREEMENTS USING AUTOMATED WITHDRAWALS.

(a) IN GENERAL.—Section 6159 (relating to agreements for payment of tax liability in installments) is amended by redesignating subsection (e) as subsection (f) and by inserting after subsection (d) the following:

''(e) WAIVER OF USER FEES FOR INSTALLMENT AGREEMENTS USING AUTOMATED WITHDRAWALS.—In the case of a taxpayer who enters into an installment agreement in which automated installment payments are agreed to, the Secretary shall waive the fee (if any) for entering into the installment agreement.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to agreements entered into on or after the date which is 180 days after the date of the enactment of this Act.

SEC. 8148. TERMINATION OF INSTALLMENT AGREEMENTS.

(a) IN GENERAL.—Section 6159(b)(4) (relating to failure to pay an installment or any other tax liability when due or to provide requested financial information) is amended by striking ''or'' at the end of subparagraph (B), by redesignating subparagraph (C) as subparagraph (E), and by inserting after subparagraph (B) the following:

''(C) to make a Federal tax deposit under section 6302 at the time such deposit is required to be made,

''(D) to file a return of tax imposed under this title by its due date (including extensions), or''.

(b) CONFORMING AMENDMENT.—The heading for section 6159(b)(4) is amended by striking ''FAILURE TO PAY AN INSTALLMENT OR ANY OTHER TAX LIABILITY WHEN DUE OR TO PROVIDE REQUESTED FINANCIAL INFORMATION'' and inserting ''FAILURE TO MAKE PAYMENTS OR DEPOSITS OR FILE RETURNS WHEN DUE OR TO PROVIDE REQUESTED FINANCIAL INFORMATION''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to failures occurring on or after the date of the enactment of this Act.

Subtitle E—Additional Provisions

SEC. 8151. LOAN AND REDEMPTION REQUIREMENTS ON POOLED FINANCING REQUIREMENTS.

(a) STRENGTHENED REASONABLE EXPECTATION REQUIREMENT.—Subparagraph (A) of section 149(f)(2) (relating to reasonable expectation requirement) is amended to read as follows:

''(A) IN GENERAL.—The requirements of this paragraph are met with respect to an issue if the issuer reasonably expects that—

''(i) as of the close of the 1-year period beginning on the date of issuance of the issue, at least 50 percent of the net proceeds of the issue (as of the close of such period) will have been used directly or indirectly to make or finance loans to ultimate borrowers, and

''(ii) as of the close of the 3-year period beginning on such date of issuance, at least 95 percent of the net proceeds of the issue (as of the close of such period) will have been so used.''.

(b) WRITTEN LOAN COMMITMENT AND REDEMPTION REQUIREMENTS.—Section 149(f) (relating to treatment of certain pooled financing bonds) is amended by redesignating paragraphs (4) and (5) as paragraphs (6) and (7), respectively, and by inserting after paragraph (3) the following new paragraphs:

''(4) WRITTEN LOAN COMMITMENT REQUIREMENT.—

''(A) IN GENERAL.—The requirement of this paragraph is met with respect to an issue if the issuer receives prior to issuance written loan commitments identifying the ultimate potential borrowers of at least 50 percent of the net proceeds of such issue.

''(B) EXCEPTION.—Subparagraph (A) shall not apply with respect to any issuer which is a State (or an integral part of a State) issuing pooled financing bonds to make or finance loans to subordinate governmental units of such State or to State-created entities providing financing for water-infrastructure projects through the federally-sponsored State revolving fund program.

''(5) REDEMPTION REQUIREMENT.—The requirement of this paragraph is met if to the extent that less than the percentage of the proceeds of an issue required to be used under clause (i) or (ii) of paragraph (2)(A) is used by the close of the period identified in such clause, the issuer uses an amount of proceeds equal to the excess of—

''(A) the amount required to be used under such clause, over

''(B) the amount actually used by the close of such period,

to redeem outstanding bonds within 90 days after the end of such period.''.

(c) ELIMINATION OF DISREGARD OF POOLED BONDS IN DETERMINING ELIGIBILITY FOR SMALL ISSUER EXCEPTION TO ARBITRAGE REBATE.—Section 148(f)(4)(D)(ii) (relating to aggregation of issuers) is amended by striking subclause (II) and by redesignating subclauses (III) and (IV) as subclauses (II) and (III), respectively.

(d) CONFORMING AMENDMENTS.—

(1) Section 149(f)(1) is amended by striking ''paragraphs (2) and (3)'' and inserting ''paragraphs (2), (3), (4), and (5)''.

(2) Section 149(f)(7)(B), as redesignated by subsection (b), is amended by striking ''paragraph (4)(A)'' and inserting ''paragraph (6)(A)''.

(3) Section 54(l)(2) is amended by striking ''section 149(f)(4)(A)'' and inserting ''section 149(f)(6)(A)''.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to bonds issued after the date of the enactment of this Act.

SEC. 8152. REPEAL OF THE SCHEDULED PHASE-OUT OF THE LIMITATIONS ON PERSONAL EXEMPTIONS AND ITEMIZED DEDUCTIONS.

(a) IN GENERAL.—The Internal Revenue Code of 1986 is amended—

(1) by striking subparagraphs (E) and (F) of section 151(d)(3), and

(2) by striking subsections (f) and (g) of section 68.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2005.

(c) APPLICATION OF EGTRRA SUNSET.—The amendments made by this section shall be subject to title IX of the Economic Growth and Tax Relief Reconciliation Act of 2001 to the same extent and in the same manner as the provision of such Act to which such amendment relates.

SA 3716. Mrs. MURRAY (for Mr. KENNEDY (for himself, Mr. BIDEN, and Mr. LEAHY)) proposed an amendment to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 126, between lines 12 and 13, insert the following:

UNITED STATES STRATEGY TO PROMOTE DEMOCRACY IN IRAQ

SEC. 1406. (a) Of the funds provided in this chapter for the Economic Support Fund, not less than $96,000,000 should be made available through the Bureau of Democracy, Human Rights, and Labor of the Department of State, in coordination with the United States Agency for International Development where appropriate, to United States nongovernmental organizations for the purpose of supporting broad-based democracy assistance programs in Iraq that promote the long term development of civil society, political parties, election processes, and parliament in that country.

SA 3717. Mr. BIDEN submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 253, between lines 19 and 20, insert the following:

PROHIBITION ON USE OF FUNDS FOR CERTAIN PURPOSES IN IRAQ

SEC. 7032. None of the funds made available by title I of this Act may be made available to establish permanent military bases in Iraq or to exercise control over the oil infrastructure or oil resources of Iraq.

SA 3718. Mr. BIDEN (for himself and Mr. DEWINE) submitted an amendment

intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 117, between lines 9 and 10, insert the following:

ASSISTANCE FOR NATO ACTIVITIES IN SUPPORT OF AFRICAN UNION AND UNITED NATIONS OPERATIONS TO STOP GENOCIDE IN DARFUR, SUDAN

SEC. 1312. (a) Amounts appropriated by this chapter for the Department of Defense for operation and maintenance may be used to provide assistance, including supplies, services, transportation, including airlifts, and logistical support, to the North Atlantic Treaty Organization (NATO), and allies working in support of NATO, for activities undertaken to support African Union and United Nations peacekeeping operations to stop genocide in Darfur, Sudan.

(b) The Secretary of Defense shall provide quarterly reports on support provided under subsection (a) to the Committee on Appropriations, the Committee on Armed Services, and the Committee on Foreign Relations of the Senate and the Committee on Appropriations, the Committee on Armed Services, and the Committee on International Relations of the House of Representatives.

SA 3719. Mr. BIDEN (for himself and Mr. DEWINE) submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 88, line 7, insert after ''*Provided*,'' the following: ''That of the funds available under this heading, not less than $250,000 shall be made available for the establishment and support of an office of a special envoy for Sudan with a mandate of pursuing, in conjunction with the African Union, a sustainable peace settlement to end the conflict in Darfur, Sudan, assisting the parties to the Comprehensive Peace Agreement for Sudan with implementation of the Agreement, pursuing efforts at conflict resolution in eastern Sudan, northern Uganda, and Chad, facilitating, in cooperation with the people of Darfur and the African Union, a dialogue within Darfur to promote conflict resolution and reconciliation at the grass roots level, and developing a common policy approach among international partners to address such issues: *Provided further*,''.

SA 3720. Mr. NELSON of Florida submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. ENERGY SECURITY AND INDEPENDENCE.

(a) DEPARTMENT OF DEFENSE MATTERS.—

(1) ADDITIONAL AMOUNT FOR PROCUREMENT, DEFENSE-WIDE.—The amount appropriated by chapter 3 of title I of this Act under the heading ''PROCUREMENT, DEFENSE-WIDE'' is hereby increased by $25,000,000.

(2) PROCUREMENT OF HYBRID VEHICLES.—Of the amount appropriated by chapter 3 of title I of this Act under the heading ''PROCUREMENT, DEFENSE-WIDE'', as increased by paragraph (1), $25,000,000 shall be available for the procurement of—

(A) alternative fuel vehicles;

(B) hybrid vehicles;

(C) flex-fuel vehicles; and

(D) alternative fuel supply and related vehicle fleet infrastructure.

(b) DEPARTMENT OF ENERGY MATTERS.—

(1) PROCUREMENT OF ALTERNATIVE FUEL, HYBRID, AND FLEX-FUEL VEHICLES.—

(A) ADDITIONAL AMOUNT.—For an additional amount for ''DEPARTMENTAL ADMINISTRATION'' under the heading ''DEPARTMENT OF ENERGY'' of title III of the Energy and Water Development Appropriations Act, 2006 (Public Law 109–103), $25,000,000, to remain available until expended.

(B) USE.—Of the amount appropriated for ''DEPARTMENTAL ADMINISTRATION'', as increased by subparagraph (A), $25,000,000 shall be available for procurement of alternative fuel, hybrid, and flex-fuel vehicles and for related alternative fuel supply and related fleet infrastructure.

(2) ADVANCED VEHICLE RESEARCH AND DEPLOYMENT PROGRAMS.—

(A) ADDITIONAL AMOUNT.—For an additional amount for ''ENERGY SUPPLY AND CONSERVATION'' under the heading ''DEPARTMENT OF ENERGY'' of title III of the Energy and Water Development Appropriations Act, 2006 (Public Law 109–103), $150,000,000, to remain available until expended.

(B) USE.—Of the amount appropriated for ''ENERGY SUPPLY AND CONSERVATION'', as increased by subparagraph (A), $150,000,000 shall be available for advanced vehicle research and deployment programs, including research and deployment related to acceleration of hybrid vehicle technologies, fuel cell school and transit buses, biodiesel engines, procurement of fuel cells, and vehicle efficiency.

(3) CLEAN CITIES PROGRAM.—

(A) ADDITIONAL AMOUNT.—For an additional amount for ''ENERGY SUPPLY AND CONSERVATION'' under the heading ''DEPARTMENT OF ENERGY'' of title III of the Energy and Water Development Appropriations Act, 2006 (Public Law 109–103), $350,000,000, to remain available until expended.

(B) USE.—Of the amount appropriated for ''ENERGY SUPPLY AND CONSERVATION'', as increased by subparagraph (A), $350,000,000 shall be available for the Clean Cities Program established under sections 405, 409, and 505 of the Energy Policy Act of 1992 (42 U.S.C. 13231, 13235, 13256), including development of common and voluntary standards that will accelerate—

(i) the market penetration of flex-fuel, alternative fuel, hybrid and plug-in hybrid vehicles, and related fueling infrastructure; and

(ii) installation of E–85, biodiesel, and other alternative fuel stations and infrastructure.

(4) BIOMASS RESEARCH AND DEVELOPMENT.—

(A) ADDITIONAL AMOUNT.—For an additional amount for ''ENERGY SUPPLY AND CONSERVATION'' under the heading ''DEPARTMENT OF ENERGY'' of title III of the Energy and Water Development Appropriations Act, 2006 (Public Law 109–103), $100,000,000, to remain available until expended.

(B) USE.—Of the amount appropriated for ''ENERGY SUPPLY AND CONSERVATION'', as increased by subparagraph (A), $100,000,000 shall be available for implementation of the Biomass Research and Development Act of 2000 (Public Law 106–224; 7 U.S.C. 7624 note).

(c) DEPARTMENT OF AGRICULTURE MATTERS.—

(1) PRODUCTION INCENTIVES FOR CELLULOSIC BIOFUELS.—

(A) ADDITIONAL AMOUNT FOR FARM SERVICE AGENCY—BIOENERGY PROGRAM.—The amount appropriated by chapter 1 of title II under the heading ''FARM SERVICE AGENCY—BIOENERGY PROGRAM'' is hereby increased by $250,000,000.

(B) IMPLEMENTATION OF THE BIOMASS RESEARCH AND DEVELOPMENT INITIATIVE.—Of the amount appropriated by chapter 1 of title II under the heading ''FARM SERVICE AGENCY—BIOENERGY PROGRAM'', as increased by subparagraph (A), $250,000,000 shall be available for production incentives for cellulosic biofuels.

(d) ENVIRONMENTAL PROTECTION AGENCY.—

(1) ADDITIONAL AMOUNT.—For an additional amount for ''SCIENCE AND TECHNOLOGY'' of title III of the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2006 (Public Law 109–54; 119 Stat. 499), $25,000,000, to remain available until expended.

(2) USE.—Of the amount appropriated for ''SCIENCE AND TECHNOLOGY'', as increased by paragraph (1), $25,000,000 shall be available for sugar cane ethanol research and development.

(e) EMERGENCY DESIGNATION.—The amounts provided under this section are designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

SA 3721. Mr. NELSON of Florida (for himself, Mr. MENENDEZ, Mr. LIEBERMAN, Mr. LAUTENBERG, Mr. KERRY, and Mr. REID) submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. ENERGY SECURITY AND INDEPENDENCE.

(a) DEPARTMENT OF DEFENSE MATTERS.—

(1) PROCUREMENT OF HYBRID VEHICLES.—

(A) ADDITIONAL AMOUNT FOR PROCUREMENT, DEFENSE-WIDE.—The amount appropriated by chapter 3 of title I of this Act under the heading ''PROCUREMENT, DEFENSE-WIDE'' is hereby increased by $25,000,000.

(B) PROCUREMENT OF HYBRID VEHICLES.—Of the amount appropriated by chapter 3 of title I of this Act under the heading ''PROCUREMENT, DEFENSE-WIDE'', as increased by subparagraph (A), $25,000,000 shall be available for the procurement of—

(i) alternative fuel vehicles;

(ii) hybrid vehicles;

(iii) flex-fuel vehicles; and

(iv) alternative fuel supply and related vehicle fleet infrastructure.

(2) ALTERNATIVE ENERGY GENERATION AND VEHICLE TECHNOLOGIES.—

(A) ADDITIONAL AMOUNT FOR RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, ARMY.—The amount appropriated by chapter 3 of title I of this Act under the heading ''RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, ARMY'' is hereby increased by $200,000,000.

(B) ALTERNATIVE ENERGY GENERATION AND VEHICLE TECHNOLOGIES.—Of the amount appropriated by chapter 3 of title I of this Act under the heading ''RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, ARMY'' , as increased by subparagraph (A), $200,000,000 shall be available for activities to achieve the following:

(i) The development and deployment of energy efficient, renewable, and clean alternative energy generation sources and vehicle technologies suitable for the missions and activities of the Department of Defense.

(ii) The establishment of workforce training and education programs relating to the

development and deployment of such sources and technologies.

(iii) The development of enhanced domestic production of such sources and technologies, including activities in concert with the private sector.

(3) NON-PETROLEUM AVIATION AND BUNKER FUELS AND SYSTEMS.—

(A) ADDITIONAL AMOUNT FOR RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, AIR FORCE.—The amount appropriated by chapter 3 of title I of this Act under the heading ''RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, AIR FORCE'' is hereby increased by $50,000,000.

(B) NON-PETROLEUM AVIATION AND BUNKER FUELS AND SYSTEMS.—Of the amount appropriated by chapter 3 of title I of this Act under the heading ''RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, AIR FORCE'', as increased by subparagraph (A), $50,000,000 shall be available for the development of non-petroleum aviation fuels and bunker fuels and systems that utilize renewable energy supplies and sources or reduce net greenhouse gas emissions.

(4) IMPROVEMENT OF FUEL AND ENERGY SUPPLY SYSTEMS.—

(A) ADDITIONAL AMOUNT FOR RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, DEFENSE-WIDE.—The amount appropriated by chapter 3 of title I of this Act under the heading ''RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, DEFENSE-WIDE'' is hereby increased by $10,000,000.

(B) IMPROVEMENT OF FUEL AND ENERGY SUPPLY SYSTEMS.—Of the amount appropriated by chapter 3 of title I of this Act under the heading ''RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, DEFENSE-WIDE'', as increased by subparagraph (A), $10,000,000 shall be available for activities to improve the petroleum, fossil fuel, and energy supply systems of the Department of Defense to achieve one or more of the following:

(i) Increased security of such systems.

(ii) Reduction in greenhouse gas emissions attributable to such systems.

(iii) Reduction in the costs of energy for the Department of Defense.

(5) ENERGY EFFICIENCY.—

(A) ADDITIONAL AMOUNT FOR OPERATION AND MAINTENANCE, DEFENSE-WIDE.—The amount appropriated by chapter 3 of title I of this Act under the heading ''OPERATION AND MAINTENANCE, DEFENSE-WIDE'' is hereby increased by $215,000,000.

(B) ENERGY EFFICIENCY.—Of the amount appropriated by chapter 3 of title I of this Act under the heading ''OPERATION AND MAINTENANCE, DEFENSE-WIDE'', as increased by paragraph (A), $215,000,000 shall be available for activities relating to energy efficiency, of which—

(i) $200,000,000 shall be available for the procurement and installation of renewable and low-emission, clean energy distributed electricity generation systems at military installations and other facilities of the Department of Defense; and

(ii) $15,000,000 shall be available for energy efficiency and renewable energy projects at the Pentagon Reservation, and at other military installations and facilities of the Department of Defense.

(b) DEPARTMENT OF ENERGY MATTERS.—

(1) PROCUREMENT OF ALTERNATIVE FUEL, HYBRID, AND FLEX-FUEL VEHICLES.—

(A) ADDITIONAL AMOUNT.—For an additional amount for ''DEPARTMENTAL ADMINISTRATION'' under the heading ''DEPARTMENT OF ENERGY'' of title III of the Energy and Water Development Appropriations Act, 2006 (Public Law 109–103), $25,000,000, to remain available until expended.

(B) USE.—Of the amount appropriated for ''DEPARTMENTAL ADMINISTRATION'', as increased by subparagraph (A), $25,000,000 shall be available for procurement of alternative fuel, hybrid, and flex-fuel vehicles and for related alternative fuel supply and related fleet infrastructure.

(2) ADVANCED VEHICLE RESEARCH AND DEPLOYMENT PROGRAMS.—

(A) ADDITIONAL AMOUNT.—For an additional amount for ''ENERGY SUPPLY AND CONSERVATION'' under the heading ''DEPARTMENT OF ENERGY'' of title III of the Energy and Water Development Appropriations Act, 2006 (Public Law 109–103), $150,000,000, to remain available until expended.

(B) USE.—Of the amount appropriated for ''ENERGY SUPPLY AND CONSERVATION'', as increased by subparagraph (A), $150,000,000 shall be available for advanced vehicle research and deployment programs, including research and deployment related to acceleration of hybrid vehicle technologies, fuel cell school and transit buses, biodiesel engines, procurement of fuel cells, and vehicle efficiency.

(3) CLEAN CITIES PROGRAM.—

(A) ADDITIONAL AMOUNT.—For an additional amount for ''ENERGY SUPPLY AND CONSERVATION'' under the heading ''DEPARTMENT OF ENERGY'' of title III of the Energy and Water Development Appropriations Act, 2006 (Public Law 109–103), $350,000,000, to remain available until expended.

(B) USE.—Of the amount appropriated for ''ENERGY SUPPLY AND CONSERVATION'', as increased by subparagraph (A), $350,000,000 shall be available for the Clean Cities Program established under sections 405, 409, and 505 of the Energy Policy Act of 1992 (42 U.S.C. 13231, 13235, 13256), including development of common and voluntary standards that will accelerate—

(i) the market penetration of flex-fuel, alternative fuel, hybrid and plug-in hybrid vehicles, and related fueling infrastructure; and

(ii) installation of E-85, biodiesel, and other alternative fuel stations and infrastructure.

(4) CLEAN COAL POWER INITIATIVE.—

(A) ADDITIONAL AMOUNT.—For an additional amount for ''CLEAN COAL TECHNOLOGY'' under the heading ''DEPARTMENT OF ENERGY'' of title III of the Energy and Water Development Appropriations Act, 2006 (Public Law 109–103), $175,000,000, to remain available until expended.

(B) USE.—Of the amount appropriated for ''CLEAN COAL TECHNOLOGY'', as increased by subparagraph (A), $175,000,000 shall be available for the Clean Coal Power Initiative of the Department of Energy for large-scale—

(i) geologic carbon dioxide sequestration demonstrations;

(ii) sequestration-ready gasification demonstrations;

(iii) liquid fuels, substitute natural gas, and hydrogen projects related to sequestration-ready plants; and

(iv) carbon dioxide combustion control demonstrations.

(5) BIOMASS RESEARCH AND DEVELOPMENT.—

(A) ADDITIONAL AMOUNT.—For an additional amount for ''ENERGY SUPPLY AND CONSERVATION'' under the heading ''DEPARTMENT OF ENERGY'' of title III of the Energy and Water Development Appropriations Act, 2006 (Public Law 109–103), $100,000,000, to remain available until expended.

(B) USE.—Of the amount appropriated for ''ENERGY SUPPLY AND CONSERVATION'', as increased by subparagraph (A), $100,000,000 shall be available for implementation of the Biomass Research and Development Act of 2000 (Public Law 106–224; 7 U.S.C. 7624 note).

(6) CELLULOSIC BIOMASS ETHANOL AND MUNICIPAL SOLID WASTE LOAN GUARANTEES.—

(A) ADDITIONAL AMOUNT.—For an additional amount for ''ENERGY SUPPLY AND CONSERVATION'' under the heading ''DEPARTMENT OF ENERGY'' of title III of the Energy and Water Development Appropriations Act, 2006 (Public Law 109–103), $25,000,000, to remain available until expended.

(B) USE.—Of the amount appropriated for ''ENERGY SUPPLY AND CONSERVATION'', as increased by subparagraph (A), $25,000,000 shall be available to make loan guarantees to promote cellulosic biomass ethanol and improved treatment of municipal solid waste.

(7) ELECTRICITY GRID RELIABILITY IMPROVEMENTS.—

(A) ADDITIONAL AMOUNT.—For an additional amount for ''ENERGY SUPPLY AND CONSERVATION'' under the heading ''DEPARTMENT OF ENERGY'' of title III of the Energy and Water Development Appropriations Act, 2006 (Public Law 109–103), $50,000,000, to remain available until expended.

(B) USE.—Of the amount appropriated for ''ENERGY SUPPLY AND CONSERVATION'', as increased by subparagraph (A), $50,000,000 shall be available for electricity grid reliability improvements.

(8) GRANTS TO STATE ENERGY OFFICES THROUGH THE OFFICE OF ELECTRICITY DELIVERY AND ENERGY RELIABILITY.—

(A) ADDITIONAL AMOUNT.—For an additional amount for ''ENERGY SUPPLY AND CONSERVATION'' under the heading ''DEPARTMENT OF ENERGY'' of title III of the Energy and Water Development Appropriations Act, 2006 (Public Law 109–103), $250,000,000, to remain available until expended.

(B) USE.—Of the amount appropriated for ''ENERGY SUPPLY AND CONSERVATION'', as increased by subparagraph (A), $250,000,000 shall be available for grants to State energy offices through the Office of Electricity Delivery and Energy Reliability, in coordination with the Directorate for Preparedness of the Department of Homeland Security, for nonpetroleum-dependent or very low-emission distributed energy projects at critical facilities to harden infrastructure, strengthen first responders capabilities, and enhance emergency preparedness, including $30,000,000 for State energy programs.

(9) ENERGY EFFICIENCY PROGRAMS.—

(A) ADDITIONAL AMOUNT.—For an additional amount for ''ENERGY SUPPLY AND CONSERVATION'' under the heading ''DEPARTMENT OF ENERGY'' of title III of the Energy and Water Development Appropriations Act, 2006 (Public Law 109–103), $300,000,000, to remain available until expended.

(B) USE.—Of the amount appropriated for ''ENERGY SUPPLY AND CONSERVATION'', as increased by subparagraph (A), $300,000,000 shall be available for energy efficiency programs, including research and development, energy conservation standards, State building code development incentives, appliance rebates, the public information initiative on energy efficiency, utility efficiency pilot projects, Energy Star, industrial programs, State energy programs, and low-income community pilot projects.

(10) ULTRA-EFFICIENT AIRCRAFT ENGINE TECHNOLOGY RESEARCH AND DEVELOPMENT.—

(A) ADDITIONAL AMOUNT.—For an additional amount for ''ENERGY SUPPLY AND CONSERVATION'' under the heading ''DEPARTMENT OF ENERGY'' of title III of the Energy and Water Development Appropriations Act, 2006 (Public Law 109–103), $50,000,000, to remain available until expended.

(B) USE.—Of the amount appropriated for ''ENERGY SUPPLY AND CONSERVATION'', as increased by subparagraph (A), $50,000,000 shall be available for research and development on ultra-efficient aircraft engine technology.

(11) RENEWABLE ENERGY RESOURCE RESEARCH AND DEVELOPMENT.—

(A) ADDITIONAL AMOUNT.—For an additional amount for ''ENERGY SUPPLY AND CONSERVATION'' under the heading ''DEPARTMENT OF ENERGY'' of title III of the Energy and Water Development Appropriations Act, 2006 (Public Law 109–103), $150,000,000, to remain available until expended.

(B) USE.—Of the amount appropriated for ''ENERGY SUPPLY AND CONSERVATION'', as increased by subparagraph (A), $150,000,000 shall be available for research and development on renewable energy resources, including wind, biomass, solar, hydroelectric, and geothermal resources and renewable energy resource assessments, including development of potential integrated renewable energy projects.

(12) WEATHERIZATION ASSISTANCE GRANTS.—

(A) ADDITIONAL AMOUNT.—For an additional amount for ''ENERGY SUPPLY AND CONSERVATION'' under the heading ''DEPARTMENT OF ENERGY'' of title III of the Energy and Water Development Appropriations Act, 2006 (Public Law 109–103), $225,000,000, to remain available until expended.

(B) USE.—Of the amount appropriated for ''ENERGY SUPPLY AND CONSERVATION'', as increased by subparagraph (A), $250,000,000 shall be available for grants under the Weatherization Assistance Program for Low-Income Persons established under part A of title IV of the Energy Conservation and Production Act (42 U.S.C. 6861 et seq.).

(13) RENEWABLE ENERGY REBATES FOR RESIDENTIAL AND SMALL BUSINESS APPLICATIONS.—

(A) ADDITIONAL AMOUNT.—For an additional amount for ''ENERGY SUPPLY AND CONSERVATION'' under the heading ''DEPARTMENT OF ENERGY'' of title III of the Energy and Water Development Appropriations Act, 2006 (Public Law 109–103), $125,000,000, to remain available until expended.

(B) USE.—Of the amount appropriated for ''ENERGY SUPPLY AND CONSERVATION'', as increased by subparagraph (A), $125,000,000 shall be available for renewable energy rebates for residential and small business applications.

(14) RENEWABLE ENERGY PRODUCTION INCENTIVES.—

(A) ADDITIONAL AMOUNT.—For an additional amount for ''ENERGY SUPPLY AND CONSERVATION'' under the heading ''DEPARTMENT OF ENERGY'' of title III of the Energy and Water Development Appropriations Act, 2006 (Public Law 109–103), $50,000,000, to remain available until expended.

(B) USE.—Of the amount appropriated for ''ENERGY SUPPLY AND CONSERVATION'', as increased by subparagraph (A), $50,000,000 shall be available for renewable energy production incentives.

(15) RURAL AND REMOTE COMMUNITIES ELECTRIFICATION GRANTS.—

(A) ADDITIONAL AMOUNT.—For an additional amount for ''ENERGY SUPPLY AND CONSERVATION'' under the heading ''DEPARTMENT OF ENERGY'' of title III of the Energy and Water Development Appropriations Act, 2006 (Public Law 109–103), $50,000,000, to remain available until expended.

(B) USE.—Of the amount appropriated for ''ENERGY SUPPLY AND CONSERVATION'', as increased by subparagraph (A), $50,000,000 shall be available to make rural and remote communities electrification grants.

(16) FEDERAL ENERGY MANAGEMENT PROGRAMS.—

(A) ADDITIONAL AMOUNT.—For an additional amount for ''ENERGY SUPPLY AND CONSERVATION'' under the heading ''DEPARTMENT OF ENERGY'' of title III of the Energy and Water Development Appropriations Act, 2006 (Public Law 109–103), $25,000,000, to remain available until expended.

(B) USE.—Of the amount appropriated for ''ENERGY SUPPLY AND CONSERVATION'', as increased by subparagraph (A), $25,000,000 shall be available for Federal energy management measures carried out under part 3 of title V of the National Energy Conservation Policy Act (42 U.S.C. 8251 et seq.).

(c) DEPARTMENT OF AGRICULTURE MATTERS.—

(1) BIOMASS RESEARCH AND DEVELOPMENT INITIATIVE.—

(A) ADDITIONAL AMOUNT FOR AGRICULTURAL RESEARCH SERVICE.—The amount appropriated by chapter 1 of title II under the heading ''AGRICULTURAL RESEARCH SERVICE'' is hereby increased by $100,000,000.

(B) IMPLEMENTATION OF THE BIOMASS RESEARCH AND DEVELOPMENT INITIATIVE.—Of the amount appropriated by chapter 1 of title II under the heading ''AGRICULTURAL RESEARCH SERVICE'', as increased by subparagraph (A), $100,000,000 shall be available for implementation of the biomass research and development initiative.

(2) PRODUCTION INCENTIVES FOR CELLULOSIC BIOFUELS.—

(A) ADDITIONAL AMOUNT FOR FARM SERVICE AGENCY—BIOENERGY PROGRAM.—The amount appropriated by chapter 1 of title II under the heading ''FARM SERVICE AGENCY—BIOENERGY PROGRAM'' is hereby increased by $250,000,000.

(B) IMPLEMENTATION OF THE BIOMASS RESEARCH AND DEVELOPMENT INITIATIVE.—Of the amount appropriated by chapter 1 of title II under the heading ''FARM SERVICE AGENCY—BIOENERGY PROGRAM'', as increased by subparagraph (A), $250,000,000 shall be available for production incentives for cellulosic biofuels.

(d) ENVIRONMENTAL PROTECTION AGENCY.—

(1) ADDITIONAL AMOUNT.—For an additional amount for ''SCIENCE AND TECHNOLOGY'' of title III of the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2006 (Public Law 109–54; 119 Stat. 499), $25,000,000, to remain available until expended.

(2) USE.—Of the amount appropriated for ''SCIENCE AND TECHNOLOGY'', as increased by paragraph (1), $25,000,000 shall be available for sugar cane ethanol research and development.

(e) GENERAL SERVICES ADMINISTRATION.—

(1) ADDITIONAL AMOUNT.—For an additional amount for ''OPERATING EXPENSES'' under the heading ''GENERAL SERVICES ADMINISTRATION'' under title VI of the Transportation, Treasury, Housing and Urban Development, the Judiciary, the District of Columbia, and Independent Agencies Appropriations Act, 2006 (Public Law 109–115; 119 Stat. 2482), $25,000,000, to remain available until expended.

(2) USE.—Of the amount appropriated for ''OPERATING EXPENSES'' under paragraph (1), $25,000,000 shall be available for the procurement of alternative fuel, hybrid, and flex-fuel vehicles, and for related alternative fuel supply and related fleet infrastructure.

(f) EMERGENCY DESIGNATION.—The amounts provided under this section are designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

SA 3722. Mr. CORNYN (for himself and Mr. KYL) proposed an amendment to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 253, between lines 19 and 20, insert the following:

TITLE VIII—IMMIGRATION INJUNCTION REFORM

SEC. 8001. SHORT TITLE.

This title may be cited as the ''Fairness in Immigration Litigation Act of 2006''.

SEC. 8002. APPROPRIATE REMEDIES FOR IMMIGRATION LEGISLATION.

(a) REQUIREMENTS FOR AN ORDER GRANTING PROSPECTIVE RELIEF AGAINST THE GOVERNMENT.—

(1) IN GENERAL.—If a court determines that prospective relief should be ordered against the Government in any civil action pertaining to the administration or enforcement of the immigration laws of the United States, the court shall—

(A) limit the relief to the minimum necessary to correct the violation of law;

(B) adopt the least intrusive means to correct the violation of law;

(C) minimize, to the greatest extent practicable, the adverse impact on national security, border security, immigration administration and enforcement, and public safety, and

(D) provide for the expiration of the relief on a specific date, which is not later than the earliest date necessary for the Government to remedy the violation.

(2) WRITTEN EXPLANATION.—The requirements described in paragraph (1) shall be discussed and explained in writing in the order granting prospective relief and must be sufficiently detailed to allow review by another court.

(3) EXPIRATION OF PRELIMINARY INJUNCTIVE RELIEF.—Preliminary injunctive relief shall automatically expire on the date that is 90 days after the date on which such relief is entered, unless the court—

(A) makes the findings required under paragraph (1) for the entry of permanent prospective relief; and

(B) makes the order final before expiration of such 90-day period.

(4) REQUIREMENTS FOR ORDER DENYING MOTION.—This subsection shall apply to any order denying the Government's motion to vacate, modify, dissolve or otherwise terminate an order granting prospective relief in any civil action pertaining to the administration or enforcement of the immigration laws of the United States.

(b) PROCEDURE FOR MOTION AFFECTING ORDER GRANTING PROSPECTIVE RELIEF AGAINST THE GOVERNMENT.—

(1) IN GENERAL.—A court shall promptly rule on the Government's motion to vacate, modify, dissolve or otherwise terminate an order granting prospective relief in any civil action pertaining to the administration or enforcement of the immigration laws of the United States.

(2) AUTOMATIC STAYS.—

(A) IN GENERAL.—The Government's motion to vacate, modify, dissolve, or otherwise terminate an order granting prospective relief made in any civil action pertaining to the administration or enforcement of the immigration laws of the United States shall automatically, and without further order of the court, stay the order granting prospective relief on the date that is 15 days after the date on which such motion is filed unless the court previously has granted or denied the Government's motion.

(B) DURATION OF AUTOMATIC STAY.—An automatic stay under subparagraph (A) shall continue until the court enters an order granting or denying the Government's motion.

(C) POSTPONEMENT.—The court, for good cause, may postpone an automatic stay under subparagraph (A) for not longer than 15 days.

(D) ORDERS BLOCKING AUTOMATIC STAYS.—Any order staying, suspending, delaying, or otherwise barring the effective date of the automatic stay described in subparagraph (A), other than an order to postpone the effective date of the automatic stay for not longer than 15 days under subparagraph (C), shall be—

(i) treated as an order refusing to vacate, modify, dissolve or otherwise terminate an injunction; and

(ii) immediately appealable under section 1292(a)(1) of title 28, United States Code.

(c) SETTLEMENTS.—

(1) CONSENT DECREES.—In any civil action pertaining to the administration or enforcement of the immigration laws of the United States, the court may not enter, approve, or continue a consent decree that does not comply with subsection (a).

(2) PRIVATE SETTLEMENT AGREEMENTS.—Nothing in this section shall preclude parties from entering into a private settlement agreement that does not comply with subsection (a) if the terms of that agreement are not subject to court enforcement other than reinstatement of the civil proceedings that the agreement settled.

(d) EXPEDITED PROCEEDINGS.—It shall be the duty of every court to advance on the docket and to expedite the disposition of any civil action or motion considered under this section.

(e) DEFINITIONS.—In this section:

(1) CONSENT DECREE.—The term ''consent decree''—

(A) means any relief entered by the court that is based in whole or in part on the consent or acquiescence of the parties; and

(B) does not include private settlements.

(2) GOOD CAUSE.—The term ''good cause'' does not include discovery or congestion of the court's calendar.

(3) GOVERNMENT.—The term ''Government'' means the United States, any Federal department or agency, or any Federal agent or official acting within the scope of official duties.

(4) PERMANENT RELIEF.—The term ''permanent relief'' means relief issued in connection with a final decision of a court.

(5) PRIVATE SETTLEMENT AGREEMENT.—The term ''private settlement agreement'' means an agreement entered into among the parties that is not subject to judicial enforcement other than the reinstatement of the civil action that the agreement settled.

(6) PROSPECTIVE RELIEF.—The term ''prospective relief'' means temporary, preliminary, or permanent relief other than compensatory monetary damages.

SEC. 8003. EFFECTIVE DATE.

(a) IN GENERAL.—This title shall apply with respect to all orders granting prospective relief in any civil action pertaining to the administration or enforcement of the immigration laws of the United States, whether such relief was ordered before, on, or after the date of the enactment of this Act.

(b) PENDING MOTIONS.—Every motion to vacate, modify, dissolve or otherwise terminate an order granting prospective relief in any such action, which motion is pending on the date of the enactment of this Act, shall be treated as if it had been filed on such date of enactment.

(c) AUTOMATIC STAY FOR PENDING MOTIONS.—

(1) IN GENERAL.—An automatic stay with respect to the prospective relief that is the subject of a motion described in subsection (b) shall take effect without further order of the court on the date which is 10 days after the date of the enactment of this Act if the motion—

(A) was pending for 45 days as of the date of the enactment of this Act; and

(B) is still pending on the date which is 10 days after such date of enactment.

(2) DURATION OF AUTOMATIC STAY.—An automatic stay that takes effect under paragraph (1) shall continue until the court enters an order granting or denying the Government's motion under section 8002(b). There shall be no further postponement of the automatic stay with respect to any such pending motion under section 8002(b)(2). Any order, staying, suspending, delaying or otherwise barring the effective date of this automatic stay with respect to pending motions described in subsection (b) shall be an order blocking an automatic stay subject to immediate appeal under section 8002(b)(2)(D).

SA 3723. Mr. SCHUMER (for himself and Mr. REID) proposed an amendment to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. ____. MEASURES TO ADDRESS PRICE GOUGING AND MARKET MANIPULATION.

(a) FEDERAL TRADE COMMISSION.—

(1) ADDITIONAL AMOUNT.—For an additional amount for ''FEDERAL TRADE COMMISSION SALARIES AND EXPENSES'' under the heading ''RELATED AGENCIES'' of title V of the Science, State, Justice, Commerce, and Related Agencies Appropriations Act, 2006 (Public Law 109–108), $10,000,000.

(2) USE.—Of the amount appropriated for ''FEDERAL TRADE COMMISSION SALARIES AND EXPENSES'', as increased by paragraph (1), $10,000,000 shall be available to investigate and enforce price gouging complaints and other market manipulation activities by companies engaged in the wholesale and retail sales of gasoline and petroleum distillates.

(b) COMMODITY FUTURES TRADING COMMISSION.—

(1) ADDITIONAL AMOUNT.—For an additional amount for ''COMMODITY FUTURES TRADING COMMISSION'' under the heading ''RELATED AGENCIES AND FOOD AND DRUG ADMINISTRATION'' of title VI of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2006 (Public Law 109–97), $10,000,000.

(2) USE.—Of the amount appropriated for ''COMMODITY FUTURES TRADING COMMISSION'', as increased by paragraph (1), $10,000,000 shall be available for activities—

(A) to enhance investigation of energy derivatives markets;

(B) to ensure that speculation in those markets is appropriate and reasonable; and

(C) for data systems and reporting programs that can uncover real-time market manipulation activities.

(c) SECURITIES AND EXCHANGE COMMISSION.—

(1) ADDITIONAL AMOUNT.—For an additional amount for ''SECURITIES AND EXCHANGE COMMISSION SALARIES AND EXPENSES '' under the heading ''RELATED AGENCIES'' of title V of the Science, State, Justice, Commerce, and Related Agencies Appropriations Act, 2006 (Public Law 109–108), $5,000,000.

(2) USE.—Of the amount appropriated for ''SECURITIES AND EXCHANGE COMMISSION SALARIES AND EXPENSES'', as increased by paragraph (1), $5,000,000 shall be available for review and analysis of major integrated oil and gas company reports and filings for compliance with disclosure, corporate governance, and related requirements.

(d) ENERGY INFORMATION ADMINISTRATION.—

(1) ADDITIONAL AMOUNT.—For an additional amount for ''ENERGY INFORMATION ADMINISTRATION'' under the heading ''DEPARTMENT OF ENERGY'' of title III of the Energy and Water Development Appropriations Act, 2006 (Public Law 109–103), $10,000,000.

(2) USE.—Of the amount appropriated for ''ENERGY INFORMATION ADMINISTRATION'', as increased by paragraph (1), $10,000,000 shall be available for activities to ensure real-time and accurate gasoline and energy price and supply data collection.

(e) ENERGY SUPPLY AND CONSERVATION.—

(1) ADDITIONAL AMOUNT.—For an additional amount for ''ENERGY SUPPLY AND CONSERVATION'' under the heading ''DEPARTMENT OF ENERGY'' of title III of the Energy and Water Development Appropriations Act, 2006 (Public Law 109–103), $315,000,000.

(2) USE.—Of the amount appropriated for ''ENERGY SUPPLY AND CONSERVATION'', as increased by paragraph (1), $315,000,000 shall be available to provide grants to State energy offices for—

(A) the development and deployment of real-time information systems for energy price and supply data collection and publication;

(B) programs and systems to help discover energy price gouging and market manipulation;

(C) critical energy infrastructure protection;

(D) clean distributed energy projects that promote energy security; and

(E) programs to encourage the adoption and implementation of energy conservation and efficiency technologies and standards.

(f) GOVERNMENT ACCOUNTABILITY OFFICE.—

(1) ADDITIONAL AMOUNT.—For an additional amount for ''SALARIES AND EXPENSES'' under the heading ''GOVERNMENT ACCOUNTABILITY OFFICE'' of title I of the Legislative Branch Appropriations Act, 2006 (Public Law 109–55), $50,000.

(2) USE.—Of the amount appropriated for ''SALARIES AND EXPENSES'', as increased by paragraph (1), $50,000 shall be available to the Government Accountability for the preparation of a report, to be submitted to the appropriate committees of Congress not later than 90 days after the date of enactment of this Act, that includes—

(A) a review of the mergers between Exxon and Mobil, Chevron and Texaco, and Conoco and Phillips, and other mergers of significant or comparable scale in the oil industry that have occurred since 1990, including an assessment of the impact of the mergers on—

(i) market concentration;

(ii) the ability of the companies to exercise market power;

(iii) wholesale prices of petroleum products; and

(iv) the retail prices of petroleum products;

(B) an assessment of the impact that vitiating the mergers reviewed under subparagraph (A) would have on each of the matters described in clauses (i) through (iv) of subparagraph (A);

(C) an assessment of the impact of prohibiting any 1 company from simultaneously owning assets in each of the oil industry sectors of exploration, refining and distribution, and retail on each of the matters described in clauses (i) through (iv) of subparagraph (A); and

(D) an assessment of—

(i) the effectiveness of divestitures ordered by the Federal Trade Commission in preventing market concentration as a result of oil industry mergers approved since 1995; and

(ii) the effectiveness of the Federal Trade Commission in identifying and preventing—

(I) market manipulation;

(II) commodity withholding;

(III) collusion; and

(IV) other forms of market power abuse in the oil industry.

(g) EMERGENCY DESIGNATION.—The amounts provided under this section are designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

SA 3724. Mr. SCHUMER proposed an amendment to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. ___. MARITIME CONTAINER SECURITY.

(a) MARITIME CONTAINER INSPECTIONS.—

(1) IN GENERAL.—Beginning on the date on which regulations are issued under subsection (d), a maritime cargo container may not be shipped to the United States from any port participating in the Container Security Initiative (CSI) unless—

(A) the container has passed through a radiation detection device;

(B) the container has been scanned using gamma-ray, x-ray, or another internal imaging system;

(C) the container has been tagged and catalogued using an on-container label, radio frequency identification, or global positioning system tracking device; and

(D) the images created by the scans required under subparagraph (B) have been reviewed and approved by the Office of Container Evaluation and Enforcement established under subsection (b).

(2) MODEL.—

(A) IN GENERAL.—Except as provided under subparagraph (B), the Secretary of Homeland Security shall model the inspection system described in paragraph (1) after the Integrated Container Inspection System established at the Port of Hong Kong.

(B) NEW TECHNOLOGY.—The Secretary is not required to use the same companies or specific technologies installed at the Port of Hong Kong if a more advanced technology is available.

(b) CONTAINER EVALUATION AND ENFORCEMENT UNIT.—

(1) ESTABLISHMENT.—There is established, within Bureau of Customs and Border Protection of the Department of Homeland Security, the Office of Container Evaluation and Enforcement, which shall receive and process images of maritime cargo containers received from CSI ports.

(2) AUTHORIZATION OF APPROPRIATIONS.—There are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2006, $5,000,000, to remain available until expended, to hire and train customs inspectors to carry out the responsibilities described in paragraph (1). The amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

(c) PORT SECURITY SUMMIT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Homeland Security shall convene a port security summit with representatives from the major international shipping companies to address—

(1) gaps in port security; and

(2) the means to implement the provisions of this section.

(d) RULEMAKING.—

(1) DRAFT REGULATIONS.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Homeland Security shall submit, to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Homeland Security of the House of Representatives, draft regulations to carry out subsection (a) and a detailed plan to implement such regulations.

(2) FINAL REGULATIONS.—Not later than 3 years after the date of the enactment of this Act, the Secretary of Homeland Security shall issue final regulations to carry out subsection (a).

SA 3725. Mr. SMITH (for himself and Mr. WYDEN) submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 141, between lines 5 and 6, insert the following:

EMERGENCY DISASTER ASSISTANCE

(a) The Secretary of Commerce shall make a direct payment to the Pacific States Marine Fisheries Commission for distribution to mitigate the economic losses caused by Federal fisheries restrictions put in place to meet the needs of Klamath River Fall Chinook Salmon. The money provided to the Pacific States Marine Fisheries Commission shall be distributed to—

(1) persons or entities, including federally recognized Indian tribes, which have experienced significant economic hardship as a result of Federal fisheries closures or fishing restrictions;

(2) small businesses including fishermen, fish processors, and related businesses serving the fishing industry including, but not limited to, cold storage facilities, ice houses, docks, and other related shore-side fishery support facilities and infrastructure; and

(3) State and local governments adversely affected by reductions in fish landing fees and other fishing-related revenue.

(b) Payments authorized by this section may be used only in areas declared by the Governor of a State to be in a state of emergency due to Klamath River basin conditions and limitations on ocean commercial and sport salmon fishing.

(c) Such payments may be made for the purposes described in section 312(a)(2) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1861a(a)(2)).

(d) Not more than 4 percent of such payments provided to the Pacific States Marine Fisheries Commission for disaster relief distributions may be used for administrative expenses, and none of such payments may be used for lobbying activities or representational expenses. Any funds not distributed by the end of fiscal year 2008 shall be returned to the Treasury.

(e) The Secretary of Commerce shall require the Pacific States Marine Fisheries Commission to, not later than 6 months after receiving a payment authorized by this section, and every 6 months thereafter, submit to the Secretary of Commerce and the Committee on Appropriations of the House of Representatives and the Senate a report listing the persons and entities to whom the payment was distributed and the rationale for such distributions.

SA 3726. Mr. SMITH (for himself and Mr. WYDEN) submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 141, between lines 5 and 6, insert the following:

EMERGENCY DISASTER ASSISTANCE

(a) The Secretary of Commerce shall make a direct payment to the Pacific States Marine Fisheries Commission for distribution to mitigate the economic losses caused by Federal fisheries restrictions put in place to meet the needs of Klamath River Fall Chinook Salmon. The money provided to the Pacific States Marine Fisheries Commission shall be distributed to—

(1) persons or entities, including federally recognized Indian tribes, which have experienced significant economic hardship as a result of Federal fisheries closures or fishing restrictions;

(2) small businesses including fishermen, fish processors, and related businesses serving the fishing industry including, but not limited to, cold storage facilities, ice houses, docks, and other related shoreside fishery support facilities and infrastructure; and

(3) State and local governments adversely affected by reductions in fish landing fees and other fishing-related revenue.

(b) Payments authorized by this section may be used only in areas declared by the Governor of a State to be in a state of emergency due to Klamath River basin conditions and limitations on ocean commercial and sport salmon fishing.

(c) Such payments may be made for the purposes described in section 312(a)(2) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1861a(a)(2)).

(d) Not more than 4 percent of such payments provided to the Pacific States Marine Fisheries Commission for disaster relief distributions may be used for administrative expenses, and none of such payments may be used for lobbying activities or representational expenses. Any funds not distributed by the end of fiscal year 2008 shall be returned to the Treasury.

(e) The Secretary of Commerce shall require the Pacific States Marine Fisheries Commission to, not later than 6 months after receiving a payment authorized by this section, and every 6 months thereafter, submit to the Secretary of Commerce and the Committee on Appropriations of the House of Representatives and the Senate a report listing the persons and entities to whom the payment was distributed and the rationale for such distributions.

(f) For the purposes of the Internal Revenue Code of 1986—

(1) gross income shall not include any amount received as a payment or distribution under subsection (a); and

(2) rules similar to the rules of subsections (g)(3) and (h) of section 139 of such Code shall apply with respect to any amount excluded under subparagraph (1).

(g) There is appropriated to the Secretary of Commerce $81,000,000 to make payments under this section for fisheries disaster assistance. The amount provided under this subsection is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

SA 3727. Mr. DODD (for himself and Mr. LOTT) submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 203, strike line 8 and insert the following:

INDEPENDENT AGENCIES

ELECTION ASSISTANCE COMMISSION

ELECTION ASSISTANCE

For purposes of making discretionary payments to States affected by Hurricane Katrina and other hurricanes during the 2005 season to restore and replace supplies, materials, records, equipment, and technology used in the administration of Federal elections and to ensure the full participation of individuals displaced by such hurricanes, $30,000,000: *Provided*, That any such funds shall be used in a manner that is consistent with title III of the Help America Vote Act

of 2002: *Provided further*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. COCHRAN. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Thursday, April 27, 2006, at 10 a.m., in closed session, to receive an operations and intelligence briefing.

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

COMMITTEE ON THE JUDICIARY

Mr. COCHRAN. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a markup on Thursday, April 27, 2006 at 9:30 a.m. in Senate Dirksen Office Building Room 226.

Agenda

I. Nominations: Norman Randy Smith, to be U.S. Circuit Judge for the Ninth Circuit; Brett Kavanaugh, to be U.S. Circuit Judge for the DC Circuit; Michael Ryan Barrett, to be United States District Judge for the Southern District of Ohio; Brian M. Cogan, to be United States District Judge for the Eastern District of New York; Thomas M. Golden, to be United States District Judge for the Eastern District of Pennsylvania; Timothy Anthony Junker, to be United States Marshal for the Northern District of Iowa; Patrick Smith, to be United States Marshal for the Western District of North Carolina.

II. Bills: S. 2257, Oil and Gas Industry Antitrust Act of 2006, Specter, Kohl, DeWine, Leahy, Feinstein, Durbin; S. 2453, National Security Surveillance Act of 2006, Specter; S. 2455, Terrorist Surveillance Act of 2006, DeWine, Graham; S. 2468, A bill to provide standing for civil actions for declaratory and injunctive relief to persons who refrain from electronic communications through fear of being subject to warrantless electronic surveillance for foreign intelligence purposes, and for other purposes, Schumer; S. 2292, A bill to provide relief for the Federal judiciary from excessive rent charges, Specter, Leahy, Cornyn, Feinstein, Biden; S. 489, Federal Consent Decree Fairness Act, Alexander, Kyl, Cornyn, Graham, Hatch.

III. Matters: S.J. Res. 1, Marriage Protection Amendment, Allard, Sessions, Kyl, Hatch, Cornyn, Coburn, Brownback, DeWine.

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

COMMITTEE ON THE JUDICIARY

Mr. COCHRAN. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary be authorized to meet to conduct a hearing on ''Renewing the Temporary Provisions of the Voting Rights Act: An Introduction to the Evidence'' on Thursday, April 27, 2006, at 2:30 p.m. in Room 226 of the Dirksen Senate Office Building.

Witness List

Panel I: The Honorable F. James Sensenbrenner, Jr., United States House of Representatives, R–5th District-WI, Chairman, House Committee on the Judiciary; The Honorable John Conyers, Jr., United States House of Representatives, D–14th District-MI, Ranking Member, House Committee on the Judiciary.

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

COMMITTEE ON VETERANS' AFFAIRS

Mr. COCHRAN. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be authorized to meet during the session of the Senate on Thursday, April 27, 2006, to markup the nomination of Daniel L. Cooper to be Under Secretary for Benefits of the Department of Veterans Affairs; and to hold a hearing titled ''VA Research: Investing Today to Guide Tomorrow's Treatment.'' The meeting will take place in room 418 of the Russell Senate Office Building at 10 a.m.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. COCHRAN. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on April 27, 2006 at 2:30 p.m. to hold a closed business meeting,

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

SUBCOMMITTEE ON DISASTER PREVENTION AND PREDICTION

Mr. COCHRAN. Mr. President, I ask unanimous consent that the Subcommittee on Disaster Prevention and Prediction be authorized to meet on Thursday, April 27, 2006, at 10 a.m., on Drought.

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

SUBCOMMITTEE ON THE WESTERN HEMISPHERE, PEACE CORPS, AND NARCOTICS AFFAIRS

Mr. COCHRAN. Mr. President, I ask unanimous consent that the Subcommittee on Western Hemisphere, Peace Corps, and Narcotics Affairs be authorized to meet during the session of the Senate on Thursday, April 27, 2006, at 2:30 p.m. to hold a hearing on Implementing the Western Hemisphere Travel Initiative.

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

PRIVILEGES OF THE FLOOR

Mr. THUNE. Mr. President, I ask unanimous consent that Kevin Howard, a defense fellow in my office, be granted the privilege of the floor for the remainder of the year.

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

Mr. REED. Mr. President, I ask unanimous consent that a fellow in my office, Jason Schneider, be granted the privilege of the floor for the duration of my remarks.

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

Mr. CHAMBLISS. I ask that a member of my staff, Mr. Justin Golshir, be granted the privileges of the floor during the consideration of this amendment.

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

Mr. CHAMBLISS. Mr. President, I yield the floor.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following nominations on today's Executive Calendar: Calendar Nos. 605 through 612, and all nominations on the Secretary's desk. I further ask unanimous consent that the nominations be confirmed, en bloc, the motions to reconsider be laid upon the table, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

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

The nominations considered and confirmed en bloc are as follows:

IN THE AIR FORCE

The following named officer for appointment in the United States Air Force to the grade indicated under title 10, U.S.C., section 624:

To be major general

Brig. Gen. Thomas J. Loftus, 1717

The following named officers for appointment in the United States Air Force to the grade indicated under title 10, U.S.C., section 624:

To be major general

Brigadier General Chris T. Anzalone, 9968
Brigadier General Kurt A. Cichowski, 2191
Brigadier General Thomas F. Deppe, 3181
Brigadier General Paul A. Dettmer, 6272
Brigadier General William L. Holland, 4785
Brigadier General Ronald R. Ladnier, 6699
Brigadier General Erwin F. Lessel, III, 5416
Brigadier General John W. Maluda, 2572
Brigadier General Mark T. Matthews, 6697
Brigadier General Gary T. McCoy, 2911
Brigadier General Stephen J. Miller, 1561
Brigadier General Thomas J. Owen, 4009
Brigadier General Richard E. Perraut, Jr., 4091
Brigadier General Polly A. Peyer, 0565
Brigadier General Douglas L. Raaberg, 5158
Brigadier General Jeffrey A. Remington, 2881
Brigadier General Robertus C.N. Remkes, 8917
Brigadier General Frederick F. Roggero, 8985
Brigadier General Marshall K. Sabol, 5866
Brigadier General Paul J. Selva, 5397
Brigadier General Richard E. Webber, 3908
Brigadier General Thomas B. Wright, 4649
Brigadier General Mark R. Zamzow, 0418

The following Air National Guard of the United States officer for appointment in the Reserve of the Air Force to the grade indicated under title 10, U.S.C., section 12203:

To be brigadier general

Col. Steven Westgate, 4417

IN THE ARMY

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Lt. Gen. Franklin L. Hagenbeck, 3956

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Michael D. Rochelle, 4381

The following named officer for appointment as Assistant Surgeon General/Chief of the Dental Corps, United States Army and for appointment to the grade indicated under title 10, U.S.C., sections 3036 and 3039:

To be major general

Col. Russell J. Czerw, 7676

IN THE MARINE CORPS

The following named officer for appointment in the United States Marine Corps to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Frances C. Wilson, 7788

IN THE NAVY

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be vice admiral

Rear Adm. Nancy E. Brown, 4870

NOMINATIONS PLACED ON THE SECRETARY'S DESK

IN THE AIR FORCE

PN1393 Air Force nominations beginning KRISTINE M. UTORINO, and ending TIWANA L. WRIGHT, which nominations were received by the Senate and appeared in the Congressional Record of March 13, 2006.

PN1410 Air Force nomination of Rex R. Kiziah, which was received by the Senate and appeared in the Congressional Record of March 27, 2006.

PN1411 Air Force nomination of Maureen McCarthy, which was received by the Senate and appeared in the Congressional Record of March 27, 2006.

PN1412 Air Force nomination of Joseph A. Weber Jr., which was received by the Senate and appeared in the Congressional Record of March 27, 2006.

PN1413 Air Force nomination of Daniel J. McGraw, which was received by the Senate and appeared in the Congressional Record of March 27, 2006.

PN1414 Air Force nominations (2) beginning CONSTANCE C. MCNABB, and ending AMY L. WALKER, which nominations were received by the Senate and appeared in the Congressional Record of March 27, 2006.

PN1415 Air Force nominations (2) beginning KENNETH R. FRANKLIN, and ending MICHAEL S. PETERS, which nominations were received by the Senate and appeared in the Congressional Record of March 27, 2006.

PN1416 Air Force nominations (9) beginning PETER L. BARRENECHEA, and ending RALPH M. SUTHERLIN, which nominations were received by the Senate and appeared in the Congressional Record of March 27, 2006.

PN1417 Air Force nominations (78) beginning DAVID G. ALLEN, and ending DAVID D. ZWART, which nominations were received by the Senate and appeared in the Congressional Record of March 27, 2006.

PN1437 Air Force nominations (1830) beginning THOMAS E. BALDWIN, and ending MICHELLE K. ZIMMERMAN, which nominations were received by the Senate and appeared in the Congressional Record of April 5, 2006.

IN THE ARMY

PN1418 ARMY nomination of David M. Lind, which was received by the Senate and appeared in the Congressional Record of March 27, 2006.

PN1419 ARMY nominations (2) beginning MARY M. SUNSHINE, and ending DEBRA CHAPPEL, which nominations were received by the Senate and appeared in the Congressional Record of March 27, 2006.

PN1420 ARMY nomination of Jacqueline P. Allen, which was received by the Senate and appeared in the Congressional Record of March 27, 2006.

PN1421 ARMY nominations (7) beginning VALERIE MCDAVID, and ending CATHLEEN STERLING, which nominations were received by the Senate and appeared in the Congressional Record of March 27, 2006.

PN1422 ARMY nomination of Charles C. Dodd, which was received by the Senate and appeared in the Congressional Record of March 27, 2006.

PN1423 ARMY nominations (2) beginning ALVIS DUNSON, and ending FRANCIS WILLIAMS, which nominations were received by the Senate and appeared in the Congressional Record of March 27, 2006.

PN1432 ARMY nominations (13) beginning SOONJA CHOI, and ending MEHDY ZARANDY, which nominations were received by the Senate and appeared in the Congressional Record of March 30, 2006.

PN1438 ARMY nomination of E. N. Steely III, which was received by the Senate and appeared in the Congressional Record of April 5, 2006.

IN THE MARINE CORPS

PN1244 MARINE CORPS nomination of Sanford P. Pike, which was received by the Senate and appeared in the Congressional Record of January 31, 2006.

PN1266 MARINE CORPS nomination of Jayson A. Brayall, which was received by the Senate and appeared in the Congressional Record of February 1, 2006.

IN THE NAVY

PN1226 NAVY nomination of Paul W. Marquis, which was received by the Senate and appeared in the Congressional Record of January 27, 2006.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

MEASURE READ THE FIRST TIME—H.R. 5020

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

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

The legislative clerk read as follows:

A bill (H.R. 5020) to authorize appropriations for fiscal year 2007 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

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

The PRESIDING OFFICER. Objection is heard.

FILING OF FIRST-DEGREE AMENDMENTS H.R. 4939

Mr. FRIST. Mr. President, I ask unanimous consent that first-degree amendments to the supplemental be filed at the desk in accordance with rule XXII no later than 2:30 p.m. on Monday.

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

COMMENDING PUBLIC SERVANTS

Mr. FRIST. Mr. President, I ask unanimous consent that the Homeland Security and Governmental Affairs Committee be discharged from further consideration and that the Senate now proceed to S. Res. 412

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

The legislative clerk read as follows:

A resolution (S. Res. 412) expressing the sense of the Senate that public servants should be commended for their dedication and continued service to the Nation during Public Service Recognition Week May 1 through 7, 2006.

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

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

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

The resolution (S. Res. 412) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 412

Whereas Public Service Recognition Week provides an opportunity to recognize the important contributions of public servants and honor the men and women who meet the needs of the Nation through work at all levels of government;

Whereas millions of individuals work in government service in every city, county, and State across America and in hundreds of cities abroad;

Whereas public service is a noble calling involving a variety of challenging and rewarding professions;

Whereas Federal, State, and local governments are responsive, innovative, and effective because of the outstanding work of public servants;

Whereas the United States of America is a great and prosperous Nation, and public service employees contribute significantly to that greatness and prosperity;

Whereas the Nation benefits daily from the knowledge and skills of these highly trained individuals;

Whereas public servants—

(1) provide vital strategic support functions to our military and serve in the National Guard and Reserves;

(2) fight crime and fire;

(3) ensure equal access to secure, efficient, and affordable mail service;

(4) deliver social security and medicare benefits;

(5) fight disease and promote better health;
(6) protect the environment and the Nation's parks;
(7) enforce laws guaranteeing equal employment opportunities and healthy working conditions;
(8) defend and secure critical infrastructure;
(9) help the Nation recover from natural disasters and terrorist attacks;
(10) teach and work in our schools and libraries;
(11) improve and secure our transportation systems;
(12) keep the Nation's economy stable; and
(13) defend our freedom and advance United States interests around the world;

Whereas members of the uniformed services and civilian employees at all levels of government make significant contributions to the general welfare of the United States, and are on the front lines in the fight against terrorism and in maintaining homeland security;

Whereas public servants work in a professional manner to build relationships with other countries and cultures in order to better represent America's interests and promote American ideals;

Whereas public servants alert Congress and the public to government waste, fraud, abuse, and dangers to public health;

Whereas the men and women serving in the Armed Forces of the United States, as well as those skilled trade and craft Federal employees who provide support to their efforts, are committed to doing their jobs regardless of the circumstances, and contribute greatly to the security of the Nation and the world;

Whereas public servants have bravely fought in armed conflict in defense of this Nation and its ideals and deserve the care and benefits they have earned through their honorable service;

Whereas government workers have much to offer, as demonstrated by their expertise and innovative ideas, and serve as examples by passing on institutional knowledge to train the next generation of public servants;

Whereas May 1 through 7, 2006, has been designated Public Service Recognition Week to honor America's Federal, State, and local government employees; and

Whereas Public Service Recognition Week is celebrating its 22nd anniversary through job fairs, student activities, and agency exhibits: Now, therefore, be it

Resolved, That the Senate—

(1) commends public servants for their outstanding contributions to this great Nation during Public Service Recognition Week and throughout the year;
(2) salutes their unyielding dedication and spirit for public service;
(3) honors those government employees who have given their lives in service to their country;
(4) calls upon a new generation of workers to consider a career in public service as an honorable profession; and
(5) encourages efforts to promote public service careers at all levels of government.

RECONVENING THE PARLIAMENT OF NEPAL

AMERICAN BALLET THEATRE

CONGRATULATING CHARTER SCHOOLS

HONORING MALCOLM P. McLEAN

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the en bloc consideration of S. Res. 451, S. Res. 452, S. Res. 453, and S. Res. 454, which are at the desk.

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

Mr. FRIST. Mr. President, I ask unanimous consent that the resolutions be agreed to, the preambles be agreed to, and the motions to reconsider be laid upon the table, all en bloc.

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

The resolutions were agreed to.

The preambles were agreed to.

The resolutions, with their preambles, read as follows:

S. RES. 451

Whereas, in 1990, Nepal adopted a constitution that enshrined multi-party democracy under a constitutional monarchy, ending 3 decades of absolute monarchical rule;

Whereas, since 1996, Maoist insurgents have waged a violent campaign to replace the constitutional monarchy with a communist republic, which has resulted in widespread human rights violations by both sides and the loss of an estimated 12,000 lives;

Whereas the Maoist insurgency grew out of the radicalization and fragmentation of left wing parties following Nepal's transition to democracy in 1990;

Whereas, on June 1, 2001, King Birendra, Queen Aishwarya and other members of the Royal family were murdered, leaving the throne to the slain King's brother, the current King Gyanendra;

Whereas, in May 2002, in the face of increasing Maoist violence, Prime Minister Sher Bahadur Deuba dissolved the Parliament of Nepal;

Whereas, in October 2002, King Gyanendra dismissed Prime Minister Deuba;

Whereas, in June 2004, after the unsuccessful tenures of 2 additional palace-appointed prime ministers, King Gyanendra reappointed Prime Minister Deuba and mandated that he hold general elections by April 2005;

Whereas, on February 1, 2005, King Gyanendra accused Nepali political leaders of failing to solve the Maoist problem, seized absolute control of Nepal by dismissing and detaining Prime Minister Deuba and declaring a state of emergency, temporarily shut down Nepal's communications, detained hundreds of politicians and political workers, and limited press and other constitutional freedoms;

Whereas, in November 2005, the mainstream political parties formed a seven-party alliance with the Maoists and agreed to a 12 point agenda that called for a restructuring of the government of Nepal to include an end to absolute monarchical rule and the formation of an interim all-party government with a view to holding elections for a constituent assembly to rewrite the Constitution of Nepal;

Whereas, since February 2005, King Gyanendra has promulgated dozens of ordinances without parliamentary process that violate basic freedoms of expression and association, including the Election Code of Conduct that seeks to limit media freedom in covering elections and the Code of Conduct for Social Organizations that bars staff of nongovernmental organizations from having political affiliations;

Whereas King Gyanendra ordered the arrest of hundreds of political workers in January 2006 before holding municipal elections on February 8, 2006, which the Department of State characterized as ''a hollow attempt by the King to legitimize his power'';

Whereas the people of Nepal have been peacefully protesting since April 6, 2006, in an attempt to restore the democratic political process;

Whereas on April 10, 2006, the Department of State declared that King Gyanendra's February 2005 decision ''to impose direct palace rule in Nepal has failed in every regard'' and called on the King to restore democracy immediately and to begin a dialogue with Nepal's political parties;

Whereas King Gyanendra ordered a crackdown on the protests, which has left at least 14 Nepali citizens dead and hundreds injured by the security forces of Nepal;

Whereas the people of Nepal are suffering hardship due to food shortages and lack of sufficient medical care because of the prevailing political crisis;

Whereas King Gyanendra announced on April 21, 2006, that the executive power of Nepal shall be returned to the people and called on the seven-party alliance to name a new prime minister to govern the country in accordance with the 1990 Constitution of Nepal;

Whereas the seven-party alliance subsequently rejected King Gyanendra's April 21, 2006 statement and called on him to reinstate parliament and allow for the establishment of a constituent assembly to draw up a new constitution;

Whereas on April 24, 2006, King Gyanendra announced that he would reinstate the Parliament of Nepal on April 28, 2006, and apologized for the deaths and injuries that occurred during the recent demonstrations, but did not address the issue of constitutional revision;

Whereas political party leaders have welcomed King Gyanendra's April 24th announcement and stated that the first action of the reconvened parliament will be the scheduling of elections for a constituent assembly to redraft the Constitution of Nepal.

Now, therefore, be it

Resolved, That the Senate—

(1) expresses its support for the reconvening of the Parliament of Nepal and for an immediate, peaceful transition to democracy;
(2) commends the desire of the people of Nepal for a democratic system of government and expresses its support for their right to protest peacefully in pursuit of this goal;
(3) acknowledges the April 24, 2006 statement by King Gyanendra regarding his intent to reinstate the Parliament of Nepal;
(4) urges the Palace, the political parties, and the Maoists to immediately support a process that returns the country to multiparty democracy and creates the conditions for peace and stability in Nepal;
(5) declares that the transition to democracy in Nepal must be peaceful and that violence conducted by any party is unacceptable and risks sending Nepal into a state of anarchy;
(6) calls on security forces of Nepal to exercise maximum restraint and to uphold the highest standards of conduct in their response to the protests;
(7) urges the immediate release of all political detainees and the restoration of full civilian and political rights, including freedom of association, expression, and assembly;
(8) urges the Maoists to lay down their arms and to pursue their goals through participation in a peaceful political process; and
(9) calls on the Government of the United States to work closely with other governments, including the governments of India, China, the United Kingdom, and the European Union, and with the United Nations to ensure a common and coherent international approach that helps to bring about an immediate peaceful transition to democracy and to end the violent insurgency in Nepal.

S. RES. 452

Whereas American Ballet Theatre (known as ''ABT'') is recognized as one of the world's great dance companies;

Whereas ABT is dedicated to bringing dance to the United States and dance of the United States to the world;

Whereas, over its 65-year history, ABT has appeared in all 50 States of the United States, in a total of 126 cities, and has performed for more than 600,000 people annually;

Whereas ABT has performed in 42 countries as perhaps the most representative ballet company of the United States, with many of those engagements sponsored by the Department of State;

Whereas ABT has been home to the world's most accomplished dancers and has commissioned works by all of the great choreographic geniuses of the 20th century;

Whereas President Dwight D. Eisenhower recognized ABT's ability to convey through the medium of ballet ''some measure of understanding of America's cultural environment and inspiration'';

Whereas over the years ABT has performed repeatedly at the White House, most recently in December 2005;

Whereas ABT is committed to bringing dance to a broad audience and provides exposure to dance to more than 20,000 underprivileged children and their families each year;

Whereas ABT's award-winning Make a Ballet program and its other outreach initiatives help to meet the need for arts education in underserved schools and communities;

Whereas ABT's Studio Company brings world class ballet to smaller communities like—

(1) Rochester, New York;

(2) Stamford, Connecticut;

(3) Sanibel, Florida;

(4) South Hadley, Massachusetts; and

(5) Winston-Salem, North Carolina; and

Whereas the Jacqueline Kennedy Onassis School at ABT and the ABT's other artistic development initiatives provide the highest quality training consistent with the professional standards of ABT: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes and commends the American Ballet Theatre for over 65 years of service as ''America's National Ballet Company'', during which it has provided world class art to audiences in all 50 States;

(2) recognizes that the American Ballet Theatre also serves as a true cultural ambassador for the United States, by having performed in 42 countries and fulfilling its reputation as one of the world's most revered and innovative dance companies; and

(3) recognizes that the American Ballet Theatre's extensive and innovative education, outreach, and artistic development programs both train future generations of great dancers and expose students to the arts.

S. RES. 453

Whereas charter schools deliver high-quality education and challenge our students to reach their potential;

Whereas charter schools provide thousands of families with diverse and innovative educational options for their children;

Whereas charter schools are public schools authorized by a designated public entity that are responding to the needs of our communities, families, and students and promoting the principles of quality, choice, and innovation;

Whereas in exchange for the flexibility and autonomy given to charter schools, they are held accountable by their sponsors for improving student achievement and for their financial and other operations;

Whereas 40 States and the District of Columbia have passed laws authorizing charter schools;

Whereas more than 3,600 charter schools are now operating in 40 States and the District of Columbia, serving more than 1,000,000 students;

Whereas over the last 12 years, Congress has provided nearly $1,775,000,000 in support to the charter school movement through facilities financing assistance and grants for planning, startup, implementation, and dissemination;

Whereas charter schools improve their students' achievement and stimulate improvement in traditional public schools;

Whereas charter schools must meet the student achievement accountability requirements under the Elementary and Secondary Education Act of 1965 in the same manner as traditional public schools, and often set higher and additional individual goals to ensure that they are of high quality and truly accountable to the public;

Whereas charter schools give parents new freedom to choose their public school, routinely measure parental satisfaction levels, and must prove their ongoing success to parents, policymakers, and their communities;

Whereas nearly 56 percent of charter schools report having a waiting list, and the total number of students on all such waiting lists is enough to fill over 1,100 average-sized charter schools;

Whereas charter schools nationwide serve a higher percentage of low-income and minority students than the traditional public system;

Whereas charter schools have enjoyed broad bipartisan support from the Administration, Congress, State Governors and legislatures, educators, and parents across the United States; and

Whereas the seventh annual National Charter Schools Week, to be held May 1 through 6, 2006, is an event sponsored by charter schools and grassroots charter school organizations across the United States to recognize the significant impacts, achievements, and innovations of charter schools: Now, therefore, be it

Resolved, That—

(1) the Senate acknowledges and commends charter schools and their students, parents, teachers, and administrators across the United States for their ongoing contributions to education and improving and strengthening our public school system;

(2) the Senate supports the seventh annual National Charter Schools Week; and

(3) it is the sense of the Senate that the people of the United States should conduct appropriate programs, ceremonies, and activities to demonstrate support for charter schools during this week long celebration in communities throughout the United States.

S. RES. 454

Whereas Malcom P. McLean is widely recognized as the father of containerization;

Whereas the innovative idea of using intermodal containers suitable for rail, truck, and maritime transportation revolutionized and streamlined the process of shipping goods, allowed products to be moved to the market more quickly, and reduced prices for consumers;

Whereas the use of containerization in shipping practices enabled the United States to increase international trade by modernizing and globalizing the economy of the United States;

Whereas Mr. McLean launched numerous successful transportation businesses that were located in the Port of Newark, New Jersey, including—

(1) the Pan-Atlantic Steamship Company; and

(2) Sea-Land Service Incorporated;

Whereas those businesses were crucial to the growth of shipping and industry in New Jersey;

Whereas the innovations of Mr. McLean have enabled businesses to create thousands of jobs that provide liveable wages for the citizens of New Jersey and other citizens of the United States;

Whereas, on April 26, 1956, the first ship loaded with goods to be transported from the United States in intermodal containers, the Ideal X, set sail from Port Newark under the direction of Mr. McLean;

Whereas 2006 marks the 50th anniversary of that historic event;

Whereas the Containerization and Intermodal Institute in Holmdel, New Jersey, has planned activities to commemorate that occasion; and

Whereas Mr. McLean was a transportation pioneer whose remarkable achievements are worthy of recognition and commemoration: Now, therefore, be it

Resolved, That the Senate—

(1) celebrates the remarkable contributions of Malcom P. McLean to the development of a new era of trade and commerce in the United States through the containerization of cargo;

(2) honors the 50th anniversary of containerization, and recognizes the crucial role that containerization has played in the modernization of—

(A) shipping practices; and

(B) the economy of the United States; and

(3) encourages all citizens to promote and participate in celebratory activities that commemorate that landmark anniversary.

Mr. ALEXANDER. Mr. President, I am pleased that today the Senate passed a resolution to designate the week of May 1 through May 6, 2006 as National Charter Schools Week. I was joined in offering this resolution by Senators LIEBERMAN, GREGG, FRIST, CARPER, VITTER, LANDRIEU, BURR, COLEMAN, ALLARD, DEMINT, and MARTINEZ.

One of my last official acts as U.S. Secretary of Education in 1992 was to write a letter to every school superintendent in America urging them to create charter schools. That year, the Nation's first charter school had opened its doors in St. Paul, Minnesota. I saw charter schools as ways to remove burdensome rules, regulations, and overhead so that teachers could have more opportunities to use their good judgment to help children and so parents could have more choices of schools. This was the time when General Motors' newest automobile plant was a start-from-scratch facility making Saturn cars. Al Shanker, the late president of the American Federation of Teachers, said then, ''If we can have a Saturn plant, why not a Saturn school?'' A lot of educators agreed.

Today, there are over 3,600 charter schools serving more than 1 million students in 40 states and the District of Columbia. Over half of these schools report having waiting lists, and there are enough students on these waiting lists to fill another 1,100 average-sized charter schools.

Charter schools play a unique role in public education by offering students a variety of options to meet their different learning needs and styles. They

vary in specific mission and focus, but not in their commitment to excellence and preparing students to succeed. In return for autonomy and freedom from burdensome regulations and policies, they accept strict accountability for academic and fiscal success. If charter schools fail to educate their students well and meet the goals of their charters, they are closed.

Charter schools are raising student achievement. Research shows that charter school students are more likely to be proficient in reading and math than students in neighboring traditional schools, and that the greatest achievement gains can be seen among African American, Hispanic, and low-income students. Research also shows that the longer charter schools have been in operation, the more they outdistance traditional schools in student performance.

It is worth noting that not all charter schools are high-quality, and not all are outperforming traditional public schools. But charter schools whose students don't perform academically will close—as they should. It is also worth noting the impact charter schools are having on their neighboring traditional public schools. Districts with a large number of charter schools have reported that they are increasing interaction with parents and creating new education programs, many of which are similar to those offered by charter schools. These improvements benefit all our students, not just those who choose charter schools.

I am pleased that twelve charter schools have opened in Tennessee since passage of the State's charter school law in 2002. Ten of these charter schools are located in Memphis, where they enjoy critical support from local school officials, dedicated private partners, and philanthropic organizations.

Options for Memphis students range from programs for elementary students that stress mastery of reading, math, and foreign language skills to middle schools focused on health sciences and business. High school options include charter schools that emphasize science, liberal arts, or visual and performing arts.

I had an opportunity to visit one of these outstanding charter schools, the Memphis Academy of Science and Engineering (MASE), which was the first charter school established in Tennessee. MASE provides an academically challenging program to prepare at-risk students for college through an intensive math, science, engineering, and technology curriculum in grades 7–9, including the first ninth grade AP Biology class in the state. The school was established as an innovative public/private initiative aimed not only at training a well-educated workforce for the city's rapidly growing bioscience industry, but also helping students excel in a technology-based environment, regardless of the career path they choose.

I am impressed by the school's clear record of achievement results. By the end of eighth grade, MASE students—who were failing or at risk of failing in their previous schools—more than doubled their pass rates on State reading, math and science tests compared to their achievement in sixth grade prior to entering MASE. Last year, MASE was the second highest performing school—public or charter—in Memphis, and a University of Memphis study found that MASE seventh graders scored better on the state math assessment than similar students in public schools.

Unfortunately, Tennessee's highly restrictive charter school law does not create the conditions that would enable more students to benefit from attending schools like MASE. The law received a grade of C in a recent Center for Education Reform study, which found that higher student achievement and higher-quality, more viable charter schools are found in States with stronger charter school laws.

Strong laws grant the power to approve charter schools to more than one entity, including local school boards, State education agencies, colleges and universities, and non-profit organizations. Strong laws also grant greater freedom and independence to charter schools, guarantee full per-pupil funding, and do not restrict the number of schools that may open or students who may enroll.

States should take the opportunity during National Charter Schools Week to examine their statutes and ensure that they create the conditions necessary to allow high-quality charter schools, and thereby options for students, to flourish.

Charter schools are also a key element of the education revival taking place in New Orleans, where Hurricane Katrina dealt a devastating blow to a school system already plagued by low achievement and corruption. The city has a truly historic opportunity to transform its education system into a network of high-performing charter schools that could serve as a model for urban education in the rest of the Nation.

So far, 25 of 117 public schools have reopened in New Orleans. 70 percent of these schools are charter schools managed by the Recovery School District, the Orleans Parish School Board, or the State Board of Education.

New Orleans officials are working diligently to open more schools to serve students as they return to the city. They have been assisted by a $21 million Federal Charter Schools Program grant, which helped reopen charter schools damaged by the hurricanes, create new charter schools, and expand existing charter schools to accommodate displaced students. I am encouraged that Louisiana continues to receive applications to open charter schools in New Orleans, but more work needs to be done to ready facilities for approved schools to accommodate the substantial student enrollment projected for this fall.

Charter schools in other parts of the country also leapt into action to serve students impacted by Katrina. After the hurricane, the high-performing Knowledge is Power Program (KIPP), in partnership with the Houston Independent School District and Teach For America, exhibited extraordinary leadership by quickly opening a new charter school in Houston—New Orleans West College Prep—to serve over 300 students in grades K–8 displaced by Hurricane Katrina.

According to KIPP co-founder Mike Feinberg, ''When there's a problem, we at KIPP roll up our sleeves and look for a solution. Together with the [Houston Independent] District and Teach For America, we hope to provide students not only with a safe haven, but also with a rigorous academic environment. Even if they are not at home, these students will receive a top-notch education with caring, committed teachers.'' Mr. Feinberg's comments exemplify the attitude that motivates so many in the charter school community—that of doing whatever it takes to get the job done.

I expect that we will see charter schools continue to expand across the Nation as word of their success spreads. Four years ago, the President signed into law the No Child Left Behind Act, which contains several programs that support charter school development, and provides school districts with the option of converting low-performing schools into charter schools. As we prepare to reauthorize No Child Left Behind, we'll take a close look at how these programs are performing to ensure that the Federal Government is doing everything it can to help create and sustain viable, high-achieving charter schools.

I commend the charter school students, parents, teachers, community leaders and others who, working together, are helping transform our system of public education. I encourage my colleagues to visit a charter school during National Charter Schools Week to witness firsthand the ways in which these innovative schools are making a difference in students' lives and in their communities.

Mr. LAUTENBERG. Mr. President, I rise in support of S. Res 454 honoring a true transportation pioneer, Malcom McLean. His use of the intermodal shipping container—first used successfully in the United States 50 years ago yesterday—streamlined the shipping process and set the stage for our modem globalized economy through containerization.

Before the age of containerization, shipping raw materials and consumer goods was an extremely arduous process; to transfer goods from a ship to a train, or from a train to a truck, the merchandise first needed to be unloaded, sorted, and reloaded. As a truck driver in 1937, Malcom McLean realized that the goods could be shipped more cheaply, efficiently, and quickly if they didn't need to be unloaded and re-

loaded into different shipping containers on each leg of a trip. He invented a type of container that was durable and versatile enough to be attached to a train, loaded onto a tractor-trailer, and secured to the deck of a ship; the revolutionary idea created efficiencies in the process by making loading and un-loading at each step of the intermodal shipping process obsolete.

Mr. President, yesterday marked the 50th anniversary of the Ideal X setting sail from Port Newark, in my home State of New Jersey, and bound for Houston, TX. This historic trip marked the first successful implementation of Malcom McLean's grand idea: it was the first time a ship left U.S. loaded with intermodal containers, 58 in total. Putting these containers on ships allowed for great cost savings in shipping—as much as 25 percent or more—and the triumphant voyage of the Ideal X signaled that the exciting new method was indeed practical and worthwhile.

It is nearly impossible to overstate the importance of his innovation. If you enjoy consumer products imported from overseas, or from distant areas of our own country, you can credit Malcom McLean's revolutionary idea for making them more affordable. If you enjoy fresh produce or baked goods from your local grocery store, thank McLean's innovation for bringing them to market more quickly. Container ization surely has made the world a smaller place by allowing goods from all over the world arrive at their destinations more cheaply and more quickly, and our standard of living in America has improved markedly in the process.

Before I was elected to the Senate, I served as commissioner of the Port Authority of New York and New Jersey from 1978 until 1982. I had the opportunity to get to know Malcom McLean, a singularly focused man, who was successful in nearly all of his pursuits because of his strong work ethic and unmatched talent for innovation. While Mr. McLean passed away in 2001, his legacy lives on through his widow Irena McLean and his family, and through his lasting contributions to industry in New Jersey, the United States, and the entire world.

I encourage he Senate to adopt this resolution and honor a great American.

HONORING AND THANKING TERRANCE W. GAINER, FORMER CHIEF OF U.S. CAPITOL POLICE

Mr. FRIST. Mr. President, I ask unanimous consent the Senate now proceed to the consideration of S. Res. 455, which was submitted earlier today.

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

The legislative clerk read as follows:

A resolution (S. Res. 455) honoring and thanking Terrance W. Gainer, former Chief of United States Capitol Police.

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

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

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

The resolution (S. Res. 455) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 455

Whereas former Chief of Police Terrance W. Gainer, a native of the State of Illinois, had served the United States Capitol Police with distinction since his appointment on June 3, 2002;

Whereas Chief Gainer had served in various city, state and federal law enforcement positions throughout his thirty-eight year career; and

Whereas Chief Gainer holds Juris Doctor and Master's degrees from DePaul University and a Bachelor's degree from St. Benedict's College, as well as numerous specialized law enforcement and security training accomplishments and honors: Now, therefore, be it

Resolved, That the Senate hereby honors and thanks Terrance W. Gainer and his wife, Irene, and his entire family, for a professional commitment of service to the United States Capitol Police and the United States Congress.

Mr. FRIST. Mr. President, this Senate resolution we just agreed to thanks Terrance Gainer, former Chief of the U.S. Capitol Police. Although I don't have a formal statement, I have had an opportunity to work with Chief Gainer very closely over the last several years. Although many of those interactions were in routine business, what we regard as routine business, at every moment he stood ready with the Capitol Police for any unexpected event. And those unexpected, tragic events that I was able to work with him on, led me—seeing the way he addressed these issues, with dignity, with discipline, with a real understanding of what was at stake—to have a great deal of respect for him, his approach, his character, his integrity and his professionalism.

It wasn't too long ago that many people were stranded inside of the Russell Building parking garage for an alarm that went off. I was able to go and talk to Chief Gainer about that, as they were determining what the etiology of that alarm was, and I got to see the full force of that integrity and that discipline and that level of sophistication.

I wish him the best of luck and good fortune as he leaves behind his tremendous service here at the Capitol.

ORDERS FOR MONDAY, MAY 1, 2006

Mr. FRIST. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 2 p.m. on Monday, May 1. I further ask that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved, and the Senate then resume consideration of H.R. 4939, the Supplemental Appropriations bill.

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

Mr. FRIST. Mr. President, we have made some progress on the Iraq supplemental bill this week. I thank Chairman COCHRAN for his leadership, for his patience, and for his hard work.

The Senate will not be in session tomorrow, as I indicated earlier.

We have a lot to do before we complete action on this crucial funding bill. In order to make sure that we can get the bill finished in a timely manner, I filed cloture a few moments ago. That cloture vote will occur on Tuesday morning.

Senators should expect full days with multiple votes next week.

I expect cloture will be invoked.

As we all know, there will be a number of other amendments that will be dealt with.

We will also be voting on Monday at approximately 5:30. Several district judges have been reported by the Judiciary Committee, and we anticipate voting on at least one of those on Monday.

ADJOURNMENT UNTIL MONDAY, MAY 1, 2006, AT 2 P.M.

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

There being no objection, the Senate, at 7:59 p.m., adjourned until Monday, May 1, 2006, at 2 p.m.

NOMINATIONS

Executive nominations received by the Senate April 27, 2006:

EXECUTIVE OFFICE OF THE PRESIDENT

ROBERT J. PORTMAN, OF OHIO, TO BE DIRECTOR OF THE OFFICE OF MANAGEMENT AND BUDGET, VICE JOSHUA B. BOLTEN.

DEPARTMENT OF STATE

ROBERT ANTHONY BRADTKE, OF MARYLAND, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF CROATIA.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

JAMES B. LOCKHART III, OF CONNECTICUT, TO BE DIRECTOR OF THE OFFICE OF FEDERAL HOUSING ENTERPRISE OVERSIGHT, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT FOR A TERM OF FIVE YEARS, VICE ARMANDO FALCON, JR., RESIGNED.

NUCLEAR REGULATORY COMMISSION

DALE KLEIN, OF TEXAS, TO BE MEMBER OF THE NUCLEAR REGULATORY COMMISSION FOR THE TERM OF FIVE YEARS EXPIRING JUNE 30, 2011, VICE NILS J. DIAZ, TERM EXPIRING.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be general

LT. GEN. KEVIN P. CHILTON, 6603

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE

AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. NORMAN R. SEIP, 6765

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS THE SURGEON GENERAL OF THE AIR FORCE AND APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTIONS 8036 AND 601:

To be lieutenant general

MAJ. GEN. JAMES G. ROUDEBUSH, 9187

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be major general

BRIG. GEN. DANA T. ATKINS, 1173

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

COL. LAWRENCE A. STUTZRIEM, 7077

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be major general

BRIG. GEN. STEPHEN V. REEVES, 2272

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR PROMOTION IN THE UNITED STATES NAVY RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be rear admiral

REAR ADM. (LH) SHARON H. REDPATH, 7170

THE FOLLOWING NAMED OFFICER FOR PROMOTION IN THE UNITED STATES NAVY RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be rear admiral

REAR ADM. (LH) NORTON C. JOERG, 2309

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS THE JUDGE ADVOCATE GENERAL OF THE UNITED STATES NAVY IN THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be judge advocate general of the United States Navy

REAR ADM. BRUCE E. MACDONALD, 9816

IN THE ARMY

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

KENNETH A. KRAFT, 4611

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

MARK A. BURDT, 6444
WILLIAM R. COATS, 4550
MARK S. LOVEJOY, 4399
ROBERT L. PORTER, 1825

THE FOLLOWING NAMED INDIVIDUALS FOR REGULAR APPOINTMENT TO THE GRADES INDICATED IN THE UNITED STATES ARMY MEDICAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be colonel

BETTY J. WILLIAMS, 2170

To be lieutenant colonel

MICHAEL S. KOOK, 1939

To be major

JON CAMPI, 6715
JAMES M. FEELEY, 8320
WILLIAM H. KLOSS, 5187
HENRY R. LEMLEY, 7175

THE FOLLOWING NAMED INDIVIDUAL FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL SERVICE CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be lieutenant colonel

THOMAS F. NUGENT, 0254

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be major

MICHAEL F. LORICH, 8295

THE FOLLOWING NAMED INDIVIDUAL FOR REGULAR APPOINTMENT IN THE GRADE INDICATED IN THE UNITED STATES ARMY CHAPLAINS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be major

BRIAN O. SARGENT, 4670

THE FOLLOWING NAMED INDIVIDUALS FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY JUDGE ADVOCATE GENERAL'S CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be major

BRIAN K. HILL, 9996
ROBERT T. KINCAID, 9565
ERIC S. SPRINGS, 6078
CHARLES W. WALLACE, 6978

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

LANA D. HAMPTON, 2033

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

KEITH E. SIMPSON, 9185

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

NORMAN W. PORTER, 1494

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

PATRICK M. LEARD, 5070
KIRBY D. MILLER, 3192

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

ALBERTO S. DELMAR, 4866
RAFAEL F. NIEVES, 8564
SHELDON D. STUCHELL, 4739

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

WAYNE A. ESTABROOKS, 3479
SUSAN T. KOROL, 3883
DAVID A. VOSS, 6707
MILTON W. WALSER, JR., 4462

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

STEVEN M. BRIESE, 0077
JOHN P. CAHILLANE, 8175
LOUANNE DEMATTEI, 3065
MICHAEL P. LIPSCOMB, 0966
JEFFREY H. ROBINSON, 8014

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

CHRISTIAN A. BUHLMANN, 1747
RICHARD E. CHAMBERS, 0882
HAROLD S. DUNBRACK, 3379
KEITH W. HEFLIN, 0319
DANIEL V. MACINNIS, 7737
MICHAEL E. SADLOWSKI, 0078
CHRISTOPHER E. ZECH, 4603

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

BILLY R. ARNOLD, 6714
MICHAEL S. BRADY, 1499
CHARLES R. FIDLER, 9234
GARY A. GLASS, 7541
JAMES D. HENDRICKS, 7781
ALAN S. ICENHOUR, 0575
MICHAEL T. MCCORD, 0771
MARK A. MCDOWELL, 3236
BRADLEY C. MEISTER, 0512
PETER D. YARGER, 5219

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

KIM A. ARRIVEE, 4789
THEODORE E. BERNHARD, 1143
ARTHUR J. CLARK, 8943
TIMOTHY C. COGAN, 7024
GARY J. EDBERG, 8639
JOHN R. GREGOV, 8365
JOHN J. JERANSKY, 3819
JOEL N. KOUYOUMJIAN, 0330
ALLEN E. MOELLER, 3485
THOMAS ROTHROFFY, 2734
JOHN B. SABURN, 7676
JOHN L. SHEA, 8269
ROGER J. SING, 7237

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

KAREN S. EMMEL, 0151
MARK J. ENGLEBERT, 1145
DAVID E. FLAHERTY, 2737
TIMOTHY R. FOX, 7131
JOHN G. GRAY, JR., 2465
SHAWN R. GRENIER, 5932
CARL J. GRIM, 8192
GARY J. HABEN, 5137
JEROME F. HAMEL, 3157
STEVEN W. HOLLAND, 4296
WILLIAM H. JACOB, 6539
ERIC M. KREBS, 4072
PAUL L. MCELROY III, 9273
CHARLES L. MINGONET, JR., 7281
RICHARD W. NEELY, 2381
JOHN B. PERKINS, 1601
GREGORY A. SMITH, 4190
TRACY D. SMYERS, 7985
WILLAM J. SNYDER, 7805
LAURA L. VENABLE, 2086
PATRICK L. WARD, 2650
ERIC C. YOUNG, 2662

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

JOHN C. ABBOTT, 0754
FRANK T. AKERS, JR., 0434
PATRICIA R. ANDERSON, 2607
RONALD J. ATHMANN, 4467
KEVIN D. BRANHAM, 5393
DENNY E. BRISLEY, 5983
LINDA R. BUCHANAN, 0247
JEFFREY R. CAMERON, 3016
JAMES T. CANNON, 6810
PETER J. CASO, 4747
WILLIAM S. CUNNINGHAM, 8403
CHARLES C. HULL, 8898
JODY L. JENNINGS, 0256
THOMAS D. JONES, 7460
KEITH T. KIRK, 9481
FRANCIS P. LOSI, 6343
MARK T. MAGEE, 4385
SANDRA L. MAGILL, 8085
MARY L. NOWACZYK, 4411
PAUL G. OLKHOVSKY, 9036
GLEN OTIS, 4714
FRANCIS E. PENNISI, 8750
BARBARA J. PROTACIO, 4916
DIANE M. SEWARD, 7027
GEORGE H. SMITH, 2762
JOANNE SMITH, 7541
DEBORAH P. TRADERMILLER, 7561
TERESA S. WHITING, 9788

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

THOMAS L. ADAMS III, 5575
ALFREDO AFONT, 0737
JANA S. ALLEN, 1393
KEITH L. ARCHBOLD, 8607
DAVID E. BAKER, 3857
ROBERT L. BALDOCCHI, 3241
MICHAEL B. BARTLETT, 7682
STEVEN C. BAUMWALD, 4642
RICHARD C. BAYARD, 9100
CHARLES A. BECKUM, 0221
CLAIRE M. BEDFORD, 2651
KARL A. BJORK, 6183
MARK S. BOEHLE, 8404
CRAIG R. BOMBEN, 9101
PHILLIP J. BOOS, 7734
ERNEST E. BOOTH, JR., 9243
MICHAEL D. BRANCO, 7898
GREGORY R. BROWN, 3862
MICHAEL G. BROWN, 7213
SCOTT R. BRYAN, 1949
PETER A. BURKHOUSE, 2733
JOSEPH P. BURNS, 3020
GAIUS L. CADAING, 9596
KENNETH W. CAREL, 3847
JEFFREY R. CARES, 6716
ROBERT H. CAREY, JR., 1612
SHAWN P. CASSIDY, 5804
CHRISTOPHER S. CHAMBERS, 5983
WILLIAM W. CLARK, 4586
CHRISTOPHER C. COLLINS, 9686
ROBERT R. COLLINS, JR., 4746
JOHN P. CONNELLY, 0337
STEPHEN J. CONWAY, 7531
MARK S. CORDEIRO, 4444
DANIEL E. CRISP, 4689
DANIEL B. CURRAN, 7934
THOMAS P. DALY, 5696
JEANJACQUES A. DARIUS, 9789
CONRAD D. DAVID, 1680

RICHARD D. DELPIZZO, 0893
RICHARD W. DENDY, 3997
PAUL F. DESMET, 7731
DAVID A. DEWALD, 8034
KEVIN M. DOYLE, 6520
SHAWN V. DUFFY, 2590
JOHN K. EINHORN, 9426
RICHARD H. FAHY, JR., 9691
TERESA L. FAIRBANKS, 8827
MARK C. FAVA, 1273
MARION FEDORSHAK, 2601
GEORGE M. FERRIS, 7700
TIMOTHY B. FEWSTER, 7816
DANIEL L. FINK, 0792
KENT M. FITZGERALD, 3632
ROBERT P. FLYNN, 9539
JAMES F. FOSSA, 5005
KYLE D. FREITAS, 6974
JEFFREY L. GAFFNEY, 7984
DENNIS M. GALLAGHER, 0125
PETER M. GAMERDINGER, 0637
TERRENCE J. GARBUZINSKI, 8346
THOMAS P. GEORGE, 9398
LUCINDA A. GIERTZ, 7264
LOUIS A. GOMEZ, 5499
KARL J. GREENE, 2927
MARK R. GREENWOOD, 7176
KRISTEN G. GUARNIERI, 5395
PETER L. GURNEY, JR., 5568
PATRICIA A. GUTIERREZ, 8096
DANIEL T. HABLE, 1942
STEPHEN R. HALES, 2692
WILLIAM C. HALL, 1019
MICHAEL D. HANSON, 7813
GINA L. HARDEN, 5266
TERESA M. HARRISON, 2147
THOMAS K. HARTMANN, 6308
MICHAEL J. HASSIEN, 2456
MICHAEL S. HASTINGS, 7665
RICHARD A. HENDERSON, 5498
JAMES L. HERBERG, 5763
ROBERT M. HERRINGTON, 9595
WILLIAM B. HIGGINS, 3613
JOHN A. HINCK, 9431
JOSEPH C. HOCHWALT, 3172
ELAINE M. HOGG, 9336
DAVID J. HOLMGREN, 2652
ERWIN T. HOO, 8132
BARRY W. INGOLD, 2043
PAUL R. INNIS, 5438
TERRELL D. ISLEY, 7308
LUCINDA L. IVERSON, 0443
ALAN L. JACOBS, 7068
MICHAEL W. JENNINGS, 1099
CHRISTOPHER S. JOHANNSEN, 9713
JEFFREY A. JOHNSON, 9661
JOSEPH L. JOHNSON, JR., 0518
STEPHEN J. KAROLY, JR., 7518
PETER W. KEHRIG, 2803
KYLE S. KELLEY, 6012
JAMES P. KENNEDY, 3994
GLEN D. KRUEGER, 6922
MICHAEL J. KRUEGER, 4755
MICHAEL T. KUBINIEC, 6733
RANDALL B. KULDELL, 3017
MARK T. LAGIER, 2074
RAYMOND C. LAHM, 0240
MARK D. LANE, 5487
ARTHUR D. LARSON, 9307
ANTHONY Y. LAU, 9969
DAVID L. LAUSCH, 3318
ROBERT LEE III, 9526
JAMES LENNON, 8455
JOHN L. LOCKWOOD, 9625
THOMAS A. LOGUE, JR., 8360
BENJAMIN D. LOLLAR, 0567
LEONARD C. LUDWIG, 2052
GEORGE A. MAHON III, 7839
THOMAS W. MAROTTA, 3459
BRADLEY S. MARTIN, 9437
KISMINE M. MARTIN, 5050
EDUARDO V. MARTINEZ, 6192
CHRISTOPHER J. MAXIN, 9005
HOWARD E. MAYFIELD, JR., 2563
ROBERT A. MCBRIDE, 1354
JULIUS C. MCCALL, 6251
GEORGE E. MCCARTHY III, 4608
LEE C. MCCLISH, 0177
ALAN J. MCCOY, 9430
JAMES M. MCDONOUGH, JR., 6584
WILLIAM E. MCHUGH, JR., 4355
DOUGLAS J. MCILRAITH, 7326
DONALD C. MCMAHON, JR., 9179
ERIC C. MEYER, 2077
GERALD P. MEYER, 3615
MICHAEL S. MIDGLEY, 1433
JOSEPH E. MILLIGAN III, 0762
JEFFREY N. MOBED, 2479
PAUL L. MOFFETT, 0580
JAMES M. MOORE, 3066
MICHAEL K. MOORE, 4848
CHERI C. MORRILL, 4642
TAMARA E. MORRISON, 4908
MICHAEL H. MOSLEY, 0060
CATHERINE M. MULE, 0987
JAMES P. MURRAY, 7991
STEVEN J. MUSSER, 4659
GERALD A. NUNEZ, 5896
CARL R. OCONNELL, 3247
GREGORY G. OGILVIE, 8322
JON P. PAPEZ, 1773
CINDY L. T. PAYNE, 0674
RICHARD G. PEDERSON, 8868
CURTIS E. PENDERGRASS, 4475
MICHAEL W. PHELPS, 3241
CHARLES R. PHILBRICK, 1304
SEAN C. PHINNEY, 1307
JAMES A. PIERCE, 3167
SCOTT F. PIERCE, 1863
EDWARD F. PIERSON, 0359
ROBERT H. POWERS, 0666
DAVID L. PRICE, 4057
ROBERT E. PRICE, 1585
HUMILDE S. PRUDENCIO, JR., 0720
KIERAN J. PURCELL, 0498
GERARD L. QUEALLY, 6524
CARLOS R. QUINTANILLA, 4326
MARC E. RASMUSSEN, 1481
LINDA O. RATSEP, 3877
JOHN D. REESER, 2146
LARRY D. REID, JR., 9253
DAVID M. REVELLE, 5156
RAYMOND R. ROBERTS, 2294
DEREK A. ROBINS, 9433
ROBERT A. ROCHFORD, 8080
ANDREW K. ROSA, 4022
ROBERT D. ROTE, JR., 3484
RAFIK A. ROUSHDY, 6762
KEVIN W. RUDD, 9038
SHANNON J. RUZISKA, 4385
CHRISTOPHER A. RYAN, 8786
THOMAS D. RYAN, JR., 6157
GLEN A. SALLER, 8605
TODD S. SCHAPLER, 5413
BRYAN M. SCURRY, 2775
DONALD S. SELVY, 7387
CHARLES W. SHARKEY IV, 0165
THOMAS K. SHEIL, 5735
WILLIAM R. SHIVELL, 7024
FRANKLIN C. SMILEK, 1847
DUNCAN A. SMITH, 7915
LEON W. SMITH, JR., 2869
RICHARD A. SMITH, 6511
SHANNON R. SOUPISET, 6933
STEPHEN R. SPEED, 8501
RICHARD B. STACK, JR., 2789
PETER D. STAMPS, 5388
WILLARD B. STUBBS, 6509
DAMIAN D. SUTTON, 6101
RORY N. SUZUKI, 4677
BARBARA W. SWEREDOSKI, 7920
PAUL M. TANAKA, 4825
MICHAEL T. TAYLOR, 0022
PAIGE K. TERRY, 0554
JAMES R. THOMAS, 8271
ROSS B. THOMAS, 6659
RAYMOND J. TORP, 8522
ALBERT TSAI, 0614
NELSON C. TUBBS II, 9617
MICHAEL G. TWITE, 9168
DAVID G. TYLER IV, 9394
JEAN H. VITE, 2636
GEORGE M. WAIDELICH, JR., 9308
WILLIAM F. WARNOCK, JR., 6056
MARK R. WATERMAN, 3533
CONNIE W. WELLS, 3643
PETER C. WERP, 8984
STEPHEN C. WHITAKER, 1888
DARLENE V. WHITEAKER, 2342
GARY D. WHITMAN, 6100
DAVID E. WIGLE, 3843
FRANK W. WINGET, 8882
JAMES P. WINKLER, 0731
JOHN K. WINKLER, 0784
JOHN R. WOMER, 4261
MONTY M. WONG, 5322
JEFFREY P. WOOD, 6822
DAVID K. WOODHOUSE, 3508
CRAIG M. WOODSIDE, 3366
JOHN R. YANCIGAY, 9120
MICHAEL C. YANKOVICH, 6280
KRISTIN L. YOUNG, 4728
MATTHEW A. ZIRKLE, 7597

QA LIST OF NOMINATIONS RECEIVED

EXECUTIVE OFFICE OF THE PRESIDENT

PN1484 ROBERT J. PORTMAN

DEPARTMENT OF STATE

PN1485 ROBERT ANTHONY BRADTKE

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

PN1486 JAMES B. LOCKHART III

NUCLEAR REGULATORY COMMISSION

PN1487 DALE KLEIN

IN THE AIR FORCE

PN1488 LT. GEN. KEVIN P. CHILTON, 6603
PN1489 MAJ. GEN. NORMAN R. SEIP, 6765
PN1490 MAJ. GEN. JAMES G. ROUDEBUSH, 9187
PN1491 BRIG. GEN. DANA T. ATKINS, 1173
PN1492 COL. LAWRENCE A. STUTZRIEM, 7077

IN THE ARMY

PN1493 BRIG. GEN. STEPHEN V. REEVES, 2272

IN THE NAVY

PN1494 REAR ADM. (LH) SHARON H. REDPATH, 7170
PN1495 REAR ADM. (LH) NORTON C. JOERG, 2309
PN1496 REAR ADM. BRUCE E. MACDONALD, 9816

IN THE ARMY

PN1497 KENNETH A. KRAFT, 4611
PN1498 MARK A. BURDT, 6444 THROUGH ROBERT L. PORTER, 1825
PN1499 BETTY J. WILLIAMS, 2170 THROUGH HENRY R. LEMLEY, 7175
PN1500 THOMAS F. NUGENT, 0254
PN1501 MICHAEL F. LORICH, 8295
PN1502 BRIAN O. SARGENT, 4670

CONFIRMATIONS

Executive nominations confirmed by the Senate April 27, 2006:

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be major general

BRIG. GEN. THOMAS J. LOFTUS

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be major general

BRIG. GEN. CHRIS T. ANZALONE
BRIG. GEN. KURT A. CICHOWSKI
BRIG. GEN. THOMAS F. DEPPE
BRIG. GEN. PAUL A. DETTMER
BRIG. GEN. WILLIAM L. HOLLAND
BRIG. GEN. RONALD R. LADNIER
BRIG. GEN. ERWIN F. LESSEL III
BRIG. GEN. JOHN W. MALUDA
BRIG. GEN. MARK T. MATTHEWS
BRIG. GEN. GARY T. MCCOY
BRIG. GEN. STEPHEN J. MILLER
BRIG. GEN. THOMAS J. OWEN
BRIG. GEN. RICHARD E. PERRAUT, JR.
BRIG. GEN. POLLY A. PEYER
BRIG. GEN. DOUGLAS L. RAABERG
BRIG. GEN. JEFFREY A. REMINGTON
BRIG. GEN. ROBERTUS C.N. REMKES
BRIG. GEN. FREDERICK F. ROGGERO
BRIG. GEN. MARSHALL K. SABOL
BRIG. GEN. PAUL J. SELVA
BRIG. GEN. RICHARD E. WEBBER
BRIG. GEN. THOMAS B. WRIGHT
BRIG. GEN. MARK R. ZAMZOW

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. STEVEN WESTGATE

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. FRANKLIN L. HAGENBECK

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. MICHAEL D. ROCHELLE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS ASSISTANT SURGEON GENERAL/CHIEF OF THE DENTAL CORPS, UNITED STATES ARMY AND FOR APPOINTMENT TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 3036 AND 3039:

To be major general

COL. RUSSELL J. CZERW

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. FRANCES C. WILSON

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. NANCY E. BROWN

IN THE AIR FORCE

AIR FORCE NOMINATIONS BEGINNING WITH KRISTINE M. AUTORINO AND ENDING WITH TIWANA L. WRIGHT, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 13, 2006.

AIR FORCE NOMINATION OF REX R. KIZIAH TO BE COLONEL.

AIR FORCE NOMINATION OF MAUREEN MCCARTHY TO BE COLONEL.

AIR FORCE NOMINATION OF JOSEPH A. WEBER, JR. TO BE COLONEL.

AIR FORCE NOMINATION OF DANIEL J. MCGRAW TO BE COLONEL.

AIR FORCE NOMINATIONS BEGINNING WITH CONSTANCE C. MCNABB AND ENDING WITH AMY L. WALKER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 27, 2006.

AIR FORCE NOMINATIONS BEGINNING WITH KENNETH R. FRANKLIN AND ENDING WITH MICHAEL S. PETERS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 27, 2006.

AIR FORCE NOMINATIONS BEGINNING WITH PETER L. BARRENECHEA AND ENDING WITH RALPH M. SUTHERLIN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 27, 2006.

AIR FORCE NOMINATIONS BEGINNING WITH DAVID G. ALLEN AND ENDING WITH DAVID D. ZWART, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 27, 2006.

AIR FORCE NOMINATIONS BEGINNING WITH THOMAS E. BALDWIN AND ENDING WITH MICHELLE K. ZIMMERMAN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 5, 2006.

IN THE ARMY

ARMY NOMINATION OF DAVID M. LIND TO BE COLONEL.

ARMY NOMINATIONS BEGINNING WITH MARY M. SUNSHINE AND ENDING WITH DEBRA CHAPPEL, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 27, 2006.

ARMY NOMINATION OF JACQUELINE P. ALLEN TO BE LIEUTENANT COLONEL.

ARMY NOMINATIONS BEGINNING WITH VALERIE MCDAVID AND ENDING WITH CATHLEEN STERLING, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 27, 2006.

ARMY NOMINATION OF CHARLES C. DODD TO BE MAJOR.

ARMY NOMINATIONS BEGINNING WITH ALVIS DUNSON AND ENDING WITH FRANCIS WILLIAMS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 27, 2006.

ARMY NOMINATIONS BEGINNING WITH SOONJA CHOI AND ENDING WITH MEHDY ZARANDY, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 30, 2006.

ARMY NOMINATION OF E. N. STEELY III TO BE COLONEL.

IN THE MARINE CORPS

MARINE CORPS NOMINATION OF SANFORD P. PIKE TO BE LIEUTENANT COLONEL.

MARINE CORPS NOMINATION OF JAYSON A. BRAYALL TO BE MAJOR.

IN THE NAVY

NAVY NOMINATION OF PAUL W. MARQUIS TO BE COMMANDER.